



# Interpretation Act 1978

## 1978 CHAPTER 30

### *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 [<sup>F1</sup>or made or to be made on or after exit day under retained direct EU CAP legislation as defined in section 2 of the Direct Payments to Farmers (Legislative Continuity) Act 2020].
- (2) This Act binds the Crown.

#### **Textual Amendments**

- F1** Words in s. 21(1) inserted (30.4.2020) by [The Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(Consequential Amendments\) Regulations 2020 \(S.I. 2020/463\)](#), regs. 1(1), 2(2)

#### **22 Application to Acts and Measures.**

- (1) This Act applies to itself, to any Act passed after the commencement of this Act [<sup>F2</sup>(subject, in the case of section 20A, to the provision made in that section)] 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.

*Status: Point in time view as at 18/07/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Interpretation Act 1978, Cross Heading: Supplementary. (See end of Document for details)*

### Textual Amendments

- F2** Words in s. 22(1) inserted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), **ss. 25(2), 33**

## 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 <sup>M1</sup>Statutory Instruments Act 1946, section 1(3) of the <sup>M2</sup>Northern Ireland (Temporary Provisions) Act 1972 or Schedule 1 to the <sup>M3</sup>Northern Ireland Act 1974.

### Modifications etc. (not altering text)

- C1** S. 23(1)(2) excluded by [Northern Ireland Act 1982 \(c. 38, SIF 29:3\)](#), s. 6, **Sch. 2 para. 7(2)**
- C2** S. 23(3) excluded by [Companies Act 1989 \(c. 40, SIF 27\)](#), **s. 144(6)**  
S. 23(3) excluded (6.4.2008 for specified purposes and otherwise 1.10.2009) by [Companies Act 2006 \(c. 46\)](#), **ss. 1160(4), 1300(2)**; [S.I. 2007/3495](#), **art. 3(4)** (subject to art. 6, Sch. 1); [S.I. 2008/2860](#), **art. 3(u)** (with arts. 5, 7, 8, Sch. 2 (as amended by [S.I. 2009/1802](#), art. 18, Sch. 2 and [S.I. 2009/2476](#), reg. 2(3)))

### Marginal Citations

- M1** 1946 c. 36.  
**M2** 1972 c. 22.  
**M3** 1974 c. 28.

## [<sup>F3</sup>23ZA Retained direct EU legislation

- (1) The provisions of this Act (except sections 1 to 4, 13 and 19(2)) apply, so far as applicable and unless the contrary intention appears, to any retained direct EU legislation so far as it—
  - (a) is amended by an Act, subordinate legislation or devolution legislation, and
  - (b) is not subordinate legislation,
 as they apply to an Act passed at the corresponding time.

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- (2) In their application by virtue of subsection (1)—
- (a) section 10 has effect as if the reference to the passing of the Act were a reference to the corresponding time,
  - (b) section 11 has effect as if the second reference to an Act included a reference to the retained direct EU legislation so far as unamended (as well as a reference to that legislation so far as amended), and
  - (c) section 16(1) has effect as if the reference to the repealing Act not being passed were a reference to the repeal not having been made.
- (3) References in this Act to the repeal of an enactment are to be read, in the case of an enactment which is retained direct EU legislation, as references to the revocation of the enactment.
- (4) In Schedule 1—
- (a) in the definition of “Commencement”, the references to an enactment do not include any retained direct EU legislation other than—
    - (i) any such legislation to which subsection (1) applies, <sup>F4</sup>...  
[ any instrument made on or after exit day under retained direct EU <sup>F5</sup>(ia) CAP legislation as defined in section 2 of the Direct Payments to Farmers (Legislative Continuity) Act 2020, or]
    - (ii) any instrument [<sup>F6</sup>, not falling within sub-paragraph (ia),] made on or after [<sup>F7</sup>IP completion day] under any retained direct EU legislation, and
  - (b) in the definitions of “The Corporation Tax Acts” and “The Income Tax Acts”, the references to an enactment do not include any retained direct EU legislation.
- (5) For the application of this Act to retained direct EU legislation which is subordinate legislation, see section 23(1) and (2).
- (6) In this section—
- “corresponding time” means the time when the amending Act, subordinate legislation or devolution legislation was passed or (as the case may be) made, and
- “devolution legislation” means—
- (a) an Act of the Scottish Parliament,
  - (b) a Measure or Act of the National Assembly for Wales,
  - (c) Northern Ireland legislation (for the meaning of which see section 24(5)), or
  - (d) an instrument made under anything falling within paragraph (a), (b) or (c).]

