

INTERPRETATION ACT 1978 UK

UNITED KINGDOM ACT OF PARLIAMENT

1978 c 30

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[This Act consolidates the Interpretation Act 1889 and various other enactments relating to the construction and operation of statutes and subordinate legislation made under statutory authority]

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General provisions as to enactment and operation

Words of enactment

1 [*omitted*]

Amendment or repeal in same Session

2 [*omitted*]

Judicial notice

3 [*omitted*]

Time of commencement

4 An Act or a 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

Definitions

5 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.

Gender and number

6 In any Act, unless the contrary intention appears,—

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- (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.

References to service by post

7 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.

References to distance

8 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.

References to time of day

9 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.

References to the Sovereign

10 [omitted]

Construction of subordinate legislation

11 Where an Act confers a 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

Continuity of powers and duties

12 (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.

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(2) 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, by the holder for the time being of the office.

Anticipatory exercise of powers

13 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.

Implied power to amend

14 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

Repeal of repeal

15 Where an Act repeals a repealing enactment, the repeal does not revive any enactment previously repealed unless words are added reviving it.

General savings

16 (1) Without prejudice to section 15, where an Act repeals an

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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.

Repeal and re-enactment

17 (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

Duplicated offences

18 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

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punished under either or any of those Acts or at common law, but shall not be punished more than once for the same offence.

Citation of other Acts

19 (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 a 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.

References to other enactments

20 (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 provision of that Act.

Supplementary

Interpretation etc.

21 (1) In this Act "Act" includes a local and personal or private

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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.

Application to Acts and Measures

22 (1) This Act applies to itself, to any Act passed after [31 December 1978] and, to the extent specified in Part I of Schedule 2, to Acts passed before [1 January 1979].

(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) [omitted as it refers to Measures of the General Synod of the Church of England]

Application to other instruments

23 (1) The provisions of this Act, except sections 1 to 3 and 4(b), apply, so far as applicable and unless a contrary intention appears, to subordinate legislation made after [31 December 1978] and, to the extent specified in Part II of Schedule 2, to subordinate legislation made before [1 January 1979], as they apply to Acts.

(2) In the application of this Act to Acts passed or subordinate legislation made after [31 December 1978], 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 [31 December 1978], 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 ...[words omitted refer to Northern Ireland]

Application to Northern Ireland

24 [omitted]

Repeal and savings

25 (1) The enactments described in Schedule 3 [omitted] are repealed to the extent specified in the third column of that Schedule.

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(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.

Commencement

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

Short title

27 This Act may be cited as the Interpretation Act 1978.

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SCHEDULES

Section 5

SCHEDULE 1

WORDS AND EXPRESSIONS DEFINED

Note: The years or dates which follow certain entries in this Schedule are relevant for the purposes of paragraph 4 of Schedule 2 (application to existing enactments).

Definitions

"Associated state" means a territory maintaining a status of association with the United Kingdom in accordance with the West Indies Act 1967. [16th February 1967]

"Bank of England" means, as the context requires, the Governor and Company of the Bank of England or the bank of the Governor and Company of the Bank of England.

"Bank of Ireland" means, as the context requires, the Governor and Company of the Bank of Ireland or the bank of the Governor and Company of the Bank of Ireland.

"British Islands" means the United Kingdom, the Channel Islands and the Isle of Man.[1889]

"British possession" means any part of Her Majesty's dominions outside the United Kingdom; and where parts of such dominions are under both a central and a local legislature, all parts of the central legislature are deemed, for the purposes of this definition, to be one British possession.[1889]

[*definition cf "British subject" and "Commonwealth citizen" repealed by British Nationality Act 1981*]

[*definitions cf*

"Building regulations"

"Central funds"

"Church Commissioners" *omitted*]

"Colonial legislature" , and "legislature" in relation to a British possession, mean the authority, other than the Parliament of the United Kingdom or Her Majesty in Council, competent to make laws for the possession. [1889]

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"Colony" means any part of Her Majesty's dominions outside the British Islands except—

- (a) countries having fully responsible status within the Commonwealth;
- (b) territories for whose external relations a country other than the United Kingdom is responsible;
- (c) associated states;

and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature are deemed for the purposes of this definition to be one colony.[1889]

"Commencement", in relation to an Act or enactment, means the time when the Act or enactment comes into force.

[definition cf "Committed for trial" (which relates to England, Wales and Northern Ireland) omitted]

"The Communities", "the treaties" or "the Community Treaties" and other expressions defined by section 1 of and Schedule 1 to the European Communities Act 1972 have the meanings prescribed by that Act.

[definition cf "Comptroller and Auditor General" omitted]

"Consular officer" has the meaning assigned by Article 1 of the Vienna Convention set out in Schedule 1 to the Consular Relations Act 1968.

[definitions cf

"The Corporation Tax Acts"

"County court"

"Court of Appeal" *(in relation to England, Wales and Northern Ireland)*

"Court of summary jurisdiction, "summary conviction" and "Summary Jurisdiction Acts", *(in relation to Northern Ireland)*

"Crown Court" *(in relation to England, Wales and Northern*

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Ireland)

"Crown Estate Commissioners"

"England"

"Financial year" (*in relation to British matters*)

all omitted]

"Governor General" includes any person who for the time being has the powers of the Governor General, and "Governor", in relation to any British possession, includes the officer for the time being administering the government of that possession.

