

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
2nd December, 1913.

Hon. Mr. Herdman.

JUDICATURE AMENDMENT.

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A BILL INTITULED

AN ACT to amend the Judicature Act, 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. (1.) This Act may be cited as the Judicature Amendment Act, 1913, and shall be deemed part of and read together with the Judicature Act, 1908 (hereinafter referred to as the principal Act).

Commencement.

(2.) This Act shall come into operation on the first day of February, nineteen hundred and fourteen.

The Supreme Court.

The Judges of the Supreme Court.

2. (1.) The Supreme Court shall consist of one Judge, who shall be called the Chief Justice of New Zealand, and seven other Judges.

15 (2.) The Judges of the Supreme Court shall be appointed by the Governor in the name and on behalf of His Majesty.

20 (3.) The Chief Justice of the Supreme Court in office at the commencement of this Act shall be the Chief Justice of New Zealand as if appointed under this Act, and all references in any Act or other instrument to the Chief Justice of the Supreme Court shall be read and construed as references to the Chief Justice of New Zealand, and for all purposes the office of Chief Justice of the Supreme Court shall be deemed to be identical with that of Chief Justice of New Zealand.

25 (4.) The puisne Judges of the Supreme Court in office at the commencement of this Act shall continue in office as if appointed under this Act, but their existing seniority shall be retained.

(5.) Nothing in this section shall affect the powers vested in the Governor in Council by section eleven of the principal Act (relating to the appointment of temporary Judges).

Repeal.

(6.) Section four of the principal Act (relating to the Judges of the Supreme Court) is hereby repealed. 5

Salaries of Judges of the Supreme Court.

3. (1.) There shall be payable to the Judges of the Supreme Court out of the Consolidated Fund, without further appropriation than this Act, the annual salaries following, that is to say: To the Chief Justice of New Zealand the sum of two thousand pounds, and to each of the other Judges of the Supreme Court the sum of 10 one thousand eight hundred pounds.

Civil List Act, 1908, amended.

(2.) The Civil List Act, 1908, is hereby amended by repealing the Second Schedule thereto so far as it relates to the salaries of Judges.

Repeal.

(3.) The Industrial Conciliation and Arbitration Amendment Act, 1910, is hereby amended by repealing subsection five of section four thereof, relating to the salaries of Judges. 15

Section 12 of principal Act amended.

4. (1.) Section twelve of the principal Act is hereby amended by omitting all words after the words "that is to say," and substituting the following words therefor:— 20

"After he has held office for not less than ten years, to an annual allowance of six twenty-fourths of such salary increased by one twenty-fourth of such salary for each complete year (if any) during which he has held office in excess of ten years, but not exceeding in any case an allowance of sixteen twenty-fourths of such salary." 25

(2.) Section twelve of the principal Act as so amended shall extend and apply to all Judges holding office at the commencement of this Act, save that no such Judge shall receive a smaller super-annuation allowance than that to which he would have been 30 entitled if this Act had not been passed.

The Court of Appeal.

Constitution of the Court of Appeal.

5. (1.) The Court of Appeal shall consist of two Divisions, to be called respectively the First Division and the Second Division of the Court of Appeal. 35

(2.) Each Division shall consist of five Judges of the Supreme Court to be appointed to that Division by the Governor in Council.

(3.) Any Judge of the Supreme Court may belong to both Divisions at the same time.

(4.) The Governor in Council may at any time revoke the 40 appointment of any Judge as a member of either Division.

(5.) When any Judge ceases to be a member of any Division, he shall nevertheless, so long as he remains a Judge of the Supreme Court, be deemed still to continue a member of that Division (in addition to all other members otherwise belonging thereto) for the 45 purpose of any appeal or other matter which has been already heard or partly heard before he ceased to belong to that Division.

Appointments to either Division of Court of Appeal to lapse at the end of the year.

(6.) The appointment of any Judge as a member of either Division shall, unless sooner revoked, lapse and determine on the 50 thirty-first day of December following his appointment, but nothing herein shall prevent his reappointment to the same Division.

(7.) The power conferred by this Act upon the Governor in Council of appointing Judges as members of either Division, or of revoking any such appointment, shall be exercisable on the recommendation of not less than three Judges of the Supreme Court (of whom the Chief Justice shall be one), and not otherwise.

Power of appointment and revocation to be exercised on recommendation of Judges.

6. No temporary Judge appointed under section eleven of the principal Act shall be a member of the Court of Appeal.

Temporary Judges not to belong to Court of Appeal.

7. (1.) The whole jurisdiction of the Court of Appeal may in any appeal or other proceeding be exercised by either Division thereof, even although such appeal or proceeding may have been commenced before the other Division.

Either Division may exercise jurisdiction of Court of Appeal.

(2.) Any three or more members of the same Division shall have power to act as the Court of Appeal.

(3.) At any sitting of either Division the Chief Justice, if a member of that Division and if present, shall preside, and in every other case the senior Judge of the Supreme Court who is present shall preside.

(4.) Section fifty-seven of the principal Act (relating to the Court of Appeal) is hereby amended by repealing subsections three and four thereof.

8. (1.) The Court of Appeal shall hold its sittings at such times and places as are from time to time appointed by the Governor in Council and notified in the *Gazette* twenty-one days at least before the times so fixed respectively.

Sittings of each Division.

(2.) Throughout any such sitting and every adjournment thereof the jurisdiction of the Court of Appeal shall be exercised by the same Division and not otherwise.

(3.) The same Division shall not exercise the jurisdiction of the Court of Appeal at two successive sittings.

(4.) Every appointment by the Governor in Council of any sitting of the Court of Appeal shall determine in accordance with this Act the Division by which that sitting shall be held, and it shall be held by that Division accordingly and not otherwise.

(5.) Section fifty-nine of the principal Act (relating to sittings of the Court of Appeal) is hereby repealed.

Repeal.

9. Each Division of the Court of Appeal shall sit and exercise its jurisdiction separately, save that in respect of any sitting of either Division the Governor in Council may, on the certificate of two Judges (of whom the Chief Justice shall be one) that any appeal or other proceeding is of special difficulty or importance, authorize all the Judges of the other Division to sit together with those of the former Division for the hearing and determination of that appeal or proceeding.

Joint sittings of both Divisions.

10. The jurisdiction of the Supreme Court, or of the Court of Appeal, or of either Division thereof shall not be affected by any vacancy in the number of the Judges of that Court or Division.

Vacancies in Supreme Court or Court of Appeal.