

## JUDICATURE AMENDMENT BILL

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### EXPLANATORY NOTE

*Clause 2* provides that the Hon. Mr Justice Wilson is to be deemed to have been permanently appointed on 19 December 1962.

*Clause 3* inserts a new section 14 in the principal Act. This section provides that where any Judge of the Supreme Court who has not attained the age of 72 years ceases with the approval of the Governor-General to perform the duties of his office for the purpose of commencing retirement leave his commission shall thereupon cease to have effect. The Judge will continue to receive his salary, privileges, and allowances until the end of his leave and his rights under the Superannuation Act 1956 will not be affected.

*Clause 4* amends section 57 of the principal Act so that the two junior members of the Court of Appeal will have seniority between themselves according to the dates of their appointments as Judges of the Court of Appeal. They at present have seniority between themselves according to their seniority as Judges of the Supreme Court and their seniority will continue to be determined in this manner if they are both appointed to the Court of Appeal on the same day.

*Hon. Mr Hanan*

## JUDICATURE AMENDMENT

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### ANALYSIS

Title	
1. Short Title	3. Commission to cease when retiring
2. Appointment of Hon. Mr Justice Wilson	leave taken
	4. Seniority in Court of Appeal

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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,  
5 as follows:

**1. Short Title**—This Act may be cited as the Judicature Amendment Act 1963, and shall be read together with and deemed part of the Judicature Act 1908\*.

**2. Appointment of Hon. Mr Justice Wilson**—The Honour-  
10 able John Nigel Wilson, who was appointed to be a Judge of the Supreme Court for a limited period on the nineteenth day of December, nineteen hundred and sixty-two, and who was appointed permanently on the thirteenth day of August, nineteen hundred and sixty-three, shall be deemed to have  
15 been appointed permanently on the said nineteenth day of December, nineteen hundred and sixty-two.

\*1957 Reprint, Vol. 6, p. 699

Amendments: 1958, No. 40; 1959, No. 20; 1960, No. 109; 1961, No. 11

**3. Commission to cease when retiring leave taken**—The principal Act is hereby amended by inserting, after section 13, the following section:

“14. Where any Judge of the Supreme Court who has not attained the age of seventy-two years ceases with the approval of the Governor-General to perform the duties of his office for the purpose of commencing retirement leave his commission shall expire with the expiration of the day on which he so ceases his duties: 5

“Provided that he shall continue to receive the salary, privileges, and allowances of his former office until the expiration of that leave or until he attains the age of seventy-two years or until he dies, whichever first occurs, and his rights and obligations under the Superannuation Act 1956 and all the rights which his widow may have under that Act shall be the same as they would have been if he had held his former office while he continued to receive his salary, privileges, and allowances as aforesaid.” 10 15

**4. Seniority in Court of Appeal**—Section 57 of the principal Act (as amended by subsection (1) of section 2 of the Judicature Amendment Act 1957) is hereby further amended by inserting in subsection (6) after the words “according to”, the words “the dates of their appointments as Judges of the Court of Appeal or, if they are so appointed on the same day, according to”. 20 25