

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 51, 1976.

An Act to amend the Interpretation Act, 1897, so as to make provision with respect to the making of certain instruments under an Act or a statutory instrument before the Act or statutory instrument has commenced; and to validate certain matters. [Assented to, 27th October, 1976.]

BE

Interpretation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Interpretation Short title (Amendment) Act, 1976".

2. The Interpretation Act, 1897, is amended—

Amendment
of Act No.
4, 1897.

(a) by omitting section 37 and by inserting instead the following section:—

37. (I) Where an Act (in this section referred to as "the Act concerned"), being—

Exercise
of certain
powers
between
passing and
commence-
ment of Act.

(a) an Act enacted on or after the date of commencement of this section that is not to commence immediately upon its enactment; or

(b) an Act enacted before the date of commencement of this section that did not commence on or before that date,

would, if it had commenced, confer a power or amend another Act in such a manner that the other Act, as amended, would confer a power, that in either case must or may be exercised by the making of an instrument of a legislative or administrative character, then, unless the contrary intention appears, such an instrument may be made, and anything may be done for the purpose of enabling such an instrument to be made or of bringing such an instrument into effect, before the Act concerned commences as if it had commenced.

(II)

Interpretation (Amendment).

(II) Each provision of an instrument made by virtue of subsection (I) shall take effect—

- (a) on the day on which the Act concerned commences; or
- (b) on the day on which the provision would have taken effect if, when the instrument was made, the Act concerned had commenced,

whichever is the later.

(III) Where this section applies to an Act by reason of the fact that that Act would, if it had commenced, amend another Act in the manner referred to in subsection (I) and that other Act has not commenced, this section has effect as if the references in subsections (I) and (II) to the commencement of the Act concerned were references to the commencement of the other Act as amended by the Act concerned.

(IV) In subsections (I), (II) and (III), a reference to an Act shall be read as including a reference to any provision or provisions of an Act.

(V) Section 41 (I) (b) does not apply to an instrument made by virtue of subsection (I) if that instrument is a regulation as defined in section 41 (V).

Sec. 41A.
(Application
of certain
provisions
to instru-
ments made
under Acts.)

- (b) (i) by omitting from section 41A (I) the matter “and 35” and by inserting instead the matter “, 35 and 37”;
- (ii) by omitting from section 41A (I) (b) the word “and”;

(iii)

Interpretation (Amendment).

(iii) by omitting from section 41A (I) (c) the word "instrument." and by inserting instead the following words and paragraph :—

instrument; and

(d) the reference in section 37 to the enactment of an Act or of a provision or provisions of an Act shall be construed as a reference to the making of the instrument or a provision or provisions thereof, as the case may require.

3. An instrument referred to in section 37 of the Interpretation Act, 1897, as in force at any time before the commencement of this Act, being an instrument that was made before that commencement and that would, but for this section, have been invalid, is, and shall be deemed always to have been, as valid as it would have been if section 37 of that Act, as substituted by this Act, had been in force when the instrument was made.