[definition cf "High Court" omitted]

[definition cf "The Income Tax Acts" omitted]

"Land" includes buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over land. [1st January 1979]

[definitions cf

"Lands Clauses Acts"

"Local land charges register" (*in relation to England and Wales*)

"London borough"

"Lord Chancellor"

"Magistrates' court" (*in relation to England, Wales and Northern Ireland*)

all omitted]

"Month" means calendar month.[1850]

[definition cf "National Debt Commissioners" omitted]

[definition cf "Northern Ireland legislation" omitted]

"Oath" and "affidavit" include affirmation and declaration, and "swear" includes affirm and declare.

"Ordnance Map" means a map made under powers conferred by the Ordnance Survey Act 1841 or the Boundary Survey (Ireland) Act 1854.

[definition cf "Parliamentary election" omitted]

"Person" includes a body of persons corporate or unincorporate.[1889]

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[definitions cf "Police area" and "police authority" (in relation to England, Wales and Scotland) omitted]

"The Privy Council" means the Lords and others of Her Majesty's Most Honourable Privy Council.

"Registered medical practitioner" means a fully registered person within the meaning of the Medical Act 1956. [1st January 1979]

"Rules of Court" in relation to any court means rules made by the authority having power to make rules or orders regulating the practice and procedure of that court, and in Scotland includes Acts of Adjournal and Acts of Sederunt; and the power of the authority to make rules of court (as above defined) includes power to make such rules for the purpose of any Act which directs or authorises anything to be done by rules of court.

"Secretary of State" means one of Her Majesty's Principal Secretaries of State.

[definition cf "Sheriff" (in relation to Scotland) omitted]

"Statutory declaration" means a declaration made by virtue of the Statutory Declarations Act 1835.

[definition cf "Supreme Court" (in relation to England, Wales and Northern Ireland) omitted]

[definition cf "The Tax Acts" omitted]

"The Treasury" means the Commissioners of Her Majesty's Treasury.

"United Kingdom" means Great Britain and Northern Ireland. [12th April 1927]

[definition cf "Wales" omitted]

[definition cf "Water Authority" (in relation to England and Wales) omitted]

"Writing" includes typing, printing, lithography, photography

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and other modes of representing or reproducing words in a visible form, and expressions referring to writing are to be construed accordingly.

[remainder of Schedule 1 (construction of certain expressions relating to children and to offences in relation to England and Wales) omitted]

SCHEDULE 2

Sections 22, 23

APPLICATION OF ACT TO EXISTING ENACTMENTS

PART I

ACTS

1 The following provisions of this Act apply to Acts whenever passed:—

Section 6 (a) and (c) so far as applicable to enactments relating to offences punishable on indictment or on summary conviction

Section 9

Section 10

Section 11 so far as it relates to subordinate legislation made after the year 1889

Section 18

Section 19 (2)

2 The following apply to Acts passed after the year 1850:—

Section 1

Section 2

Section 3

Section 6 (a) and (c) so far as not applicable to such Acts by virtue of paragraph 1

Section 15

Section 17 (1)

3 The following apply to Acts passed after the year 1889:—

Section 4

Section 7

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Section 8

Section 12

Section 13

Section 14 so far as it relates to rules, regulations or byelaws

Section 16 (1)

Section 17 (2) (a)

Section 19

Section 20 (1).

- 4 (1) Subject to the following provisions of this paragraph—
- (a) paragraphs of Schedule 1 at the end of which a year or a date earlier than [*1st January 1979*] is specified apply, so far as applicable, to Acts passed on or after the date, or after the year, so specified; and
 - (b) paragraphs of that Schedule at the end of which no year or date is specified apply, so far as applicable, to Acts passed at any time.
- (2) The definition of "British Islands", in its application to Acts passed after the establishment of the Irish Free State but before [*1st January 1979*], includes the Republic of Ireland.
- (3) The definition of "colony, in its application to an Act passed at any time before [*1st January 1979*], includes—
- (a) any colony within the meaning of section 18 (3) of the Interpretation Act 1889 which was excluded, but in relation only to Acts passed at a later time, by any enactment repealed by this Act;
 - (b) any country or territory which ceased after that time to be part of Her Majesty's dominions but subject to a provision for the continuance of existing law as if it had not so ceased;
- and paragraph (b) of the definition does not apply.
- (4) The definition of "Lord Chancellor" does not apply to Acts

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passed before 1st October 1921 in which that expression was used in relation to Ireland only.

(5) The definition of "person", so far as it includes bodies corporate, applies to any provision of an Act whenever passed relating to an offence punishable on indictment or on summary conviction.

(6) [omitted (relates to *National Health Service Reorganisation Act 1973 and Water Act 1973*)]

5 The following definitions shall be treated as included in Schedule 1 for the purposes specified in this paragraph—

(a) [omitted (relates to *Berwick upon Tweed and Monmouthshire and Welsh Language Act 1967*)]

(b) in any Act passed before [1 January 1979] and after the year 1850, "land" includes messuages, tenements and hereditaments, houses and buildings of any tenure;

(c) [omitted (relates to *Scotland*)]

PART II

SUBORDINATE LEGISLATION

6 Sections 4 (a), 9 and 19 (1), and so much of Schedule 1 as defines the following expressions, namely—

England;

Local land charges register and appropriate local land charges register;

Police area (and related expressions) in relation to Scotland;

United Kingdom; Wales,

apply to subordinate legislation made at any time before [1 January 1979] as they apply to Acts passed at that time.

7 [omitted (relates to "county court" in *England and Wales*)]

SCHEDULE 3

ENACTMENTS REPEALED

[omitted]

[*The Interpretation Act 1889 (20 Geo. 2. c.42) was repealed to the extent of the whole Act except for paragraphs (4), (5) and (14) of section 13 in their application to Northern Ireland*]

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[other provisions cf Schedule 3 not summarised]