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JUDICATURE AMENDMENT BILL.

EXPLANATORY MEMORANDUM.

THE ordinary sittings of the Court of Appeal are fixed by the Governor-General by Order in Council issued pursuant to section eight of the Judicature Amendment Act, 1913, and may be so fixed for several sittings in advance.

The purpose of the present Bill is to enable the Governor-General in Council to appoint a special sitting of the Court to deal with any urgent matter, without disturbing the fixtures that may have been already made for ordinary sittings. At any special sitting the jurisdiction of the Court of Appeal may be exercised by any three Judges of the Supreme Court, who may be of the same or of different Divisions of the Court of Appeal.

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Hon. Mr. Cobbe.

JUDICATURE AMENDMENT.

ANALYSIS.

Title.
1. Short Title.

2. Governor-General may fix special sittings of Court of Appeal.

A BILL INTITULED

AN ACT to amend the Judicature Act, 1908.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority

5 of the same, as follows :—

1. This Act may be cited as the Judicature Amendment Act, 1932-33, and shall be read together with and deemed part of the Judicature Act, 1908.

2. (1) In addition to the sittings of the Court of Appeal fixed pursuant to section eight of the Judicature Amendment Act, 1913, and notwithstanding anything to the contrary in that Act, special sittings of the said Court shall be held at such times and places as may in accordance with this section be from time to time appointed by the Governor-General by Order in Council published in the *Gazette*.

(2) The authority conferred on the Governor-General by this section shall be exercised only on the certificate of the Chief Justice, given on the ground that it is not desirable or expedient that the hearing of any appeal or other proceeding, to be specified in the certificate, should be deferred until the next ordinary sitting of the Court of Appeal.

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(3) In any appeal or other proceeding to be heard at a special sitting of the Court of Appeal, the whole jurisdiction of that Court may, notwithstanding anything to the contrary in the Judicature Amendment Act, 1913, be exercised by any three or more Judges of the Supreme Court (whether of the same Division of the Court of Appeal or not), who shall be called together for the purpose by the Chief Justice, and of whom the Chief Justice may be one. 5

(4) The holding of a special sitting of the Court of Appeal shall not in any way affect the holding of any sitting of that Court fixed or to be fixed under section eight of the Judicature Amendment Act, 1913, or the validity of anything done thereat, or the Division of that Court by which any such sitting shall be held. A special sitting as aforesaid shall not be regarded as a sitting of the Court of Appeal for any purpose other than the hearing and determination of the appeal or other proceeding in respect of which a certificate is given by the Chief Justice in accordance with subsection *two* of this section. 10 15 20