

SUPREME COURT AND CIRCUIT
COURTS (PROTHONOTARY)
(AMENDMENT) ACT.

Act No. 14, 1935.

George V.
No. 14, 1935.

An Act to make certain provisions relating to the office of Prothonotary of the Supreme Court; to amend the Supreme Court and Circuit Courts Act, 1900, the Public Service Act, 1902, and certain other Acts in certain respects; to validate certain Acts of the Prothonotary and Deputy Prothonotary; and for purposes connected therewith. [Assented to, 13th March, 1935.]

BE it enacted by the King'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 :—

Short title
and com-
mencement.

1. (1) This Act may be cited as the “ Supreme Court and Circuit Courts (Prothonotary) Amendment Act, 1935.”

(2)

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(2) This Act shall be deemed to have commenced on the second day of May, one thousand nine hundred and thirty-four.

2. (1) The Supreme Court and Circuit Courts Act, 1900, is amended—

Amend-
ment of
Act No. 35,
1900.

(a) by inserting next after section fifteen the following new Part:—

PART IIa.

THE PROTHONOTARY.

15A. (1) The Governor may with the concurrence of the Chief Justice, appoint at such salary as the Governor deems reasonable a Prothonotary of the Supreme Court.

Appoint-
ment of
Protho-
notary.

(2) The Governor may with the like concurrence appoint some fit person as Deputy Prothonotary to act as and exercise the powers and discharge the duties of the Prothonotary during his absence from Sydney or his incapacity to act from any cause or where the office of Prothonotary is for the time being vacant.

(3) (a) Subject to this section, every person appointed to the office of Prothonotary shall hold office during good behaviour, but shall retire on the day on which he attains the age of seventy years.

(b) Every such officer shall on retiring be entitled to a pension at the same rate as that provided in the case of a puisne judge appointed after the commencement of the Judges' Pensions Amendment Act, 1906, under section twelve of this Act and subsections two to five inclusive of that section shall apply to such officer and pension.

(c) Where the person so appointed is at the time of his appointment an officer of the Public Service, and is then required to contribute to any fund, he shall continue to contribute to such fund and shall be entitled to receive any deferred or extended leave and any
privileges

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privileges and payment or pension as if he had remained an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916-1930, in addition to the pension provided for in paragraph (b) of this subsection.

(4) The Governor shall have power to remove any person from the office of Prothonotary on account of misbehaviour or inability to perform the duties of his office.

(b) by inserting in section one next after the figures " 15 " the heading and figures " PART II.—
The Prothonotary—s. 15A."

(2) The Supreme Court and Circuit Courts Act, 1900, as amended by subsequent Acts and this Act, may be cited as the Supreme Court and Circuit Courts Act, 1900-1935.

Present
Protho-
notary
continues
in office.

3. The person holding the office of Prothonotary immediately prior to the commencement of this Act shall be deemed to be appointed to such office pursuant to section 15A of the Supreme Court and Circuit Courts Act, 1900-1935, subject to the following special provisions, namely:—

(a) paragraph (a) of subsection three of the said section shall apply to him, but he shall retire not later than the fourth day of May, in the year one thousand nine hundred and thirty-seven.

(b) paragraph (b) of the said subsection shall not apply to him, but he shall, on retirement, be entitled to a pension at the rate of three one-hundredths of his salary for each completed year of his service from the date of commencement of this Act until the date of his retirement.

Such pension shall be in each year charged upon and payable out of the Consolidated Revenue Fund.

Such pension to be in addition to any rights accrued or accruing to which he may be entitled on retirement under any other Act, and service
under

under this Act shall be deemed to be service within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916-1930;

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- (c) paragraph (c) of the said subsection shall apply to him, but he shall not thereby be required to make any contribution to which he was not, at the commencement of this Act, by law, required to make;

- (d) subsection four of that section shall extend to him.

4. Section five of the Public Service Act, 1902, is amended by inserting after the words " Master in Equity or Lunacy " the word " Prothonotary."

Amendment
of Act No.
31, 1902.

5. No act done by the Prothonotary or the Deputy Prothonotary at any time after the second day of May, one thousand nine hundred and thirty-four, shall be held invalid in law merely on the ground that the Prothonotary had not at the time of the Act been properly continued in his office.

Validation.
