



# **Imperial Acts Application Act 1984**

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Queensland

# Imperial Acts Application Act 1984

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# Imperial Acts Application Act 1984

**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

### 1 Short title and citation

This Act may be cited as the *Imperial Acts Application Act 1984*.

### 2 Act to bind Crown

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.

### 4 Interpretation

In this Act—

*Imperial enactment* includes any Act passed by the Imperial Parliament.

## **Part 2                      Imperial enactments preserved    or terminated**

### **5                      Preserved Imperial enactments**

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.

### **6                      Imperial enactments not affected**

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.

### **7                      Termination of application of Imperial enactments**

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**

### **8                      No insurance to be made by persons having no interest**

(1) No insurance shall be made by any person on the life of any person or on any other event whatsoever wherein the person

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for whose use or benefit or on whose account the policy is made has no interest, or by way of gaming or wagering.

(2) **Every insurance made contrary to this subsection shall be void**

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.

**9 Avoidance of wagering or gaming contracts of marine insurance**

- (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.

**10 Contracts of marine insurance must be embodied in policy**

- (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.

**11 What policy of marine insurance must specify**

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.

**14 References to Imperial enactments**

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.



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## Schedule 1      Imperial enactments continued in force

### section 5

	<b>Citation</b>	<b>Short title and enactment</b>
1	(1297) 25 Edward 1 ch 29	Magna Carta
2	(1351) 25 Edward 3 ch 4	Criminal & Civil Justice
3	(1354) 28 Edward 3 ch 3	Liberty of subject
4	(1368) 42 Edward 3 ch 3	Due Process of Law
5	(1623) 21 James 1 ch 3	Statute of Monopolies, ss 1 and 6
6	(1627) 3 Charles 1 ch 1	Petition of Right
7	(1640) 16 Charles 1 ch 10	<i>Habeas Corpus Act 1640</i> , s 6
8	(1679) 31 Charles 2 ch 2	<i>Habeas Corpus Act 1679</i> , ss 1–8, 11, 15–19
9	(1688) 1 William & Mary Sess. 2 ch 2	Bill of Rights
10	(1698) 11 William 3 ch 7	<i>Piracy Act 1698</i>
11	(1700) 12 & 13 William 3 ch 2	Act of Settlement
12	(1702) 1 Anne ch 2	<i>Demise of Crown Act 1702</i> , s 4
13	(1702) 1 Anne St. 2 ch 21	<i>Treason Act 1702</i> , s 3
14	(1707) 6 Anne ch 41	<i>Succession to Crown Act 1707</i> , s 9
15	(1750) 24 George 2 ch 23	Calendar (New Style) Act 1750
17	(1816) 56 George 3 ch 100	<i>Habeas Corpus Act 1816</i>

## **Schedule 2      Imperial enactments not affected by Act**

section 6

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

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## Schedule 3      **Imperial enactments for which Queensland enactments are substituted**

section 14

	<b>Imperial enactment</b>	<b>Queensland enactment</b>
1	(1678) 30 Charles 2 ch 7 (Executors who commit waste)	<i>Succession Act 1981, s 52A</i>
2	(1692) 4 William and Mary ch 24 (Estreats: Personal representatives), s 12	<i>Succession Act 1981, s 52A</i>
3	(1745) 19 George 2 ch 37 (Marine Insurance Act)	<i>Imperial Acts Application Act 1984, s 9</i>
4	(1774) 14 George 3 ch 48 (Life Assurance Act)	<i>Imperial Acts Application Act 1984, s 8</i>
5	(1788) 28 George 3 ch 56 (Marine Insurance Act)	<i>Imperial Acts Application Act 1984, ss 10 and 11</i>