

NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 22.

ANALYSIS :

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| Title. | |
| Preamble. | office on address of both Houses of General Assembly. |
| 1. Section 10 of Ordinance No. 1 of Sess. 3, repealed. | 5. Power to Governor to suspend. |
| 2. Governor to appoint Judges of the Supreme Court in the name of Her Majesty. | 6. Judges salaries secured. |
| 3. Judges to hold office during good behaviour. | 7. Governor may appoint Judge, for temporary purpose, during pleasure. |
| 4. Governor may remove Judges from | 8. Superannuation allowances. |
| | 9. To be paid out of General Revenue. |
| | 10. Short Title. |

AN ACT to regulate the appointment and tenure of Office of the Judges of the Supreme Court. Title.
[3rd July, 1858.]

WHEREAS by an Act of the Governor and Legislative Council of New Zealand, Session 3, No. 1, intituled "An Act for establishing a Supreme Court," it is enacted by the tenth section thereof as follows: "The Court shall consist of one Judge, who shall be called the Chief Justice of New Zealand, and of such other Judges as Her Majesty shall from time to time be pleased to appoint: Provided, that it shall be lawful for His Excellency the Governor to appoint such Judges provisionally until Her Majesty's pleasure shall be known. The Judges of the Court shall hold their offices during Her Majesty's pleasure." And whereas it is expedient to repeal the said section, and to make other provisions in lieu thereof. Preamble

Supreme Court Judges.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand, in Parliament assembled, and by the authority of the same, as follows:—

Section 10 of Ordinance No. 1 of Session 3 repealed.

I. The said section number ten of the said Ordinance is hereby repealed.

Governor to appoint Judges of Supreme Court in the name of Her Majesty.

II. The Supreme Court of New Zealand shall consist of one Judge to be appointed in the name and on behalf of Her Majesty, who shall be called the Chief Justice, and of such other Judges as His Excellency in the name and on behalf of Her Majesty shall from time to time appoint.

Judges to hold office during good behaviour

III The commission of the present Chief Justice, and of every Chief Justice and other Judge of the said Court to be hereafter appointed (except as hereinafter provided) shall be and continue in full force during their Good Behaviour, notwithstanding the Demise of Her Majesty, any Law, Usage, or Practice to the contrary notwithstanding.

Governor may remove Judges from office on address of both houses of General Assembly.

IV. Provided always that it shall be lawful for the Governor of New Zealand at his discretion, in the name and on behalf of Her Majesty, upon the address of both Houses of the General Assembly, to remove any such Judge from his office and to revoke his Patent or Commission.

Power to Governor to suspend.

V. Provided also that it shall be lawful for the Governor in Council, at any time when the General Assembly shall not be in Session, to suspend any Judge from his office; and such suspension, unless previously revoked, shall continue in force until the end of the next Session of the General Assembly, and no longer.

Judges Salaries secured.

VI. A Salary equal at least in amount to that which at the time of the appointment of any Judge shall be then payable by Law shall be paid to such Judge so long as his Patent or Commission shall continue and remain in force.

Governor may appoint Judge, for temporary purpose, during pleasure.

VII. It shall also be lawful for the Governor in Council in the name and on behalf of Her Majesty, at any time during the illness or absence of any Judge so appointed as aforesaid, or for any other temporary purpose, to appoint a Judge or Judges of the Supreme Court to hold office during his Excellency's pleasure, and every such Judge shall be paid such Salary, not exceeding the amount payable by Law to a Puisne Judge of the said Court, as the Governor in Council shall think fit to direct.

Superannuation allowances.

VIII. Every Judge of the Supreme Court, holding office during good behaviour, who shall resign his Office after having attained the age of 60 years, shall, after the passing of this Act, be entitled to a superannuation allowance, in proportion to the amount of his annual salary at the time of resignation, after the following rate, viz.—

After 10 years service to an annual allowance of three-twelfths of such salary.

Supreme Court Judges.

After 15 years service to an annual allowance of four-twelfths of such salary.

After 20 years service to an annual allowance of five-twelfths of such salary.

After 25 years service to an annual allowance of six-twelfths of such salary.

After 30 years service to an annual allowance of seven-twelfths of such salary.

After 35 years service to an annual allowance of eight-twelfths of such salary.

IX. Such superannuation allowances shall be paid quarterly out of the general Revenue of the Colony during the natural lives of the several persons respectively entitled thereto. To be paid out of General Revenue.

X. The Short Title of this Act shall be "The Supreme Court Judges Act, 1858." Short Title.