

Queensland



IMPERIAL ACTS APPLICATION ACT 1984

**Reprinted as in force on 13 June 1997
(includes amendments up to Act No. 58 of 1995)**

Reprint No. 1A

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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 13 June 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



IMPERIAL ACTS APPLICATION ACT 1984

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IMPERIAL ACTS APPLICATION ACT 1984

[as amended by all amendments that commenced on or before 13 June 1997]

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*.

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
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	<i>Calendar (New Style) Act 1750</i>

SCHEDULE 1 (continued)

- | | | |
|------------|---------------------------|--|
| 16. | (1772) 12 George 3 ch 11 | <i>Royal Marriages Act 1772,</i>
ss 1 and 2 |
| 17. | (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
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>

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

section 14

	Imperial enactment	Queensland enactment
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>

ENDNOTES

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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 13 June 1997. 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 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 24 of 1994	28 July 1994

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Comparative legislation	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 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)

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 2

date of assent 28 November 1995

commenced on date of assent

7 List of annotations

Long title amd R1 (see RA s 40)

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 1—IMPERIAL ENACTMENTS CONTINUED IN FORCE**

amd 1995 No. 58 s 4 sch 2

SCHEDULE 2—IMPERIAL ENACTMENTS NOT AFFECTED BY ACT

amd 1995 No. 58 s 4 sch 2

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

amd 1994 No. 24 s 3(1) sch; 1995 No. 58 s 4 sch 2