

JUDICATURE AMENDMENT BILL.

EXPLANATORY MEMORANDUM.

THE purpose of this Bill is to alter the procedure prescribed by the Judicature Amendment Act, 1932-33, for summoning special sittings of the Court of Appeal in cases of emergency. The Bill provides that such a sitting shall be held only after a certificate given by three Judges of the Supreme Court (of whom the Chief Justice shall be one), to the effect that by reason of special circumstances it is desirable that a special sitting be held. For purposes of convenience it is proposed to repeal the existing Act, and to re-enact it with the modification indicated above.

The Bill has been promoted at the request of the Right Honourable the Chief Justice of New Zealand.

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,

17th October, 1933.

Hon. Mr. Cobbe.

JUDICATURE AMENDMENT.

Title.	ANALYSIS.
1. Short Title.	
2. In event of incapacity of Chief Justice the senior Judge of the Supreme Court may be authorized to act in his place.	3. Governor-General may fix special sittings of Court of Appeal. 4. Repeal.

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
5 of the same, as follows:—

1. This Act may be cited as the Judicature Amendment Act, 1933, and shall be read together with and deemed part of the Judicature Act, 1908 (hereinafter referred to as the principal Act). Short Title.
- 10 2. If and whenever from illness or other cause not mentioned in section five of the principal Act the Chief Justice of New Zealand is prevented from exercising the duties of his office, the Governor-General by warrant under his hand may authorize the senior
15 Judge in New Zealand to act as Chief Justice until the Chief Justice resumes his duties, and during that period to execute the duties of the said office and to exercise all powers which may be lawfully exercised by the Chief Justice. In event of incapacity of Chief Justice the senior Judge of the Supreme Court may be authorized to act in his place.

No. 7—2.

Governor-General may fix special sittings of Court of Appeal.
See Reprint of Statutes, Vol. II, p. 94

3. (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*. 5

(2) The authority conferred on the Governor-General by this section shall be exercised only on a certificate of not less than three Judges of the Supreme Court (of whom the Chief Justice shall be one) 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. 10 15

(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). 20

(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 in accordance with subsection *two* of this section. 25 30

Repeal.

4. The Judicature Amendment Act, 1932-33, is hereby repealed. 35