

Appellate Jurisdiction Act 1908

Imperial Act 51
Date of assent 21 December 1908

Appellate Jurisdiction Act 1908, sections 1, 3(1), 4, 5, and 7: ceased to have effect as part of the law of New Zealand, on 1 January 2004, by section 49(1) of the Supreme Court Act 2003 (2003 No 53).

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An Act to amend the law with respect to the Judicial Committee of the Privy Council, and the Court of Appeal in England.

- 1 Power to direct colonial judge to act as assessor of the Judicial Committee on hearing of appeals from the colony**
- (1) For the purpose of the hearing of any appeal to His Majesty in Council from any court in a British possession, His Majesty may, if he thinks fit, authorise any person who is or has been a judge of the court from which the appeal is made, or a judge of a court to which an appeal lies from the court from which the appeal is made, and whose services are for the time being available, to attend as an assessor of the Judicial Committee of the Privy Council on the hearing of the appeal.
- (2) This section shall not apply to any British possession except the possessions specified in the schedule to this Act and any

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

Source: New Zealand Parliamentary Library, International Documents Collection.

possession which may hereafter be added to that schedule by Order in Council.

3 Extension to 58 & 59 Vict, c 44

Section 1 of the Judicial Committee Amendment Act 1895, shall have effect as if the persons named therein included any person being or having been chief justice or a justice of the High Court of Australia or chief justice or judge of the Supreme Court of Newfoundland.

4 Resignation of members of Judicial Committee

Any member of the Judicial Committee of the Privy Council may resign his office as member of that Committee by giving notice of his resignation in writing to the Lord President of the Council.

5 General Order instead of annual Order directing appeals to be referred to Judicial Committee

His Majesty may from time to time by Order in Council make a general Order directing that all appeals shall be referred to the Judicial Committee of the Privy Council until the Order is rescinded, and section 9 of the Judicial Committee Act 1844 shall have effect as if any such general Order for the time being in force were substituted in the first proviso to that section for the annual Order therein referred to, and the time for which the Order remains in force were substituted for the twelve months next after the making of the general Order. The expression “appeals” in this section means appeals on petitions presented to His Majesty in Council, and includes any complaints in the nature of appeals and any petitions in the matter of appeals

7 Short title and construction

- (1) This Act may be cited as the Appellate Jurisdiction Act 1908 (Imp.).
 - (2) The provisions of this Act shall be in addition to and shall not affect any other enactment for the appointment of or relating to members of the Judicial Committee.
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Eprint notes

1 *General*

This is an eprint of the Appellate Jurisdiction Act 1908 (Imp) that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Supreme Court Act 2003 (2003 No 53): section 49(1)