#### Textual Amendments

- F3** S. 23ZA inserted (4.7.2018) by [European Union \(Withdrawal\) Act 2018 \(c. 16\), s. 25\(4\), Sch. 8 para. 20](#) (with [s. 19, Sch. 7 para. 26, Sch. 8 para. 37](#)); [S.I. 2018/808, reg. 3\(g\)\(ii\)](#)
- F4** Word in s. 23ZA(4)(a)(i) omitted (30.4.2020) by virtue of [The Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(Consequential Amendments\) Regulations 2020 \(S.I. 2020/463\), regs. 1\(1\), 2\(3\)\(a\)](#)
- F5** S. 23ZA(4)(a)(ia) inserted (30.4.2020) by [The Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(Consequential Amendments\) Regulations 2020 \(S.I. 2020/463\), regs. 1\(1\), 2\(3\)\(b\)](#)

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- F6** Words in s. 23ZA(4)(a)(ii) inserted (30.4.2020) by [The Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(Consequential Amendments\) Regulations 2020 \(S.I. 2020/463\)](#), regs. 1(1), **2(3)(c)**
- F7** Words in s. 23ZA(4)(a)(ii) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), **Sch. 5 para. 11** (with s. 38(3)); S.I. 2020/75, reg. 4(n)(iii)

### [<sup>F8</sup>23A Acts of the Scottish Parliament etc.

- (1) This Act applies in relation to an Act of the Scottish Parliament and an instrument made under such an Act only to the extent provided in this section.
- (2) Except as provided in subsection (3) below, sections 15 to 18 apply to—
  - (a) an Act of the Scottish Parliament as they apply to an Act,
  - (b) an instrument made under an Act of the Scottish Parliament as they apply to subordinate legislation.
- (3) In the application of those sections to an Act and to subordinate legislation—
  - (a) references to an enactment include an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament, and
  - (b) the reference in section 17(2)(b) to subordinate legislation includes an instrument made under an Act of the Scottish Parliament.
- (4) In the application of section 20 to an Act and to subordinate legislation, references to an enactment include an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.]

#### Textual Amendments

- F8** S. 23A and sidenote inserted (1.7.1999) by [1998 c. 46](#), s. 125, **Sch. 8 para. 16(2)** (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2**

### [<sup>F9</sup>23B Application of this Act to Welsh legislation

- (1) The provisions of this Act, except sections 1 to 3, apply to the following as they apply to an Act—
  - (a) a Measure of the National Assembly for Wales, and
  - (b) an Act of the National Assembly for Wales, other than the Legislation (Wales) Act 2019, which receives Royal Assent before [<sup>F10</sup>1 January 2020 (the day on which Part 2 of that Act comes fully into force)].
- (2) The provisions of this Act apply to an instrument—
  - (a) made under a Measure or Act of the National Assembly for Wales, and
  - (b) made before [<sup>F11</sup>1 January 2020],
 as they apply to other subordinate legislation.
- (3) The provisions of this Act apply to an instrument made under an Act of Parliament or retained direct EU legislation, and made by the Welsh Ministers or any other devolved Welsh authority, only if—
  - (a) the instrument is made before [<sup>F12</sup>1 January 2020],
  - (b) the instrument is made (at any time) with any other person who is not a devolved Welsh authority, or

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- (c) the instrument contains any provision that applies otherwise than in relation to Wales.
- (4) Nothing in subsection (2) or (3) limits the operation of sections 12 to 14A in relation to a power or duty to make an instrument to which Part 2 of the Legislation (Wales) Act 2019 applies, but section 11 does not apply in relation to such an instrument.
- (5) In the application of this Act to a Measure or Act of the National Assembly for Wales, references to the passing of an Act or an enactment are to be read as references to the enactment of the Measure or Act.
- (6) In this section, “devolved Welsh authority” and “Wales” have the same meanings as in the Government of Wales Act 2006 (see sections 157A and 158 of that Act).]

