

SUPREME COURT AND CIRCUIT COURTS (PROTHONOTARY) AMENDMENT ACT.

Act No. 22, 1948.

George VI.
No. 22, 1948.

An Act to make further provision in relation to the office of Prothonotary of the Supreme Court, and for the appointment from time to time of an acting Prothonotary; to amend the Supreme Court and Circuit Courts Act, 1900, the Public Service Act, 1902, the Superannuation Act, 1916, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 21st May, 1948.]

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.

1. This Act may be cited as the "Supreme Court and Circuit Courts (Prothonotary) Amendment Act, 1948."

Amend-
ment of
Act No. 35,
1900.
Substi-
tuted
sec. 15A.

Appoint-
ment of
Protho-
notary
and of
acting
Protho-
notary.

2. (1) (a) The Supreme Court and Circuit Courts Act, 1900-1941, is amended by omitting section 15A and by inserting in lieu thereof the following section:—

15A. (1) The Governor may, under and subject to the Public Service Act, 1902, as amended by subsequent Acts, from time to time appoint a Prothonotary of the Supreme Court.

(2) (a) The Governor may, under and subject to the Public Service Act, 1902, as amended by subsequent Acts, from time to time as occasion may require, appoint an acting Prothonotary to act temporarily in the place of the Prothonotary during the illness, incapacity or absence of the Prothonotary or while the office of Prothonotary is for the time being vacant.

(b)

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(b) During the period for which he is appointed, an acting Prothonotary shall have the powers, duties and functions of the Prothonotary and may act in the place of the Prothonotary. No. 22, 1948.

No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising an acting Prothonotary so to act or as to the necessity or propriety of his appointment; and all acts or things done by an acting Prothonotary shall be as valid and effectual and shall have the same force and consequence as if the same had been done by the Prothonotary.

(c) Nothing in this subsection shall be construed to abridge or otherwise affect any powers, authorities, duties or functions conferred or imposed on a Deputy Prothonotary by or under this or any other Act.

(b) The Supreme Court and Circuit Courts Act, 1900, as amended by subsequent Acts and by this Act, may be cited as the Supreme Court and Circuit Courts Act, 1900-1948.

(2) The Public Service Act, 1902, as amended by subsequent Acts, is amended by omitting from section five the word "Prothonotary".

Amend-
ment of
Act No. 31,
1902, s. 5.
(Applica-
tion of
Act.)

(3) (a) The Superannuation Act, 1916, as amended by subsequent Acts, is amended by omitting from the definition of "Employee" in subsection one of section three the words "or the Prothonotary".

Amend-
ment of
Act No. 28,
1916, s. 3.
(Defini-
tions.)

(b) The Superannuation Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Superannuation Act, 1916-1948.

3. (1) Section two of this Act shall not operate to affect the tenure of office of the person who, immediately before the commencement of this Act, holds the office of Prothonotary (which person is in this section referred to as "the present Prothonotary"); and the present Prothonotary may continue to hold that office in all respects as if this Act had not been enacted.

Saving of
rights of
present
Protho-
notary.

(2)

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(2) Section two of this Act shall not operate—

- (a) to deprive the present Prothonotary of any right to receive any payment or pension to which he would be entitled under any of the Acts amended by section two of this Act if this Act had not been enacted; or
- (b) to deprive any person of any right to receive any payment or pension to which upon the death of the present Prothonotary he would be entitled under any of the Acts amended by section two of this Act if this Act had not been enacted.

(3) The person who, immediately before the commencement of this Act, holds the office of Deputy Prothonotary may continue to hold that office in all respects as if he had been appointed thereto by the Governor under and subject to the Public Service Act, 1902, as amended by subsequent Acts.
