

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

*Legislative Council,*

*13th July, 1923.*

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE.]

*House of Representatives, 21st August, 1923.*

*Hon. Sir Francis Bell.*

## JUDICATURE AMENDMENT.

### ANALYSIS.

Title.		
1. Short Title.		3. Reducing quorum of Court of Appeal for certain purposes.
2. Restrictions on the power of appointment of temporary Judges.		4. Jurisdiction of Court to award costs in all cases.

### 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:—

1. This Act may be cited as the Judicature Amendment Act, 1923, and shall be read together with and deemed part of the Judicature Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. Section eleven of the principal Act is hereby amended as follows:—

Restrictions on the power of appointment of temporary Judges.

(a.) By omitting the words “during His Excellency’s pleasure,” and substituting the words “as hereinafter provided.”

(b.) By adding the following as subsections two and three of the said section:—

“(2.) The power conferred by this section shall be exercised only on a certificate signed by the Chief Justice and not less than three other permanent Judges to the effect that, in their opinion, it is necessary for the due conduct of the business of the Court that one or more additional Judges should be temporarily appointed.

“(3.) Every Judge appointed on account of the illness or absence of a Judge shall hold office during the pleasure of the Governor-General, and every other Judge appointed for a temporary purpose shall hold office for such period, not exceeding twelve months, as may be limited in his commission.”

Reducing quorum  
of Court of Appeal  
for certain purposes.

3. Subsection two of section seven of the Judicature Amendment Act, 1913, is hereby amended by adding the following proviso:—

“ Provided that any two members of the same Division shall have power to act as the Court of Appeal for the purpose of delivering any judgment of the Court or of hearing applications for leave to appeal to the Privy Council.” 5

Jurisdiction of  
Court to award  
costs in all cases.

4. Where any enactment now in force or that may hereafter be passed confers jurisdiction on the Supreme Court or a Judge thereof in regard to any matter, without expressly conferring jurisdiction to award or otherwise deal with the costs of the proceedings in Court connected with such matter, jurisdiction to award and deal with such costs and to make and enforce orders relating thereto shall be deemed to be also conferred on the Court or Judge. Such costs shall be in the discretion of the Court or Judge, and may, if the Court or Judge thinks fit, be ordered to be charged upon or paid out of any fund or estate before the Court. 10 15

*New.*

Increasing by one  
the number of  
Supreme Court  
Judges.

5. Section two of the Judicature Amendment Act, 1913, is hereby amended by repealing subsection one, and substituting the following subsection:— 20

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