

Reprint
as at 8 August 2014

Legislature Act 1908

Public Act 1908 No 101
Date of assent 4 August 1908

Legislature Act 1908: repealed, on 8 August 2014, by section 38(1) of the
Parliamentary Privilege Act 2014 (2014 No 58).

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[Repealed]

An Act to consolidate certain enactments of the General Assembly relating to the Legislature of New Zealand

1 Short Title, etc

- (1) The Short Title of this Act is the Legislature Act 1908.
- (2) This Act is a consolidation of the enactments mentioned in Schedule 1, and with respect to those enactments the following provisions shall apply:
 - (a) all districts, appointments, offices, Representation Commissioners, Proclamations, Orders in Council, orders, warrants, regulations, rules, rolls, lists, electors' rights, voting permits, claims, applications, declarations, notices, instruments, records, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.
 - (b) all matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.
- (3) This Act is divided into Divisions and Parts, as follows:
 - Division I—The Legislative Council. (Sections 2 to 11.)
 - Division II—The House of Representatives. (Sections 12 to 241.)
 - Part 1—Constitution of House. (Sections 13 to 34.)
 - Part 2—Preliminary to the Election. (Sections 35 to 96.)

- Part 3—Regulation of Elections. (Sections 97 to 179.)
 - Part 4—Maori Representation. (Sections 180 to 187.)
 - Part 5—Election Petitions and Corrupt and Illegal Practices. (Sections 188 to 232.)
 - Part 6—Miscellaneous. (Sections 233 to 241.)
 - Division III—Privileges of Parliament. (Sections 242 to 271.)
 - Division IV—Private, Local, and Private Estates Bills. (Sections 272 to 284.)
- (4) In this Act, if not inconsistent with the context,—
- Member of Parliament** means member of the House of Representatives
- Parliament**, when used alone, means the General Assembly.

Division I

The Legislative Council

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Section 2 was repealed, as from 1 January 1951, by section 2(6) of the Legislative Council Abolition Act 1950 (1950 No 3).

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Section 3 was repealed, as from 1 January 1951, by section 2(6) of the Legislative Council Abolition Act 1950 (1950 No 3).

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Section 4 was repealed, as from 1 January 1951, by section 2(6) of the Legislative Council Abolition Act 1950 (1950 No 3).

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Section 5 was repealed, as from 1 January 1951, by section 2(6) of the Legislative Council Abolition Act 1950 (1950 No 3).

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Section 6 was repealed, as from 1 January 1951, by section 2(6) of the Legislative Council Abolition Act 1950 (1950 No 3).

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Section 7 was repealed, as from 1 January 1951, by section 2(6) of the Legislative Council Abolition Act 1950 (1950 No 3).

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Section 8 was repealed, as from 1 January 1951, by section 2(6) of the Legislative Council Abolition Act 1950 (1950 No 3).

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Section 9 was repealed, as from 1 January 1951, by section 2(6) of the Legislative Council Abolition Act 1950 (1950 No 3).

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Section 10 was repealed, as from 1 January 1951, by section 2(6) of the Legislative Council Abolition Act 1950 (1950 No 3).

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Section 11 was repealed, as from 1 January 1951, by section 2(6) of the Legislative Council Abolition Act 1950 (1950 No 3).

Division II

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Section 12 was repealed by section 252 of the Electoral Act 1927 (1927 No 44).

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Section 13 was repealed by section 252 of the Electoral Act 1927 (1927 No 44).

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Section 241 was repealed by section 252 of the Electoral Act 1927 (1927 No 44).

