

**Reprint  
as at 1 July 2013**

**Bylaws Act 1910**

Public Act    1910 No 28  
Date of assent    21 November 1910

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

**This Act is administered by the Department of Internal Affairs.**

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## **An Act to make better provision for the validity of bylaws**

### **1 Short Title and commencement**

This Act may be cited as the Bylaws Act 1910, and shall come into operation on 1 January 1911.

### **2 Interpretation**

In this Act, unless a different intention appears from the context or subject-matter,—

**bylaw** means any rule or regulation which is made by any local authority by virtue of any Act now or hereafter to be in force, and which is termed a bylaw in the Act by virtue of which it is so made

**local authority** means—

- (a) any local authority within the meaning of the Local Government Act 2002; or
- (b) any body corporate of any kind whatsoever having authority, under any Act now or hereafter to be in force, to make any rules or regulations which are in that Act termed bylaws; or
- (c) any Board, Council, Trustees, or other body of persons being the governing body of any corporation of any kind whatsoever and having author-

ity, under any Act now or hereafter to be in force, to make any rules or regulations which are in that Act termed bylaws, or (where the context or subject-matter so requires) the corporation of any such governing body.

Section 2 **local authority** paragraph (a): replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

### *Confirmation of bylaws*

#### **3 Application to Minister for confirmation of bylaw**

*[Repealed]*

Section 3: repealed, on 3 June 1998, by section 3 of the Bylaws Amendment Act 1998 (1998 No 29).

#### **4 Confirmation of bylaw by Minister**

*[Repealed]*

Section 4: repealed, on 3 June 1998, by section 3 of the Bylaws Amendment Act 1998 (1998 No 29).

#### **5 Confirmation of bylaw where immaterial error or defect**

*[Repealed]*

Section 5: repealed, on 3 June 1998, by section 3 of the Bylaws Amendment Act 1998 (1998 No 29).

#### **6 Certificate of confirmation**

*[Repealed]*

Section 6: repealed, on 3 June 1998, by section 3 of the Bylaws Amendment Act 1998 (1998 No 29).

#### **7 Effect of certificate of confirmation**

*[Repealed]*

Section 7: repealed, on 3 June 1998, by section 3 of the Bylaws Amendment Act 1998 (1998 No 29).

#### **8 Restrictions on effect of certificate**

*[Repealed]*

Section 8: repealed, on 3 June 1998, by section 3 of the Bylaws Amendment Act 1998 (1998 No 29).

#### **9 Certificate not to be questioned in Court**

*[Repealed]*

Section 9: repealed, on 3 June 1998, by section 3 of the Bylaws Amendment Act 1998 (1998 No 29).

#### **10 Confirmation not to affect prior proceedings for enforcement**

*[Repealed]*

Section 10: repealed, on 3 June 1998, by section 3 of the Bylaws Amendment Act 1998 (1998 No 29).

## 11 Regulations

*[Repealed]*

Section 11: repealed, on 3 June 1998, by section 3 of the Bylaws Amendment Act 1998 (1998 No 29).

### *Quashing or amending of bylaws by the High Court*

## 12 Order by High Court to quash or amend invalid bylaw

- (1) At any time before or after the coming into operation of any bylaw any person may by motion apply to the High Court for an order quashing the bylaw, or any part thereof, on the ground that the bylaw or such part thereof is for any reason invalid, and if the Court is of opinion that the same is invalid an order may be made quashing the same accordingly.
- (2) Notice of any such application to the High Court, and of the grounds thereof, shall be given by the applicant to the local authority by which the bylaw was made, and that local authority shall be heard in support of the bylaw.
- (3) Every person making any such application to the High Court shall, at the time of filing the notice of motion, pay into Court the sum of 5 pounds as security for the costs of the application.
- (4) The costs of any such application shall, as between the applicant and the local authority, whether the local authority appears in support of the bylaw or not, be in the discretion of the Court, and the Court may make an order accordingly.
- (5) On any such application the High Court may by order, if it thinks fit, instead of quashing the bylaw or any part thereof, amend the same in such manner as the Court thinks necessary in order to render valid the provisions thereof.
- (6) Any amendment so made shall take effect from the making thereof, as if it had been duly made by the local authority by which the bylaw was made, and as if all conditions of the validity and operation of such an amendment, if made by the local authority, had been duly fulfilled.
- (7) Any amendment so made may be repealed or amended by the local authority by which the bylaw was made in the same manner as if the amendment had been made by that local authority.
- (8) If any bylaw is quashed in part or amended under the provisions of this section, the local authority by which the bylaw was made shall give public notice thereof, and shall in any subsequent publication of the bylaw, or in any copy thereof subsequently issued under the seal of the local authority, set forth the bylaw in the form in which it stands after being so quashed in part or amended.
- (9) Every Court, District Court Judge, Justice of the Peace, or Community Magistrate must take judicial notice of every order so made by the High Court quashing or amending a bylaw or any part thereof.