

29. These provisions of the Colonial Courts of Admiralty Act are similar to those of the Merchant Shipping Act, 1894, as sections 4 and 7 of the Colonial Courts of Admiralty Act require certain legislation to be reserved for the Royal assent.

30. Under these Acts New Zealand has been, and still is, required to reserve certain of its legislation for the Royal assent, a practice which had its origin in the days when New Zealand was a colony and feeling its way towards self-government. Reservation serves no useful purpose because it would not be in accord with constitutional practice for His Majesty to refuse assent. Until the adoption of sections 5 and 6 of the Statute of Westminster, legislation must be reserved if the threat of invalidity is to be avoided.

III. SUMMARY OF ANALYSIS OF THE STATUTE OF WESTMINSTER

31. In brief, the legal effect of adopting sections 2 to 6 of the Statute of Westminster will be—

(i) The Colonial Laws Validity Act of 1865 will cease to apply. New Zealand legislation will no longer be liable to be invalidated because of some “repugnancy” of that legislation to some Act or regulation of the United Kingdom. (Section 2 of the Statute.)

(ii) The New Zealand Parliament will be empowered to pass legislation having extra-territorial effect. The doubts as to whether such legislation is for “the peace, order, and good government of New Zealand” will be set at rest. (Section 3 of the Statute.)

(iii) No United Kingdom Act will extend to New Zealand unless at the request and with the consent of New Zealand. (Section 4 of the Statute.)

(iv) It will no longer be necessary to reserve for the Royal assent any legislation dealing with navigation and shipping, or any rules relating to the practice and procedure of a Court of Admiralty established in New Zealand. (Sections 5 and 6 of the Statute.)

IV. THE STATUTE OF WESTMINSTER AND THE NEW ZEALAND CONSTITUTION AMENDMENT ACT

32. The foregoing paragraphs are directed to a consideration of the effect of sections 2 to 6 of the Statute, which are not yet in force in New Zealand. Sections 7 to 12 of the Statute deal with certain consequential matters, and of these, sections 8 to 10 only concern New Zealand. The latter made provision as to how the operative sections (2 to 6 inclusive) would apply in New Zealand and how they might be