

Queensland



IMPERIAL ACTS APPLICATION ACT 1984

**Reprinted as in force on 28 July 1994
(includes amendments up to Act No. 24 of 1994)**

Reprint No. 1

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This Act is reprinted as at 28 July 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use conjunctives and disjunctives consistent with current legislative drafting practice (s 28)
- use expressions consistent with current legislative drafting practice (s 29)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (ss 36, 39 and 40)
- omit historical notes (s 42)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- make all necessary consequential amendments (s 7(1)(k)).

Also see Endnotes for—

- **details about when provisions commenced**
- **any provisions that have not commenced and are not incorporated in the reprint**
- **further information about editorial changes made in the reprint, including—**
 - **Table of obsolete and redundant provisions**
 - **Table of renumbered provisions**
 - **Table of comparative legislation.**

Queensland



**IMPERIAL ACTS APPLICATION ACT
1984**

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title and citation	3
2	Act to bind Crown	3
4	Interpretation	3
PART 2—IMPERIAL ENACTMENTS PRESERVED OR TERMINATED		
5	Preserved Imperial enactments	4
6	Imperial enactments not affected	4
7	Termination of application of Imperial enactments	4
PART 3—SUBSTITUTION OF QUEENSLAND LAW FOR CERTAIN IMPERIAL ENACTMENTS		
8	No insurance to be made by persons having no interest	4
9	Avoidance of wagering or gaming contracts of marine insurance	5
10	Contracts of marine insurance must be embodied in policy	5
11	What policy of marine insurance must specify	6
14	References to Imperial enactments	6
SCHEDULE 1 7		
IMPERIAL ENACTMENTS CONTINUED IN FORCE		
SCHEDULE 2 9		
IMPERIAL ENACTMENTS NOT AFFECTED BY ACT		
SCHEDULE 3 10		
IMPERIAL ENACTMENTS FOR WHICH QUEENSLAND ENACTMENTS ARE SUBSTITUTED		

ENDNOTES

2	Date to which amendments incorporated	11
3	List of legislation	11
4	List of annotations	12
5	Table of obsolete and redundant provisions	12
6	Table of renumbered provisions	13
7	Table of comparative legislation	13

IMPERIAL ACTS APPLICATION ACT 1984

[as amended by all amendments that commenced on or before 28 July 19942]

An Act to provide that certain Imperial enactments in force in England at the time of the passing of the Imperial Act 9 George 4 Chapter 83 shall continue in force in Queensland; to repeal other Imperial enactments; to replace other Imperial enactments relating to insurance, service of process on Sunday, and waste by executors; and for related purposes

PART 1—PRELIMINARY

Short title and citation

1. This Act may be cited as the *Imperial Acts Application Act 1984*³⁻⁷.

Act to bind Crown

2. This Act binds the Crown not only in right of the State but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

Interpretation

4. In this Act—
“**Imperial enactment**” includes any Act passed by the Imperial Parliament.

PART 2—IMPERIAL ENACTMENTS PRESERVED OR TERMINATED

Preserved Imperial enactments

5. Each Imperial enactment specified in Schedule 1 shall, from the commencement of this Act, continue to have the same force and effect (if any) as it had in Queensland immediately prior to the commencement of this Act.

Imperial enactments not affected

6. Nothing in this Act affects any Imperial enactment specified in Schedule 2 or any other Imperial enactment which independently of the provisions of the Imperial Act 9 George 4 Chapter 83 (*Australian Courts Act 1828*) is made applicable to Queensland by express words or necessary intendment of any Imperial enactment.

Termination of application of Imperial enactments

7. Subject to this Act, the application in and for Queensland of all Imperial enactments (commencing with the Statute of Merton, 20 Henry 3 A.D. 1235–6) in force in England at the time of the passing of the Imperial Act 9 George 4 Chapter 83, is terminated.

PART 3—SUBSTITUTION OF QUEENSLAND LAW FOR CERTAIN IMPERIAL ENACTMENTS

No insurance to be made by persons having no interest

8.(1) No insurance shall be made by any person on the life of any person or on any other event whatsoever wherein the person for whose use or benefit or on whose account the policy is made has no interest, or by way of gaming or wagering.

Every insurance made contrary to this subsection shall be void

(2) It shall not be lawful to make any policy on the life of any person, or on any other event whatsoever, wherein the person effecting the policy has no interest, without inserting in that policy the names of the persons interested therein, or for whose use or benefit or on whose account that policy was made.

(3) In all cases where there is an interest in the life or other event the subject of the insurance, no greater sum shall be recovered or received from the insurer than the amount or value of the interest.

(4) Nothing in this section shall extend to insurance made by any person on ships or goods, or to contracts of indemnity against loss by fire or loss by other events whatsoever.

Avoidance of wagering or gaming contracts of marine insurance

9.(1) Every contract of marine insurance by way of gaming or wagering is void.

(2) A contract of marine insurance is deemed to be a gaming or wagering contract—

- (a) where the assured has no insurable interest, and the contract is entered into with no expectation of acquiring such an interest; or
- (b) where the policy is made ‘interest or no interest’, or ‘without further proof of interest than the policy itself’, or ‘without benefit of salvage to the insurer’, or subject to any other like term.

(3) However, where there is no possibility of salvage, a policy may be effected without benefit of salvage to the insurer.

Contracts of marine insurance must be embodied in policy

10.(1) Subject to the provisions of any other Act, a contract of marine insurance is inadmissible in evidence in an action for the recovery of a loss under the contract unless it is embodied in a marine policy in accordance with this Part.

