

CONCURRENCE COPY

NAVIGATION AND OTHER ACTS (VALIDATION) BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Commercial Vessels (Amendment) Bill, 1983.

The object of this Bill is to validate certain Acts (including the Navigation Act, 1901, and Acts amending that Act)—

- (a) which purported to regulate the coasting trade of New South Wales and which, by reason of section 736 of the Merchant Shipping Act, 1894 (Imperial), ought to have contained a suspending clause providing that any such Act was not to come into operation until His or Her Majesty's pleasure thereon had been publicly signified in New South Wales; and
 - (b) which purported to repeal provisions of that Imperial Act relating to ships registered in New South Wales and which, by reason of section 735 of that Imperial Act, ought to have been confirmed by His or Her Majesty in Council.
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NAVIGATION AND OTHER ACTS (VALIDATION) BILL, 1983

No. , 1983.

A BILL FOR

An Act to validate certain Acts affected by the Imperial Act known as the Merchant Shipping Act, 1894.

[MR FERGUSON—15 *September*, 1983.]

Navigation and Other Acts (Validation).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Navigation and Other Acts (Validation) Act, 1983".

Commencement.

2. (1) This Act shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in New South Wales.

(2) Her Majesty's pleasure may be so signified by the Governor by proclamation published in the Gazette.

Interpretation.

3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"Act" includes any purported Act and any former Act;

"enactment" includes purported enactment.

Validation—Merchant Shipping Act, 1894 (sec. 736).

4. Any Act regulating the coasting trade of New South Wales shall, notwithstanding that by reason of the requirements of section 736 of the Merchant Shipping Act, 1894, or any other enactment, of the Parliament of the United Kingdom—

(a) the Act ought to have contained a suspending clause providing that the Act was not to come into operation until His or Her Majesty's pleasure thereon had been publicly signified in New South Wales, but did not contain such a clause; and

Navigation and Other Acts (Validation).

(b) His or Her Majesty's pleasure ought to have been but was not so signified in relation to the Act,

5 be deemed to be, and to have been as from the enactment of the Act, as valid as if it had contained such a clause and as if His or Her Majesty's pleasure had been so signified in relation to the Act.

Validation—Merchant Shipping Act, 1894 (sec. 735).

5. Any Act repealing, wholly or in part, any provisions of the Merchant Shipping Act relating to ships registered in New South Wales shall, notwithstanding that by reason of the requirements of section 735 of the
10 Merchant Shipping Act, 1894, or any other enactment, of the Parliament of the United Kingdom—