Division III **Privileges of Parliament**

Privileges generally

242 Privileges of House of Representatives. Journals as evidence

- (1) The House of Representatives and the Committees and members thereof shall hold, enjoy, and exercise such and the like privileges, immunities, and powers as on 1 January 1865 were held, enjoyed, and exercised by the Commons House of Parliament of Great Britain and Ireland, and by the Committees and members thereof, so far as the same are not inconsistent with or repugnant to such of the provisions of the Constitution Act as on 26 September 1865 (being the date of the coming into operation of the Parliamentary Privileges Act 1865) were unrepealed, whether such privileges, immunities, or powers were so held, possessed, or enjoyed by custom, statute, or otherwise.
- (2) Such privileges, immunities, and powers shall be deemed to be part of the general and public law of New Zealand, and it shall not be necessary to plead the same, and the same shall be judicially taken notice of in all Courts and by and before all Judges.
- (3) Upon any inquiry touching the privileges, immunities, and powers of the said House of Representatives, or of any Committee or member thereof, a copy of the Journals of the said Commons House of Parliament, printed or purporting to be printed by order of the said Commons House of Parliament by the printer to the said Commons House, shall be admitted as evidence of such Journals by all Courts, Judges, Justices, and others without any proof being given that such copies were so printed.

Compare: 1865 No 13 ss 4, 5

In subsections (1) and (3) the references to the “House of Representatives” were substituted, as from 1 January 1951, for references to the “Legislative Council and the House of Representatives” by section 2(4) Legislative Council Aboli-

tion Act 1950 (1950 No 3). The word “respectively” has been consequentially omitted from subsections (1) and (3) in one place.

243

Section 243 was repealed, section from 28 October 1928, by section 1(2) Civil List Act 1920 (1920 No 31).

244

Section 244 was repealed, section from 28 October 1928, by section 1(2) Civil List Act 1920 (1920 No 31).

245

Section 245 was repealed, section from 28 October 1928, by section 1(2) Civil List Act 1920 (1920 No 31).

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Section 246 was repealed, section from 28 October 1928, by section 1(2) Civil List Act 1920 (1920 No 31).

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Section 250 was repealed, section from 28 October 1928, by section 1(2) Civil List Act 1920 (1920 No 31).

251

Section 251 was repealed, section from 28 October 1928, by section 1(2) Civil List Act 1920 (1920 No 31).

Parliamentary witnesses

252 Right to administer oaths

The House of Representatives and any Committee of such House may respectively administer an oath to any witness examined before such House or Committee; and any person examined as aforesaid who wilfully gives false evidence is liable to the penalties of perjury.

Compare: 1865 No 13 s 6

The references to the “House of Representatives” were substituted, as from 1 January 1951, for references to the “Legislative Council and the House of Representatives” by section 2(4) Legislative Council Abolition Act 1950 (1950 No 3). The word “either” and the words “and any joint Committee of such Council and House” have been consequentially omitted.

253 Indemnity to witness. Immunities and privileges

- (1) Where any person sworn and examined as a witness by or before any Select Committee of the House of Representatives on any matter which is a subject of inquiry before such Committee, claims, upon such examination, excuse from answering any question put to him by any such Committee on the ground that the answer to such question may criminate or tend to criminate him, and the Committee is of opinion that full answers are required in order to enable it to deal satisfactorily with the matter under inquiry, it shall make a report thereof to the House, and if such House passes a resolution that the witness shall give full evidence, then such witness shall answer accordingly.
- (2) Every such witness who thereupon answers fully and faithfully any question put to him by the Committee to the satisfaction of such Committee shall be entitled to receive a certificate under the hand of the Chairman of the Committee stating that such witness was, upon his examination, so required to answer and had answered all such questions.
- (3) On production and proof in any Court of law of such certificate, the Court shall stay the proceedings in any action or prosecution against such witness for any act or thing done by him before that time and revealed by the evidence of such witness, and may at its discretion award to such witness such costs as he may have been put to.

- (4) No statement made by any person in answer to any question put by or before any Committee as aforesaid shall, except in cases of a charge of perjury, be admissible as evidence in any proceeding, civil or criminal.
- (5) Every witness sworn and examined under this or the last preceding section shall have, in respect of the testimony given by him when so sworn, the like privileges, immunities, and indemnities in all respects as are possessed by or belong to any witness sworn and examined in the High Court.

