

No. III.

An Act to remove doubts as to the legality of certain sittings in Banco of Judges of the Supreme Court, and to provide for the holding of simultaneous sittings of such Court in Banco by and before Judges thereof in two or more Divisions. [24th November, 1891.]

SUPREME COURT
PROCEDURE.

WHEREAS for the purpose of preventing the accumulation of Preamble. arrears the Supreme Court has of late been held by and before Judges of such Court sitting in Banco at the same time in two separate Divisions, and such practice has proved to be highly beneficial in the public interest; but doubts having arisen as to the legality of holding the Court in such Divisions, it is expedient to remove the same; and whereas for the future it is expedient in the interests of suitors and of the public generally that sittings of the Supreme Court in Banco in two or more Divisions and at the same time, for the hearing and determination of all matters within the jurisdiction of the Supreme Court in Banco, should receive legislative sanction: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. All judgments, decisions, and orders of, and all other acts done by and proceedings taken before, Judges of the Supreme Court while holding any sitting of the said Court in Banco or purporting so to do, although such sittings were in two separate Divisions, at any time before the passing of this Act, are hereby declared to be and always to have been valid to all intents and purposes; and all acts, matters, and proceedings done, or taken by or before any officer of the said Court, or by any other person lawfully authorized or empowered in that behalf, in furtherance of or for the purpose of carrying out any such judgments, decisions, orders, or acts hereby validated are hereby declared to be and always to have been equally valid to all intents and purposes.

2. Two or more Courts each consisting of two or more Judges may during term be held simultaneously in Banco, each Court having power to exercise the full jurisdiction of the Supreme Court hitherto possessed while sitting in Banco: Provided that nothing in this Act shall affect any law now existing which requires appeals to be heard before at least three Judges of the said Court.

3. Nothing in this Act shall prejudice or affect the power of Saving clause any one Judge to hold a sitting of the Supreme Court alone under the provisions or for the purposes of any Act of Parliament.

4. This Act may be cited for all purposes as the "Supreme Short title. Court Procedure Act of 1891."