

DEMISE OF THE CROWN

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THE DEMISE OF THE CROWN ACT 1908

1908, No. 42

An Act to consolidate certain enactments of the General Assembly relating to the necessary provision for certain matters in case of any demise of the Crown [4 August 1908]

1. **Short Title, etc.**—(1) The Short Title of this Act is the Demise of the Crown Act 1908.
 (2) This Act is a consolidation of the enactments mentioned in the Schedule hereto.

This Act was extended to the Cook Islands by s. 629 of the Cook Islands Act 1915.

2. **Parliament not dissolved by demise of the Crown**—The General Assembly in being at any demise of the Crown shall not be determined or dissolved by such demise, but shall continue as long as it would have continued but for such demise, unless it is sooner prorogued or dissolved by the Governor-General.

Cf. 1888, No. 3, s. 2

3. Members of General Assembly to take fresh oaths—At the first meeting of the General Assembly after any demise of the Crown the members of the General Assembly shall take fresh oaths of allegiance to the sovereign for the time being, and section forty-six of the Constitution Act shall be read and apply accordingly:

Provided that nothing herein shall be construed to require the General Assembly to meet on account of the demise of the Crown.

Cf. 1901, No. 16, s. 3

The Constitution Act is the New Zealand Constitution Act 1852 (U.K.).
As to the right to make an affirmation instead of taking an oath, see s. 4 of the Oaths and Declarations Act 1957. See also ss. 27, 28, and 29 (b) of that Act, under which Part III of that Act does not affect the oath required by this section.

4. Demise of the Crown not to affect things done before Proclamation thereof—Any demise of the Crown shall not affect anything done in New Zealand before the day whereon the Governor-General by Proclamation notifies such demise; and all things done in New Zealand at any time after such demise, but before the day of the publication of the *Gazette* containing the aforesaid Proclamation, and which but for this Act might be affected by any such demise, shall have the same effect and be of the same force as if no such demise had happened.

Cf. 1888, No. 3, s. 3

The term "New Zealand" as used in this Act includes the Cook Islands; see s. 629 (2) of the Cook Islands Act 1915.

5. All appointments, etc., by the Governor-General to continue in force—Every Commission, warrant, or other authority for the exercise of any office or employment of any kind or nature issued or exercised by the Governor-General in Council or the Governor-General, or by any other person in the name and on behalf of His Majesty, in virtue of his office, or under the authority of any Act of the Imperial Parliament or of the General Assembly, or of any rules or regulations made thereunder respectively, shall continue in full force, notwithstanding any demise of the Crown, until duly revoked or cancelled, and shall be of the same effect as if no such demise had happened, anything in an Act of the Imperial Parliament passed in the first year of His late Majesty King William the Fourth, chapter four, to the contrary notwithstanding.

Cf. 1888, No. 3, s. 4

6. All civil or criminal process, on behalf of His Majesty, to continue—No action or other process or proceeding, civil or criminal, in or to which His Majesty is a party, or which has been commenced or carried on in his name or by his authority shall by reason of his demise abate, discontinue, or be in any manner affected; but every such action, process, or proceeding shall and may be carried on, enforced, or otherwise completed or acted on in the name of his successor and as if such demise had not happened.

Cf. 1888, No. 3, s. 5

7. Contracts not affected by demise—All contracts of every kind lawfully entered into by or on behalf of His Majesty with any person, body, or authority, and all benefit and advantage thereof, and all liability in respect thereof, shall respectively attach and belong to the heirs and successors of His Majesty, although they are not expressly named in any such contract.

Cf. 1888, No. 3, s. 5

SCHEDULE

ENACTMENTS CONSOLIDATED

1888, No. 3—The Demise of the Crown Act 1888.

1901, No. 16—The Promissory Oaths Act 1901: Section 3.