Compare: 1875 No 20 s 2; 1883 No 3 ss 2–5

In subsection (1) the references to the “House of Representatives” were substituted, as from 1 January 1951, for references to “either House of the General Assembly, and to the House by which the Committee was appointed”, by section 2(4) Legislative Council Abolition Act 1950 (1950 No 3).

The words “or any Joint Committee of the two Houses” have been consequentially omitted.

Section 253(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Hansard

253A Hansard

- (1) An official report (to be known as *Hansard*) shall be made of such portions of the proceedings of the House of Representatives and its committees as may be determined by the House of Representatives or by the Speaker of the House of Representatives.
- (2) The report shall be made in such form and subject to such rules as may be from time to time approved by the House of Representatives itself or by the Speaker of the House of Representatives.

New section 253A and Heading was inserted, as from 1 February 1992, by section 11 Parliamentary Service Amendment Act 1991 (1991 No 146).

Other privileges

254

Section 254 was repealed, as from 29 September 1954, by section 23(1) Defamation Act 1954 (1954 No 46).

255

Section 255 was repealed, as from 29 September 1954, by section 23(1) Defamation Act 1954 (1954 No 46).

256

Section 256 was repealed, as from 29 September 1954, by section 23(1) Defamation Act 1954 (1954 No 46).

257 Interpretation. Exemption of members and officers from attendance as witnesses

- (1) In this and the succeeding sections of this Division of this Act—

Court of record means the Court of Appeal, the High Court, and every District Court

In subsection (1) the definition “Court of record” was substituted, as from 11 June 1985, by section 2(1) Legislature Amendment Act 1985 (1985 No 91).

process includes every writ, summons, and subpoena

Speaker includes the person for the time being acting in that capacity.

- (2) Where any member of Parliament or any of the officers specified in Schedule 6, not being in attendance on Parliament, is required by the process of any Court of record to attend thereat personally, either during any session of the General Assembly or within 10 days before the commencement thereof, as a party or witness in any civil proceeding, or as a witness in any criminal proceeding, such member or officer may apply to such Court to be exempted from attendance on such Court.

Compare: 1866 No 73 ss 2, 3

In subsection (2) the words “member of the Legislative Council or” were consequentially repealed, as from 1 January 1951, by section 2 Legislative Council Abolition Act 1950 (1950 No 3).

258 Exemption of members and officers bound by recognisance

[Repealed]

The words “or any District” were omitted, as from 29 September 1925, by section 3 of the District Courts Abolition Act 1925 (1925 No 19).

Section 258 was repealed, as from 11 June 1985, by section 3(1) and (2) Legislature Amendment Act 1985 (1985 No 91).

259 Court to make inquiry and grant exemption

On any such application for an exemption from attendance being made to any such Court as aforesaid, or to any Judge thereof, unless it appears to the satisfaction of the Court or Judge that the ends of public justice would be defeated or injuriously delayed or irreparable injury would be caused to any party to the proceedings by the non-attendance of such member or officer in obedience to such process or in pursuance of such process, the Court or Judge shall order that such member or officer shall be discharged from attendance in obedience to such process until the expiration of 10 days after the termination of the session of the General Assembly in respect of which such exemption is claimed, and may make order for the attendance of such member or officer at the sitting of such Court at such future date after the expiration of such 10 days as such Court or Judge thinks fit.

Compare: 1866 No 73 s 5

Section 259 was amended, as from 11 June 1985, by section 3(2) Legislature Amendment Act 1985 (1985 No 91) by omitting the words “or in pursuance of such recognisance as aforesaid” and “or in pursuance of such recognisance”.

