



Interpretation Act 1978

1978 CHAPTER 30

General provisions as to enactment and operation

1 Words of enactment

Every section of an Act takes effect as a substantive enactment without introductory words.

2 Amendment or repeal in same Session

Any Act may be amended or repealed in the Session of Parliament in which it is passed.

3 Judicial notice

Every Act is a public Act to be judicially noticed as such, unless the contrary is expressly provided by the Act.

4 Time of commencement

An Act or provision of an Act comes into force—

- (a) where provision is made for it to come into force on a particular day, at the beginning of that day ;
- (b) where no provision is made for its coming into force, at the beginning of the day on which the Act receives the Royal Assent.

Interpretation and construction

5 Definitions

In any Act, unless the contrary intention appears, words and expressions listed in Schedule 1 to this Act are to be construed according to that Schedule.

6 Gender and number

In any Act, unless the contrary intention appears,—

- (a) words importing the masculine gender include the feminine;
- (b) words importing the feminine gender include the masculine;
- (c) words in the singular include the plural and words in the plural include the singular.

7 References to service by post

Where an Act authorises or requires any document to be served by post (whether the expression "serve" or the expression "give" or "send" or any other expression is used) then, unless the contrary intention appears, the service is deemed to be effected by properly addressing, pre-paying and posting a letter containing the document and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

8 References to distance

In the measurement of any distance for the purposes of an Act, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

9 References to time of day

Subject to section 3 of the Summer Time Act 1972 (construction of references to points of time during the period of summer time), whenever an expression of time occurs in an Act, the time referred to shall, unless it is otherwise specifically stated, be held to be Greenwich mean time.

10 References to the Sovereign

In any Act a reference to the Sovereign reigning at the time of the passing of the Act is to be construed, unless the contrary intention appears, as a reference to the Sovereign for the time being.

11 Construction of subordinate legislation

Where an Act confers power to make subordinate legislation, expressions used in that legislation have, unless the contrary intention appears, the meaning which they bear in the Act.

Statutory powers and duties

12 Continuity of powers and duties

- (1) Where an Act confers a power or imposes a duty it is implied, unless the contrary intention appears, that the power may be exercised, or the duty is to be performed, from time to time as occasion requires.

- (2) Where an Act confers a power or imposes a duty on the holder of an office as such, it is implied, unless the contrary intention appears, that the power may be exercised, or the duty is to be performed, by the holder for the time being of the office.

13 Anticipatory exercise of powers

Where an Act which (or any provision of which) does not come into force immediately on its passing confers power to make subordinate legislation, or to make appointments, give notices, prescribe forms or do any other thing for the purposes of the Act, then, unless the contrary intention appears, the power may be exercised, and any instrument made thereunder may be made so as to come into force, at any time after the passing of the Act so far as may be necessary or expedient for the purpose—

- (a) of bringing the Act or any provision of the Act into force; or
- (b) of giving full effect to the Act or any such provision at or after the time when it comes into force.

14 Implied power to amend

Where an Act confers power to make—

- (a) rules, regulations or byelaws ; or
- (b) Orders in Council, orders or other subordinate legislation to be made by statutory instrument,

it implies, unless the contrary intention appears, a power, exercisable in the same manner and subject to the same conditions or limitations, to revoke, amend or re-enact any instrument made under the power.

Repealing enactments

15 Repeal of repeals

Where an Act repeals a repealing enactment, the repeal does not revive any enactment previously repealed unless words are added reviving it.

16 General savings

- (1) Without prejudice to section 15, where an Act repeals an enactment, the repeal does not, unless the contrary intention appears,—
- (a) revive anything not in force or existing at the time at which the repeal takes effect;
 - (b) affect the previous operation of the enactment repealed or anything duly done or suffered under that enactment ;
 - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under that enactment;
 - (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against that enactment ;
 - (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

- (2) This section applies to the expiry of a temporary enactment as if it were repealed by an Act.

17 Repeal and re-enactment

- (1) Where an Act repeals a previous enactment and substitutes provisions for the enactment repealed, the repealed enactment remains in force until the substituted provisions come into force.
- (2) Where an Act repeals and re-enacts, with or without modification, a previous enactment then, unless the contrary intention appears,—
- (a) any reference in any other enactment to the enactment so repealed shall be construed as a reference to the provision re-enacted;
 - (b) in so far as any subordinate legislation made or other thing done under the enactment so repealed, or having effect as if so made or done, could have been made or done under the provision re-enacted, it shall have effect as if made or done under that provision.

Miscellaneous

18 Duplicated offences

Where an act or omission constitutes an offence under two or more Acts, or both under an Act and at common law, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or at common law, but shall not be liable to be punished more than once for the same offence.