#### Textual Amendments

- F9** Ss. 23B, 23C substituted (E.W.) (11.9.2019) for s. 23B by [Legislation \(Wales\) Act 2019 \(anaw 4\)](#), s. 44(1)(e), [Sch. 2 para. 1](#)
- F10** Words in s. 23B(1)(b) substituted (E.W.) (11.10.2019) by [The Legislation \(Wales\) Act 2019 \(Commencement\) Order 2019 \(S.I. 2019/1333\)](#), arts. 1(2), [4\(a\)](#)
- F11** Words in s. 23B(2)(b) substituted (E.W.) (11.10.2019) by [The Legislation \(Wales\) Act 2019 \(Commencement\) Order 2019 \(S.I. 2019/1333\)](#), arts. 1(2), [4\(b\)](#)
- F12** Words in s. 23B(3)(a) substituted (E.W.) (11.10.2019) by [The Legislation \(Wales\) Act 2019 \(Commencement\) Order 2019 \(S.I. 2019/1333\)](#), arts. 1(2), [4\(b\)](#)

### [<sup>F9</sup>23C Interpretation of this Act in relation to Welsh legislation

- (1) In this Act, references to an enactment include an enactment comprised in—
  - (a) a Measure of the National Assembly for Wales,
  - (b) an Act of the National Assembly for Wales (whenever the Act receives Royal Assent),
  - (c) an instrument made under such an Act or Measure (whenever the instrument is made), or
  - (d) an instrument made under an Act of Parliament or retained direct EU legislation, and made by the Welsh Ministers or any other devolved Welsh authority (whenever the instrument is made, and whether or not it is made with any other person),but the reference in section 16(2) to a temporary enactment does not include an enactment comprised in legislation to which Part 2 of the Legislation (Wales) Act 2019 applies (see section 3(1) of that Act).
- (2) In section 17(2)(b), the reference to subordinate legislation includes an instrument to which Part 2 of the Legislation (Wales) Act 2019 applies.
- (3) In section 18, the reference to an act or omission which constitutes an offence under two or more Acts includes an act or omission which constitutes an offence under—
  - (a) any legislation to which that section applies, and
  - (b) any legislation to which Part 2 of the Legislation (Wales) Act 2019 applies, and the reference to “those Acts” is to be read accordingly.
- (4) In section 19(1), references to “another Act” include—
  - (a) a Measure of the National Assembly for Wales, and

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- (b) an Act of the National Assembly for Wales (whenever the Act receives Royal Assent),  
and the reference in paragraph (c) to “Acts” is to be read accordingly.]

#### Textual Amendments

**F9** Ss. 23B, 23C substituted (E.W.) (11.9.2019) for s. 23B by [Legislation \(Wales\) Act 2019 \(anaw 4\)](#), s. 44(1)(e), [Sch. 2 para. 1](#)

## 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 <sup>M4</sup>[<sup>F13</sup>Statutory Rules (Northern Ireland) Order 1979].
- [<sup>F14</sup>(3A) Section 20A applies to Northern Ireland legislation as it applies to Acts.]
- (4) The following definitions contained in Schedule 1, namely those of—  
<sup>F15</sup> .....  
The Communities and related expressions;  
The Corporation Tax Acts;  
[<sup>F16</sup>EEA agreement and EEA state;]  
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 <sup>M5</sup>Northern Ireland (Temporary Provisions) Act 1972;
  - [<sup>F17</sup>(d) Measures of the Northern Ireland Assembly established under section 1 of the <sup>M6</sup>Northern Ireland Assembly Act 1973;
  - (e) Orders in Council under Schedule 1 to the <sup>M7</sup>Northern Ireland Act 1974;
  - (f) Acts of the Northern Ireland Assembly; and
  - (g) Orders in Council under section 85 of the Northern Ireland Act 1998.]

#### Textual Amendments

**F13** Words substituted by [S.I. 1979/1573 \(N.I. 12\)](#), [Sch. 4 para. 25](#)

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- F14** S. 24(3A) inserted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), **ss. 25(3)**, 33
- F15** Words repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), s. 52(8), **Sch. 9**
- F16** Words in s. 24(4) inserted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), **ss. 26(2)**, 33
- F17** S. 24(5)(d)-(g) substituted for s. 24(5)(d)(e) (2.12.1999) by [1998 c. 47](#), s. 99, **Sch. 13 para. 3** (with s. 95); [S.I. 1999/3209](#), art. 2, **Sch.**

**Modifications etc. (not altering text)**

- C3** S. 24 extended by [Northern Ireland Act 1982 \(c. 38, SIF 29:3\)](#), s. 6, **Sch. 2 para. 7(2)**

**Marginal Citations**

- M4** [S.I. 1979/1573 \(N.I. 12\)](#).
- M5** [1972 c. 22](#).
- M6** [1973 c.17](#).
- M7** [1974 c.28](#).

**25 Repeals and savings.**

- <sup>X1</sup>(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 <sup>M8</sup>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.

**Editorial Information**

- X1** The text of s. 25(1), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any repeals or amendments which may have been made prior to 1.2.1991

**Marginal Citations**

- M8** [1889 c. 63](#).

**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.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Interpretation Act 1978, Cross Heading: Supplementary.