260 Exemption of Speaker from attendance on Courts

Where the Speaker of the House of Representatives, being in attendance on Parliament, is required by the process of any Court to attend thereat personally either as a party or a witness in any civil proceeding, or as a witness in any criminal proceeding, he shall submit the matter to the House of Representatives and such order may be made thereon as the House thinks fit; and if it is resolved that the Speaker shall be exempted from attendance, such resolution shall be presented in like manner and shall have the same effect as the certificate mentioned in section 263 in respect of any other member not being a Speaker:

provided that if the House is under adjournment, and it is necessary to act without delay, the Speaker whose attendance is required may sign a certificate to the like effect as is hereinafter provided in the said section in respect of any other member not being a Speaker, but such certificate shall remain in force only

until the matter is submitted by the Speaker at the first convenient opportunity to the House, and order is made thereon.

Compare: 1866 No 73 s 6

Section 260 was amended, as from 11 June 1985, by section 3(2) Legislature Amendment Act 1985 (1985 No 91) by omitting the words “or by such recognisance” and “or prosecutor”.

261 Application to Speaker for exemption from attendance in civil Courts

Where any member of Parliament (other than the Speaker thereof) or any such officer as aforesaid, being in attendance on Parliament, is required by the process of any Court to attend thereat personally as a party or witness in any civil proceeding, or as a witness in any criminal proceeding, such member or officer may apply to the Speaker or Acting Speaker of the House to be exempted from such attendance on such Court.

Compare: 1866 No 73 s 7; 1878 No 16 s 3

Section 261 was consequentially amended, as from 1 January 1951, by omitting the words “member of the Legislative Council or” by section 2 of the Legislative Council Abolition Act 1950 (1950 No 3). The reference to the Speaker thereof has accordingly been substituted for a reference to the Speakers thereof respectively. The reference to the House was substituted for a reference to the Council or House, as the case may be, by section 2(4) Legislative Council Abolition Act 1950 (1950 No 3).

262 Application by members and officers bound by recognisance

[Repealed]

Section 262 was repealed, as from 11 June 1985, by section 3(1) Legislation Amendment Act 1985 (1985 No 91).

263 Speaker to make inquiry and grant certificate

On any such application to a Speaker or Acting Speaker as aforesaid, unless it appears to his satisfaction, on such inquiry as he thinks fit to make into the circumstances of the case, that the ends of public justice would be defeated or injuriously delayed, or that irreparable injury would be caused to any party to the proceedings by the non-attendance of such member or officer in obedience to such process, such Speaker or Acting Speaker shall grant a certificate under his hand to the effect

that the attendance in the General Assembly of the member or officer therein named is required during the session.

Compare: 1866 No 73 s 9; 1878 No 16 s 3

Section 263 was amended, as from 11 June 1985, by section 3(2) Legislature Amendment Act 1985 (1985 No 91) by omitting the words “in such Court of record” and “or in pursuance of recognisance”.

264 Effect of certificate

On such certificate being presented to the Court in which the attendance of such member or officer is required he shall be thereby exempted from attending therein until 10 days after the termination of the session then being held; and no proceedings, civil or criminal, shall be taken against such member or officer in respect of his non-attendance in obedience to such process, and the Court shall direct such postponement of trial or other proceedings, and make such order as it deems convenient and just, regard being had to such exemption as aforesaid.

Compare: 1866 No 73 s 10

Section 264 was amended, as from 11 June 1985, by section 3(2) Legislature Amendment Act 1985 (1985 No 91) by omitting the words “or in pursuance of recognisance”.

265 Adjournment of civil proceedings against members and officers

Where any civil proceedings are pending in any Court of record against any such member or officer as aforesaid, and such proceedings are set down for trial or hearing, or are likely in the ordinary course to come on for trial or hearing, at a sitting of any such Court to be held within the period extending from 10 days before the holding of any session of the General Assembly, to 30 days after the termination of the said session, such member or officer may obtain an adjournment or appointment of such trial or hearing to some day later than the period of 30 days last mentioned, upon the conditions following:

