

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 27 September 1961

Words inserted by the Committee of the Whole are shown in roman underlined with a double rule.

Hon. Mr Hanan

JUDICATURE AMENDMENT

ANALYSIS

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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 of the same, as follows:

1. **Short Title**—This Act may be cited as the Judicature Amendment Act 1961, and shall be read together with and deemed part of the Judicature Act 1908* (hereinafter referred to as the principal Act).

10 2. **The Judges of the Supreme Court**—(1) Section 4 of the principal Act (as inserted by subsection (1) of section 4 of the Judicature Amendment Act 1957 and amended by section 2 of the Judicature Amendment Act 1959) is hereby further amended by omitting from subsection (1) the word “fourteen”,
15 and substituting the word “fifteen”.

*1957 Reprint, Vol. 6, p. 699

Amendments: 1958, No. 40; 1959, No. 20; 1960, No. 109

(2) The Judicature Amendment Act 1959 is hereby repealed.

(3) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of the Judicature Amendment Act 1959 by subsection (2) of this section shall not affect the appointment deemed to have been made by section 3 of that Act. 5

(4) This section shall be deemed to have come into force on the twenty-fourth day of March, nineteen hundred and sixty-one. 10

3. Appointment of Hon. Mr Justice Leicester—The Honourable Wilfred Erne Leicester, who was appointed to be a Judge of the Supreme Court for a limited period on the twenty-fourth day of March, nineteen hundred and sixty-one, and who was appointed permanently on the first day of June, nineteen hundred and sixty-one, shall be deemed to have been appointed permanently on the said twenty-fourth day of March, nineteen hundred and sixty-one. 15

4. Appointment of Hon. Mr Justice Woodhouse—The Honourable Arthur Owen Woodhouse, who was appointed to be a Judge of the Supreme Court for a limited period on the twenty-first day of June, nineteen hundred and sixty-one, shall be deemed to have been appointed permanently on that date. 20

5. Salaries of Judges—(1) There shall be paid to the Judges of the Court of Appeal and to the Judges of the Supreme Court out of the Consolidated Fund, without further appropriation than this Act, salaries at the following rates: 25

(a) To the Chief Justice of New Zealand, at the rate of four thousand seven hundred and fifty pounds a year: 30

(b) To the President of the Court of Appeal, at the rate of four thousand five hundred pounds a year:

(c) To each of the other Judges of the Court of Appeal or of the Supreme Court, at the rate of four thousand two hundred and fifty pounds a year. 35

(2) Section 5 of the Judicature Amendment Act 1960 is hereby repealed.

(3) This section shall be deemed to have come into force on the first day of April, nineteen hundred and sixty-one. 40

6. Term of office of temporary Judges—Section 11 of the principal Act (as amended by section 2 of the Judicature Amendment Act 1923) is hereby further amended by adding the following subsection:

- 5 “(4) A Judge appointed under this section may be re-appointed, but no Judge shall hold office under this section for more than two years in the aggregate.”

7. Age of retirement—Section 13 of the principal Act is hereby amended by inserting in subsection (1) (as amended by subsection (1) of section 18 of the Superannuation Amendment Act 1955) after the words “Every Judge”, the words “(other than a Judge appointed under section 11 of this Act)”.

8. Notices requiring certain actions to be tried by jury—
15 (1) Section 2 of the Judicature Amendment Act (No. 2) 1955 is hereby amended by repealing subsection (2), and substituting the following subsection:

20 “(2) If the debt or damages or the value of the chattels claimed in any action to which this section applies exceeds fifty pounds, either party may have the action tried before a Judge and a jury on giving notice to the Court and to the other party, within the time and in the manner prescribed by the rules of the Supreme Court, that he requires the action to be tried before a jury.”

25 (2) Section 2 of the Judicature Amendment Act (No. 2) 1955 is hereby further amended by omitting from subsection (3), and also from subsection (5) (as inserted by section 4 of the Judicature Amendment Act 1960), the words “delivered and served”, and substituting in each case the word “given”.

30 (3) This section shall come into force on the first day of January, nineteen hundred and sixty-two.

9. Solicitor-General to be member of Rules Committee—

(1) Section 2 of the Judicature Amendment Act 1930 is hereby amended by inserting in subsection (1), after paragraph (b),
35 the following paragraph:

“(bb) The Solicitor-General; and”.

(2) Section 2 of the Judicature Amendment Act 1930 is hereby further amended by omitting from subsection (2) the words “and the Attorney-General”, and substituting the
40 words “the Attorney-General, and the Solicitor-General”.

10. Expenses to be tendered to witnesses—Section 56A of the principal Act (as inserted by section 2 of the Judicature Amendment Act 1960) is hereby amended by adding the following subsection:

“(3) No witness shall be compellable to attend at the hearing of any civil proceeding in the Supreme Court unless at the time of the service of the writ of subpoena, or at some other reasonable time before the hearing, a sum in respect of his allowances and travelling expenses in accordance with the scale prescribed for the time being by regulations made under the Summary Proceedings Act 1957 is tendered or paid to him.”

11. Witnesses entitled to expenses—The principal Act is hereby amended by inserting, after section 56B (as inserted by section 2 of the Judicature Amendment Act 1960), the following section:

“56BB. Every witness attending the Supreme Court upon a writ of subpoena, and every other witness giving evidence in the course of any civil proceeding, shall be entitled as against the party calling him to a sum for his allowances and travelling expenses and loss of time in accordance with the scale prescribed for the time being by regulations made under the Summary Proceedings Act 1957:

“Provided that the Court may disallow the whole or any part of such sum.”