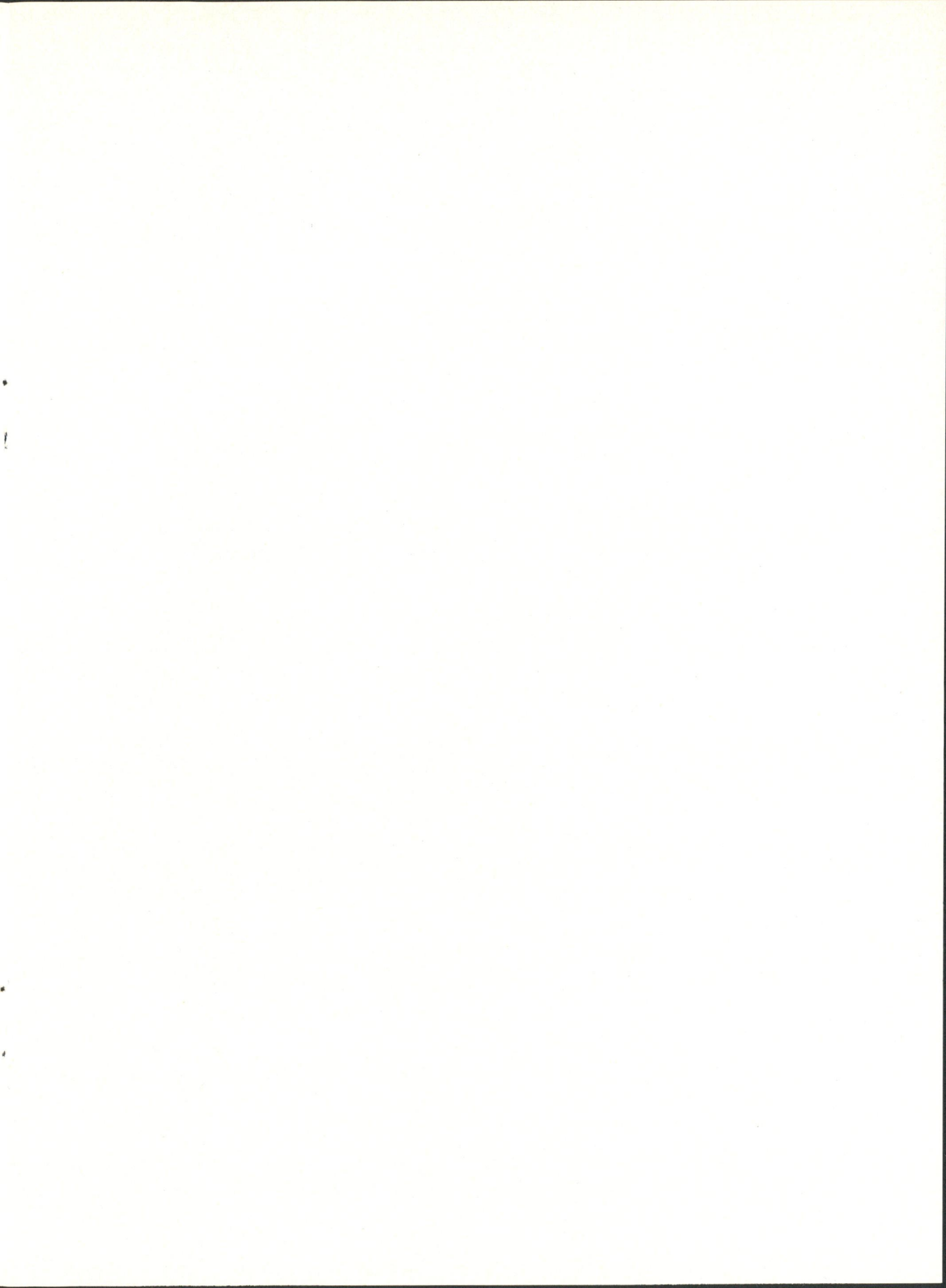
(a) the Act ought to have been confirmed by His or Her Majesty in Council, but was not so confirmed; and

15 (b) the Act ought not to have taken effect before His or Her Majesty's approval had been proclaimed in New South Wales, but purported to do so,

be deemed to be, and to have been as from the enactment of the Act, as valid as if it had been so confirmed and as if His or Her Majesty's approval had been so proclaimed before it took effect.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983



NAVIGATION AND OTHER ACTS (VALIDATION) ACT, 1983,
No. 115

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 115, 1983.

An Act to validate certain Acts affected by the Imperial Act known as the
Merchant Shipping Act, 1894. [Assented to, 25th November, 1983.]

Navigation and Other Acts (Validation).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Navigation and Other Acts (Validation) Act, 1983".

Commencement.

2. (1) This Act shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in New South Wales.

(2) Her Majesty's pleasure may be so signified by the Governor by proclamation published in the Gazette.

Interpretation.

3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"Act" includes any purported Act and any former Act;

"enactment" includes purported enactment.

Validation—Merchant Shipping Act, 1894 (sec. 736).

4. Any Act regulating the coasting trade of New South Wales shall, notwithstanding that by reason of the requirements of section 736 of the Merchant Shipping Act, 1894, or any other enactment, of the Parliament of the United Kingdom—

(a) the Act ought to have contained a suspending clause providing that the Act was not to come into operation until His or Her Majesty's pleasure thereon had been publicly signified in New South Wales, but did not contain such a clause; and

Navigation and Other Acts (Validation).

- (b) His or Her Majesty's pleasure ought to have been but was not so signified in relation to the Act,

be deemed to be, and to have been as from the enactment of the Act, as valid as if it had contained such a clause and as if His or Her Majesty's pleasure had been so signified in relation to the Act.

Validation—Merchant Shipping Act, 1894 (sec. 735).

5. Any Act repealing, wholly or in part, any provisions of the Merchant Shipping Act relating to ships registered in New South Wales shall, notwithstanding that by reason of the requirements of section 735 of the Merchant Shipping Act, 1894, or any other enactment, of the Parliament of the United Kingdom—

- (a) the Act ought to have been confirmed by His or Her Majesty in Council, but was not so confirmed; and
- (b) the Act ought not to have taken effect before His or Her Majesty's approval had been proclaimed in New South Wales, but purported to do so,

be deemed to be, and to have been as from the enactment of the Act, as valid as if it had been so confirmed and as if His or Her Majesty's approval had been so proclaimed before it took effect.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

Government House,
Sydney, 25th November, 1983.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984

