

Imperial Acts Application Bill (No. 2)

NOTES ON CLAUSES

Clause 1 is a provision in the usual form as to the short title, proclamation of the date of commencement, and division of the Act into Parts and Divisions.

Clause 2 re-enacts without amendment the interpretation provision in section 2 of the *Imperial Acts Application Act 1922* (in these notes referred to as "the 1922 Act").

Clause 3 re-enacts section 4 of the 1922 Act without substantive amendment. In substance, this clause preserves the existing effect of the enactments mentioned in the Schedule, to the extent that they are set out in Part II of the Bill.

Clause 4 re-enacts section 5 of the 1922 Act without amendment. The clause excepts from the repealing provisions of clause 5 of the Bill enactments which expressly relate to the dominions, enactments which by necessary intendment apply to Victoria or which relate to the security or safety of the Sovereign and enactments with respect to certain matters within the legislative power of the Commonwealth Parliament.

Clause 5 re-enacts section 7 of the 1922 Act without substantive amendment. Its purpose is to repeal, subject to any exceptions provided for by clauses 3 and 4 of the Bill, all of the Imperial enactments applied by the Act 9 George IV. chapter LXXXIII which are in force in Victoria and to the extent that the Victorian Parliament has power to repeal them. Section 24 of the Act 9 George IV. chapter LXXXIII introduced into New South Wales in 1828 numerous enactments passed in England, and many of these enactments, by virtue of subsequent Imperial Acts, continued in operation in Victoria after its separation from New South Wales.

Clause 6 re-enacts the substance of section 8 of the 1922 Act, apart from the references to the Second Schedule of the 1922 Act, which relates to a provision repealed by clause 7 of the Bill. The clause enables the Governor in Council to cure any accidental omission from the Schedule or from Part II of the Bill.

Clause 7 repeals Parts I and II of the 1922 Act. It will be noted that the provisions of Part III of the 1922 Act, other than sections 98, 99 and 100, have previously been repealed by various Acts. It is proposed that sections 98–100 be repealed by the Imperial Law Re-enactment Bill.

Clause 8 re-enacts, with amendments, Part II (Transcribed Enactments) of the 1922 Act. Part II of the Bill omits various enactments transcribed in the 1922 Act that are now obsolete or unnecessary, and adds several enactments that were not transcribed in 1922. The respective Divisions of Part II of the Bill are as follows:

Division 1—Elections

This Division re-enacts Division 7 of the existing Part II.

Division 2—Habeas Corpus

This Division re-enacts Division II of the existing Part II, with the addition of the statute (1640) 16 Charles I. c.X.

Division 3—Justice and Liberty

This Division transcribes five of the enactments set out in Division 13 of the existing Part II, together with the statutes (1627) 3 Charles I. c.I (Petition of Right) and (1688) 1 William and Mary Sess. II c.II (Bill of Rights).

*Division 4—Monopolies
and*

Division 5—Royal Marriages

These Divisions transcribe enactments that do not appear in Part II of the 1922 Act.