



# **INTERPRETATION (AMENDMENT) ACT 1980**

**Act No. 25 of 1980**

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NORFOLK



ISLAND

## **Interpretation (Amendment) Act 1980**

**Act No. 25 of 1980**

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An Act to amend the *Interpretation Act 1979*

**[Reserved for assent 7 July 1980]**

**[Assented to 17 September 1980]**

**BE IT ENACTED** by the Legislative Assembly of Norfolk Island as follows —

### **Short title**

1. This Act may be cited as the *Interpretation (Amendment) Act 1980*.

### **Commencement**

2. This Act shall be deemed to have come into force on the same date as the Principal Act.

### **Interpretation**

3. In this Act “the Principal Act” means the *Interpretation Act 1979*.

### **General definitions (amendment of section 12)**

4. Section 12 of the Principal Act is amended by omitting from the definition of ‘oath’ or ‘affidavit’ in subsection (2) the word “Ordinance” and substituting “enactment”.

### **Headings, etc (amendment of section 15)**

5. Section 15 of the Principal Act is amended by omitting subsection (3) and substituting —

“(3) No marginal note, footnote or endnote to an enactment, and no heading to a section of an enactment, shall be taken to be part of the enactment.”.

### **Prescribing matters by reference to other instruments (amendment of section 35)**

6. Section 35 of the Principal Act is amended by omitting from subsection (1) the words “to matter” and substituting “to a matter”.

### **New sections 36-40**

7. After section 35 of the Principal Act the following sections are inserted —

#### **“36. Exercise of powers and duties**

(1) Where an enactment confers a power or imposes a duty, the power may be exercised or the duty shall be performed from time to time as the occasion requires.

(2) Where an enactment confers a power or imposes a duty on the holder of an office as such, the power may be exercised or the duty shall be performed by the holder for the time being of the office.

(3) Where an enactment confers a power to make, grant or issue an instrument (including rules, regulations or by-laws) the power includes a power, exercisable in the like manner and subject to the like conditions (if any), to repeal, rescind, revoke, amend or vary the instrument.

(4) Where an enactment confers upon a person or authority a power to make an appointment to an office or place, the power includes a power to remove or suspend a person appointed and to appoint another person temporarily in the place of a person so suspended or in place of a sick or absent holder of the office or place.

(5) Where the power of a person or authority to make an appointment to an office or place is exercisable only upon the recommendation or subject to the approval or consent of some other person or authority, the power of removal is exercisable only upon the recommendation or subject to the approval or consent of that other person or authority.

### **37. Imprisonment**

Where imprisonment may be awarded for an offence, it may be awarded with or without hard labour.

### **38. Offences punishable on summary conviction**

An offence that —

- (a) is punishable by imprisonment but not for a period exceeding 6 months; or.
- (b) not being punishable by imprisonment, is not declared to be an indictable offence,

is punishable on summary conviction.

### **39. Indictable offences**

An offence that is punishable by imprisonment for a period exceeding 6 months is an indictable offence.

**40. Penalties**

- (1) The penalty, pecuniary or other, set out —
  - (a) at the foot of a section of an enactment; or
  - (b) at the foot of a subsection of a section of an enactment but not at the foot of the section,

indicates that a contravention of the section or of the subsection, respectively, whether by act or omission, is an offence against the enactment punishable upon conviction by a penalty not exceeding the penalty mentioned.

- (2) Where the penalty is expressed to apply to a part only of the section or subsection, it applies to that part only.”.

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Commenced 3 August 1979.

This enactment amends Act No. 10 of 1979 as amended by Acts No. 6 and 20 of 1980.

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