

Serial Number 1951/286

**THE COMPENSATION COURT REGULATIONS 1940,
AMENDMENT NO. 5**

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 5th day of
December 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 70 of the Statutes Amendment Act 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Compensation Court Regulations 1940, Amendment No. 5, and shall be read together with and deemed part of the Compensation Court Regulations 1940* (hereinafter referred to as the principal regulations).

2. (1) The principal regulations are hereby amended by revoking regulations 3 and 3A (as enacted by regulation 3 of the Compensation Court Regulations 1940, Amendment No. 1), and substituting the following regulations :—

“ 3. (1) The Compensation Court shall consist of a Judge, who shall be appointed as the Judge of the Court by the Governor-General.

“ (2) No person other than a barrister or solicitor of not less than seven years' standing of the Supreme Court shall be appointed to be the Judge of the Compensation Court.

“ (3) The appointment of the Judge of the Court shall continue in full force during good behaviour, notwithstanding the demise of His Majesty.

“ (4) It shall be lawful for the Governor-General in Council, upon the address of the House of Representatives, to remove the Judge of the Court from his office and to revoke his appointment, or to suspend the Judge of the Court upon a like address.

“ (5) It shall be lawful for the Governor-General in Council, at any time when Parliament is not in session, to suspend the Judge of the Court from his office, and that suspension, unless previously revoked, shall continue in force until the end of the next ensuing session and no longer.

* Statutory Regulations 1940, Serial number 1940/38, page 88.

Amendment No. 1 : Statutory Regulations 1941, Serial number 1941/26, page 64.

Amendment No. 2 : Statutory Regulations 1943, Serial number 1943/23, page 33.

Amendment No. 3 : Statutory Regulations 1944, Serial number 1944/74, page 219.

Amendment No. 4 : Statutory Regulations 1948, Serial number 1948/95, page 206.

“(6) The Judge of the Court shall retire from office on attaining the age of seventy-two years; and on such retirement shall, if he has held office for any term as mentioned in the next succeeding regulation, be entitled to the appropriate superannuation allowance provided in that regulation.

“3A. (1) There shall be paid to the Judge of the Court out of the Consolidated Fund a salary at the rate of seventeen hundred and fifty pounds a year, together with such travelling allowances as may be fixed from time to time by the Governor-General:

“Provided that, so long as the person holding office as the Judge of the Court at the date of the commencement of this regulation continues to hold that office, he shall continue to be paid the salary and allowances to which he was entitled immediately before the commencement of this regulation.

“(2) The salary of the Judge of the Court shall not be diminished during the continuance of his appointment.

“(3) Every Judge of the Court holding office during good behaviour who resigns his office after having attained the age of sixty years, or who in the opinion of the Governor-General in Council becomes incapable of performing the duties of his office by reason of any permanent infirmity, shall be entitled to a superannuation allowance in proportion to the amount of his annual salary at the time of resigning or becoming incapable at the following rate, that is to say:—

“After he has held office for not less than ten years, to an annual allowance of six twenty-fourths of that salary increased by one twenty-fourth of that salary for each complete year (if any) during which he has held office in excess of ten years, but not exceeding in any case an allowance of sixteen twenty-fourths of that salary.

“(4) Every Judge of the Court holding office during good behaviour who has held office for a period of less than ten years but not less than five years, and who retires on attaining the age of seventy-two years or satisfies the Governor-General in Council that he has become incapable of performing the duties of his office by reason of any permanent infirmity, and thereupon resigns his office, shall be entitled to a superannuation allowance in proportion to the amount of his annual salary at the time of resigning, computed at the rate of three twenty-fourths of that salary increased by one twenty-fourth of that salary for each complete year (if any) during which he has held office in excess of five years, but not exceeding in any case an allowance of six twenty-fourths of that salary:

“Provided that, if the Governor-General, by Order in Council, so directs in the case of any Judge of the Court, his allowance shall be increased from the commencement thereof, or from such later date as may be specified in the Order (being before or after the date of the Order), to such amount as may be so specified, not exceeding two-ninths of that salary.

“(5) The said superannuation allowances shall be paid monthly out of the Consolidated Fund during the lives of the several persons entitled thereto.

“3B. The Judge of the Court, as soon as may be after his acceptance of office, shall take and subscribe the Oath of Allegiance and the Judicial Oath in accordance with section seven of the Judicial Oaths Act 1908.

“ 3c. (1) The Governor-General may from time to time, whenever in his opinion it is necessary or expedient to make a temporary appointment, appoint a Judge of the Compensation Court to hold office for such period as may be limited in his commission.

“(2) The power conferred by this regulation to make a temporary appointment may be exercised at any time, notwithstanding that there may be one or more persons holding the office of Judge of the Compensation Court, whether under a permanent or temporary appointment.

“(3) Every Judge appointed under this regulation shall be paid such salary, not exceeding the salary payable for the time being to the permanent Judge of the Court, as the Governor-General directs.”

(2) The following regulations are hereby revoked, namely:—

- (a) The Compensation Court Regulations 1940, Amendment No. 1 :
- (b) The Compensation Court Regulations 1940, Amendment No. 2 :
- (c) The Compensation Court Regulations 1940, Amendment No. 3.

T. J. SHERRARD,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 6th day of December 1951.

These regulations are administered in the Department of Labour and Employment.