- (a) where such member or officer is not in attendance on Parliament, and the proceedings are likely to come on or are set down for trial or hearing at a sitting of any such Court to be held within 10 days before the commencement of the session or during such session, such

member or officer shall make application to the Court in which such proceedings are pending for an adjournment or appointment of such trial or hearing to some day beyond the period of 30 days after the end of such session, accompanying such application with an affidavit made by such member or officer that he has been summoned to attend in his place in Parliament, and that it is necessary that opportunity should be afforded him of being personally present at the trial or hearing of such proceedings, and that his attendance on Parliament will prevent his being able so to be present on such trial or hearing:

- (b) where such member or officer is in attendance on Parliament, and such proceedings are likely to come on or are set down for trial or hearing at a sitting of such Court to be held at any time during a session of Parliament or within 30 days thereafter, then such member or officer shall apply to the Speaker of the House of Representatives for a certificate entitling him to an adjournment of such trial or hearing, whereupon the following provisions shall apply:
 - (i) such application shall be supported by an affidavit made by such member or officer, and delivered to the Speaker, that such proceedings are likely to come on or are set down for trial or hearing at a sitting of such Court to be held during such session or within 30 days thereafter, and that the personal attendance of such member or officer at such trial or hearing is necessary for his interest:
 - (ii) the Speaker shall, after making inquiry in manner provided by section 263, and unless satisfied that irreparable injury would be caused to any party to such proceedings if the trial or hearing thereof was postponed, forward such affidavit, together with a certificate in terms of the said section, to the Court in which such proceedings are pending.

Compare: 1872 No 73 s 3

In paragraph (b) the reference to the “House of Representatives” was substituted, as from 1 January 1951, for a reference to the Council or House of which

he is a member or officer by section 2(4) Legislative Council Abolition Act 1950 (1950 No 3).

266 Court may make inquiry and adjourn case

The Court in which such civil proceedings are pending shall, in either of the cases referred to in the last preceding section, cause the trial or hearing of such proceedings to be adjourned without cost to such member or officer, from time to time, to some sitting of the Court to be held after the expiration of 30 days after the termination of the session:

provided that in the case referred to in paragraph (a) of the said last preceding section, the Court may make the same inquiries as the Speaker of the House of Representatives is required to make under the said section 263, and shall not be bound to adjourn or postpone the trial or hearing if it is satisfied that irreparable injury would be caused to any party to such proceedings by such adjournment or postponement.

Compare: 1872 No 73 s 4

The reference to the “House of Representatives” was substituted, as from 1 January 1951, for a reference to either House by section 2(4) Legislative Council Abolition Act 1950 (1950 No 3).

267 Service of process of Courts not of record

If any person serves or causes to be served any summons or process issued out of any Court not of record (other than a summons or warrant on a charge of any offence), upon or for any such member or officer as aforesaid by sending, leaving, or delivering the same in any way which would otherwise be good service by law, during any session of the General Assembly, or within 10 days before the commencement or 10 days after the termination of such session, such service shall be invalid and of no effect.

Compare: 1866 No 73 s 11

Section 267 was amended, as from 11 June 1985, by section 4 Legislature Amendment Act 1985 (1985 No 91) by omitting the words “which, prior to the coming into operation of the Criminal Code Act 1893, would have been classed as a felony or misdemeanour”.

268 Court to take judicial notice of signature of Speaker

It shall be the duty of all Courts, Judges, and Justices, and all other persons, to take judicial notice of the signatures of the Speaker or Acting Speaker of the House of Representatives when affixed to any such certificate as aforesaid.

Compare: 1866 No 73 s 12; 1878 No 16 s 3

The reference to the “House of Representatives” was substituted, as from 1 January 1951, for a reference to the Legislative Council and the House of Representatives by section 2(4) Legislative Council Abolition Act 1950 (1950 No 3).

269 Leave to members and officers to attend Court

Nothing in this Act shall be construed to limit or abridge in any respect the power of the House of Representatives to give leave to any of the members or officers of the House of Representatives to attend any Court in respect of which it appears desirable to the House of Representatives that such leave should be granted:

provided that any member of the House of Representatives having obtained leave of absence without any reference to the process of any Court shall, so far as regards any Court not being a Court of record, but not as regards a Court of record, be considered as in attendance upon his duties in Parliament.

