

Dominions to which the Statute of Westminster did not then apply—were expressly empowered to give extra-territorial operation to their wartime legislation in relation to ships and aircraft registered in Australia or New Zealand. As the power of the New Zealand Parliament to legislate for its own forces overseas was regarded as doubtful, section 187c was incorporated in the Army and Air Force Act, 1940. This section provided that the legislation of Australia and New Zealand relating to the government and discipline of forces raised in those Dominions should apply to those forces when outside those Dominions. The fact that this legislation was considered necessary indicates that section 3 of the Statute of Westminster should be adopted in order to remove this uncertainty.

#### C. SECTION 4 : LEGISLATION FOR NEW ZEALAND BY THE UNITED KINGDOM

24. Section 4 provides :—

4. No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.

The enactment of this provision was also recommended by the 1929 Conference on the Operation of Dominion Legislation. For many years it has been a recognized constitutional convention, indeed it is recited in the third Preamble to the Statute, that no Act directly applying to any Dominion should be passed by the Parliament of the United Kingdom, except with the prior consent and request of that Dominion. Dealing with this convention, and the need for an express provision in the Statute, the Conference reported :

53. Practical considerations affecting both the drafting of bills and the interpretation of statutes make it desirable that this principle should also be expressed in the enacting part of the Act, and we accordingly recommend that the proposed Act should contain a declaration and enactment in the following terms :—

“ Be it therefore declared and enacted that no Act of Parliament hereafter made shall extend or be deemed to extend to a Dominion unless it is expressly declared therein that that Dominion has requested and consented to the enactment thereof.”

25. Accordingly, with the approval of New Zealand, given by resolution of the House of Representatives on 21 July, 1931, and by the Legislative Council on 24 July, 1931 (New Zealand Parliamentary Debates, 1931, pp. 633, 685, 688), and the other self-governing Dominions, section 4 was inserted in the Statute of Westminster by the Parliament of the United Kingdom. This section merely restated in statutory form the convention which had already been followed in practice. The section permits the United Kingdom Parliament to legislate for one or more