19 Citation of other Acts

- (1) Where an Act cites another Act by year, statute, session or chapter, or a section or other portion of another Act by number or letter, the reference shall, unless the contrary intention appears, be read as referring—
- (a) in the case of Acts included in any revised edition of the statutes printed by authority, to that edition ;
 - (b) in the case of Acts not so included but included in the edition prepared under the direction of the Record Commission, to that edition ;
 - (c) in any other case, to the Acts printed by the Queen's Printer, or under the superintendence or authority of Her Majesty's Stationery Office.
- (2) An Act may continue to be cited by the short title authorised by any enactment notwithstanding the repeal of that enactment.

20 References to other enactments

- (1) Where an Act describes or cites a portion of an enactment by referring to words, sections or other parts from or to which (or from and to which) the portion extends, the portion described or cited includes the words, sections or other parts referred to unless the contrary intention appears.

- (2) Where an Act refers to an enactment, the reference, unless the contrary intention appears, is a reference to that enactment as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including any other provision of that Act.

Supplementary

21 Interpretation etc.

- (1) In this Act " Act" includes a local and personal or private Act; and "subordinate legislation" means Orders in Council, orders, rules, regulations, schemes, warrants, byelaws and other instruments made or to be made under any Act.
- (2) This Act binds the Crown.

22 Application to Acts and Measures

- (1) This Act applies to itself, to any Act passed after the commencement of this Act and, to the extent specified in Part I of Schedule 2, to Acts passed before the commencement of this Act.
- (2) In any of the foregoing provisions of this Act a reference to an Act is a reference to an Act to which that provision applies; but this does not affect the generality of references to enactments or of the references in section 19(1) to other Acts.
- (3) This Act applies to Measures of the General Synod of the Church of England (and, so far as it relates to Acts passed before the commencement of this Act, to Measures of the Church Assembly passed after 28th May 1925) as it applies to Acts.

23 Application to other instruments

- (1) The provisions of this Act, except sections 1 to 3 and 4(b), apply, so far as applicable and unless the contrary intention appears, to subordinate legislation made after the commencement of this Act and, to the extent specified in Part II of Schedule 2, to subordinate legislation made before the commencement of this Act, as they apply to Acts.
- (2) In the application of this Act to Acts passed or subordinate legislation made after the commencement of this Act, all references to an enactment include an enactment comprised in subordinate legislation whenever made, and references to the passing or repeal of an enactment are to be construed accordingly.
- (3) Sections 9 and 19(1) also apply to deeds and other instruments and documents as they apply to Acts and subordinate legislation; and in the application of section 17(2)(a) to Acts passed or subordinate legislation made after the commencement of this Act, the reference to any other enactment includes any deed or other instrument or document.
- (4) Subsections (1) and (2) of this section do not apply to Orders in Council made under section 5 of the Statutory Instruments Act 1946, section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972 or Schedule 1 to the Northern Ireland Act 1974.

24 Application to Northern Ireland

- (1) This Act extends to Northern Ireland so far as it applies to Acts or subordinate legislation which so extend.
- (2) In the application of this Act to Acts passed or subordinate legislation made after the commencement of this Act, all references to an enactment include an enactment comprised in Northern Ireland legislation whenever passed or made; and in relation to such legislation references to the passing or repeal of an enactment include the making or revocation of an Order in Council.
- (3) In the application of section 14 to Acts passed after the commencement of this Act which extend to Northern Ireland, " statutory instrument " includes statutory rule for the purposes of the Statutory Rules Act (Northern Ireland) 1958.
- (4) The following definitions contained in Schedule 1, namely those of—
 - British subject and Commonwealth citizen;
 - The Communities and related expressions;
 - The Corporation Tax Acts ;
 - The Income Tax Acts ;
 - The Tax Acts,apply, unless the contrary intention appears, to Northern Ireland legislation as they apply to Acts.
- (5) In this section " Northern Ireland legislation " means—
 - (a) Acts of the Parliament of Ireland;
 - (b) Acts of the Parliament of Northern Ireland;
 - (c) Orders in Council under section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972;
 - (d) Measures of the Northern Ireland Assembly; and
 - (e) Orders in Council under Schedule 1 to the Northern Ireland Act 1974.

25 Repeals and savings

- (1) The enactments described in Schedule 3 are repealed to the extent specified in the third column of that Schedule.
- (2) Without prejudice to section 17(2)(a), a reference to the Interpretation Act 1889, to any provision of that Act or to any other enactment repealed by this Act, whether occurring in another Act, in subordinate legislation, in Northern Ireland legislation or in any deed or other instrument or document, shall be construed as referring to this Act, or to the corresponding provision of this Act, as it applies to Acts passed at the time of the reference.
- (3) The provisions of this Act relating to Acts passed after any particular time do not affect the construction of Acts passed before that time, though continued or amended by Acts passed thereafter.

26 Commencement

This Act shall come into force on 1st January 1979.

27 Short title

This Act may be cited as the Interpretation Act 1978.