Compare: 1866 No 73 s 13

The references to the “House of Representatives” were substituted, as from 1 January 1951, for references to the Legislative Council and the House of Representatives by section 2(4) Legislative Council Abolition Act 1950 (1950 No 3).

270

Section 270 was repealed, as from 1 December 1961, by section 88 Licensing Amendment Act 1961 (1961 No 135).

271

Section 271 was repealed, as from 1 December 1961, by section 88 Licensing Amendment Act 1961 (1961 No 135).

Division IV
Private, local, and private estates bills

272

Section 272 was repealed, as from 19 October 1951, by section 2 Legislature Amendment Act 1951 (1951 No 8).

273

Section 273 was repealed, as from 19 October 1951, by section 2 Legislature Amendment Act 1951 (1951 No 8).

274

Section 274 was repealed, as from 19 October 1951, by section 2 Legislature Amendment Act 1951 (1951 No 8).

275

Section 275 was repealed, as from 19 October 1951, by section 2 Legislature Amendment Act 1951 (1951 No 8).

276

Section 276 was repealed, as from 19 October 1951, by section 2 Legislature Amendment Act 1951 (1951 No 8).

277

Section 277 was repealed, as from 19 October 1951, by section 2 Legislature Amendment Act 1951 (1951 No 8).

278

Section 278 was repealed, as from 19 October 1951, by section 2 Legislature Amendment Act 1951 (1951 No 8).

279

Section 279 was repealed, as from 19 October 1951, by section 2 Legislature Amendment Act 1951 (1951 No 8).

280

Section 280 was repealed, as from 19 October 1951, by section 2 Legislature Amendment Act 1951 (1951 No 8).

281

Section 281 was repealed, as from 19 October 1951, by section 2 Legislature Amendment Act 1951 (1951 No 8).

282

Section 282 was repealed, as from 19 October 1951, by section 2 Legislature Amendment Act 1951 (1951 No 8).

283

Section 283 was repealed, as from 19 October 1951, by section 2 Legislature Amendment Act 1951 (1951 No 8).

284

Section 284 was repealed, as from 19 October 1951, by section 2 Legislature Amendment Act 1951 (1951 No 8).

Schedule 1
Enactments consolidated

s 1(2)

**Alcoholic Liquors Sale Control Act Amendment Act 1895
(1895 No 45)**

Amendment(s) incorporated in the Act(s).

Disqualification Act 1878 (1878 No 30)

Electoral Act 1893 (1893 No 18)

Electoral Act 1905 (1905 No 29)

Legislative Council Act 1891 (1891 No 25)

Legislative Council Act Amendment Act 1902 (1902 No 50)

Legislative Officers' Salaries Act 1867 (1867 No 85)

**Legislative Officers' Salaries Act Amendment Act 1906
(1906 No 54)**

Licensing Acts Amendment Act 1904 (1904 No 42)

Amendment(s) incorporated in the Act(s).

Parliamentary and Executive Titles Act 1907 (1907 No 50)

Amendment(s) incorporated in the Act(s).

Parliamentary Privileges Act 1865 (1865 No 13)

**Parliamentary Privileges Act 1865 Amendment Act 1875
(1875 No 20)**

Parliamentary Witnesses Indemnity Act 1883 (1883 No 3)

Payment of Members Act 1904 (1904 No 24)

Private and Local Bills Costs Act 1882 (1882 No 24)

Private Estates Bills Act 1867 (1867 No 17)

Privileges Act 1866 (1866 No 73)

Privileges Act 1866 Amendment Act 1872 (1872 No 73)

Privileges Act 1866 Amendment Act 1878 (1878 No 16)

Public Service Classification Act 1907 (1907 No 55)

Amendment(s) incorporated in the Act(s).

Statute Law Amendment Act 1906 (1906 No 58)

Amendment(s) incorporated in the Act(s).