(2) The policy may be executed and issued either at the time when the contract is concluded or afterwards.

What policy of marine insurance must specify

11. A marine policy must specify—

- (a) the name of the assured, or of some person who effects the insurance on the assured's behalf; and
- (b) the subject-matter insured and the risk insured against; and
- (c) the voyage, or period of time, or both as the case may be, covered by the insurance; and
- (d) the sum or sums insured; and
- (e) the name or names of the insurers.

References to Imperial enactments

14. A reference in any Act to an Imperial enactment specified in Schedule 3, column 1 shall, where the case permits and unless a contrary intention appears, be construed as a reference to the enactment specified in column 2 opposite the Imperial enactment specified.

SCHEDULE 1**IMPERIAL ENACTMENTS CONTINUED IN FORCE**

section 5

Citation	Short title and enactment
(1297) 25 Edward 1 ch 29	Magna Carta
(1351) 25 Edward 3 ch 4	Criminal & Civil Justice
(1354) 28 Edward 3 ch 3	Liberty of subject
(1368) 42 Edward 3 ch 3	Due Process of Law
(1623) 21 James 1 ch 3	Statute of Monopolies, ss 1 and 6
(1627) 3 Charles 1 ch 1	Petition of Right
(1640) 16 Charles 1 ch 10	<i>Habeas Corpus Act 1640</i> , s 6
(1679) 31 Charles 2 ch 2	<i>Habeas Corpus Act 1679</i> , ss 1–8, 11, 15–19
(1688) 1 William & Mary Sess. 2 ch 2	Bill of Rights
(1698) 11 William 3 ch 7	<i>Piracy Act 1698</i>

SCHEDULE 1 (continued)

(1700) 12 & 13 William 3 ch 2	Act of Settlement
(1702) 1 Anne ch 2	<i>Demise of Crown Act 1702</i> , s 4
(1702) 1 Anne St. 2 ch 21	<i>Treason Act 1702</i> , s 3
(1707) 6 Anne ch 41	<i>Succession to Crown Act 1707</i> , s 9
(1750) 24 George 2 ch 23	<i>Calendar (New Style) Act 1750</i>
(1772) 12 George 3 ch 11	<i>Royal Marriages Act 1772</i> , ss 1 and 2
(1816) 56 George 3 ch 100	<i>Habeas Corpus Act 1816</i>

SCHEDULE 2**IMPERIAL ENACTMENTS NOT AFFECTED BY ACT**

section 6

Citation	Short Title
(1698) 11 William 3 ch 12	Crimes by Governors of Colonies
(1802) 42 George 3 ch 85	<i>Criminal Jurisdiction Act 1802</i>
(1821) 1 & 2 George 4 ch 121	<i>Commissariat Accounts Act 1821</i>
(1824) 5 George 4 ch 113	<i>Slave Trade Act 1824</i>

SCHEDULE 3**IMPERIAL ENACTMENTS FOR WHICH
QUEENSLAND ENACTMENTS ARE SUBSTITUTED**

section 14

Imperial enactment	Queensland enactment
(1677) 29 Charles 2 ch 7 (Sunday Observance Act), s 6	<i>Imperial Acts Application Act 1984</i> , s 12
(1678) 30 Charles 2 ch 7 (Executors who commit waste)	<i>Succession Act 1984</i> , s 52A
(1692) 4 William and Mary ch 24 (Estreats: Personal representatives), s 12	<i>Succession Act 1984</i> , s 52A
(1745) 19 George 2 ch 37 (Marine Insurance Act)	<i>Imperial Acts Application Act 1984</i> , s 9
(1774) 14 George 3 ch 48 (Life Assurance Act)	<i>Imperial Acts Application Act 1984</i> , s 8
(1788) 28 George 3 ch 56 (Marine Insurance Act)	<i>Imperial Acts Application Act 1984</i> , ss 10 and 11

ENDNOTES

	Page
2	Date to which amendments incorporated 11
3	List of legislation 11
4	List of annotations 12
5	Table of obsolete and redundant provisions 12
6	Table of renumbered provisions 13
7	Table of comparative legislation 13

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 28 July 1994. Future amendments of the Imperial Acts Application Act 1984 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 List of legislation**Imperial Acts Application Act 1984 No. 70**

date of assent 12 October 1984

commenced on date of assent

as amended by—

Justice and Attorney-General (Miscellaneous Provisions) Act 1994 No. 24 s 3(1)

Sch

date of assent 10 May 1994

commenced 30 May 1994 (1994 SL No. 168)

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
R1	=	Reprint No. 1
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Long title amd R1 (see s 40 RA)

Arrangement

s 3 om R1 (see RA s 36)

Service of process on Sunday

s 12 om 1994 No. 24 s 3(1) Sch

Amendment of Succession Act

s 13 om R1 (see RA s 40)

SCHEDULE 3—IMPERIAL ENACTMENTS FOR WHICH QUEENSLAND ENACTMENTS ARE SUBSTITUTED

amd 1994 No. 24 s 3(1) Sch

5 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A

references to Queensland implied

Acts Interpretation Act 1954
s 35**6 Table of renumbered provisions**TABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43

Previous	Renumbered as
9(2), proviso	9(3)
10, 1st sentence	10(1)
10, 2nd sentence	10(2)

7 Table of comparative legislation

s 8	14 George 3 c 48
s 9	19 George 2 c 37
s 10	28 George 3 c 56
s 11	28 George 3 c 56