Schedule 2*[Repealed]*

Schedule 2 was impliedly repealed by section 252 of the Electoral Act 1927 (1927 No 44).

Schedule 3*[Repealed]*

Schedule 3 was repealed by section 14(2) Legislature Amendment Act 1927.

Schedule 4*[Repealed]*

Schedule 4 was impliedly repealed by section 252 of the Electoral Act 1927 (1927 No 44).

Schedule 5*[Repealed]*

Schedule 5 was impliedly repealed by section 252 of the Electoral Act 1927 (1927 No 44).

Schedule 6

s 257

HOUSE OF REPRESENTATIVES

The Clerk of the House of Representatives.

The Deputy Clerk of the House of Representatives.

The Sergeant-at-Arms.

The Clerk Assistant of the House of Representatives.

Part of this Schedule, relating to the Legislative Council, has been omitted as impliedly repealed by section 2 of the Legislative Council Abolition Act 1950.

The words “the Deputy Clerk of the House of Representatives” were inserted, as from 9 October 1975, by section s.2 Legislature Amendment Act 1975 (1975 No 84).

Schedule 7

[Repealed]

Schedule 7 was repealed, as from 19 October 1951, by section 2 Legislature Amendment Act 1951 (1951 No 3).

Legislature Amendment Act 1992

Public Act 1992 No 106
Date of assent 26 November 1992
Commencement 1 February 1993

1 Short Title and commencement

- (1) This Act may be cited as the Legislature Amendment Act 1992, and shall be read together with and deemed part of the Legislature Act 1908.
- (2) This Act shall come into force on 1 February 1993.

2 Interpretation

In this Act, unless the context otherwise requires,—

authorised Parliamentary paper means a Parliamentary paper published by order or under the authority of the House of Representatives

Parliamentary paper means any report, paper, votes, or proceedings.

3 Act to bind the Crown

This Act binds the Crown.

4 Stay of proceedings where publication made by order of House of Representatives

- (1) Where any proceedings (whether civil or criminal) are commenced against any person in respect of the publication, by that person or that person's employee, by order or under the authority of the House of Representatives, of any Parliamentary paper, that person may, subject to subsections (2) and (3), produce to the Court a certificate signed by the Speaker of the House of Representatives stating that the Parliamentary paper in respect of which the proceedings are commenced was published, by that person or that person's employee, by order or under the authority of the House of Representatives.
- (2) No certificate may be produced to any Court under subsection (1) unless the person seeking to produce it has given to the plaintiff or prosecutor in the proceedings, or to the plaintiff's

or prosecutor's solicitor, at least 24 hours' notice of that person's intention to do so.

- (3) Every certificate produced under subsection (1) shall be accompanied by an affidavit verifying the certificate.
- (4) Where a certificate is produced to any Court in accordance with subsections (1) to (3), the Court shall immediately stay the proceedings, and the proceedings shall be deemed to be finally determined by virtue of this section.

Compare: 1954 No 46 s 18; Parliamentary Papers Act 1840, s 1 (UK)

5 Stay of proceedings in respect of copy of Parliamentary paper

- (1) Where any proceedings (whether civil or criminal) are commenced in respect of the publication of a copy of an authorised Parliamentary paper, the defendant in those proceedings may, at any stage of the proceedings, produce to the Court the authorised Parliamentary paper and the copy, together with an affidavit verifying the authorised Parliamentary paper and the correctness of the copy.
- (2) Where, in any proceedings, the defendant produces the documents required by subsection (1), the Court shall immediately stay the proceedings, and the proceedings shall be deemed to be finally determined by virtue of this section.

Compare: 1954 No 46 s 19; Parliamentary Papers Act 1840, s 1 (UK)

Eprint notes

1 *General*

This is an eprint of the Legislature Act 1908 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Parliamentary Privilege Act 2014 (2014 No 58): section 38(1)

Criminal Procedure Act 2011 (2011 No 81): section 413
