CHAP. 91.

An Act to make further provision for the despatch of business by the Judicial Committee of the Privy Council. A.D. 1871.

[21st August 1871.]

WHEREAS it is expedient to make further provision for the despatch of business by the Judicial Committee of the Privy Council:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Appointment of additional members of the Judicial Committee.

1. Her Majesty may within twelve months after the passing of this Act, by warrant under her Sign Manual, appoint four persons qualified as in this Act mentioned, whether already members of such Judicial Committee or not, to act as members of the Judicial Committee of the Privy Council under the provisions of this Act, and may from time to time within two years after the passing of this Act by a like warrant fill any vacancies occasioned by death or otherwise in the offices of the persons so appointed.

Any persons appointed to act under the provisions of this Act as members of the said Judicial Committee must be specially qualified as follows; that is to say, must at the date of their appointment be or have been judges of one of Her Majesty's Superior Courts at Westminster, or a Chief Justice of the High Court of Judicature at Fort William in Bengal, or Madras or Bombay, or of the late Supreme Court of Judicature at Fort William in Bengal.

Where any person appointed in pursuance of the provisions herein contained to act as a member of the said Judicial Committee is at the date of his appointment a judge as aforesaid, he shall on his appointment vacate his office as such judge, but as to pension shall remain in the same position as if no such appointment had been made; and service as a member of the Judicial Committee shall

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for the purposes of pension be reckoned as service in the court from which he was removed.

Whereas doubts have been entertained as to the meaning and effect of the provisions of the Court of Probate Act and the Divorce Act as to the pension of the judge of the Probate and judge of the Divorce Courts: Be it declared and enacted, that the said pension was intended to be and shall be similar in amount and in all other respects to the pension to which the puisne judges of the superior courts of common law are entitled.

There shall be paid to each of the said judges of the Judicial Committee so long as he shall hold such office a salary of five thousand pounds a year including any pension to which he may be entitled.

Any salary payable under this Act shall be charged on and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland. It shall grow due from day to day, and shall be payable to the person entitled thereto, or to his executors or administrators, at such intervals in every year, not being longer than three months, as the Treasury may from time to time determine.

It shall be the duty of every person appointed to act as a paid member of the Judicial Committee under this Act to attend the sittings of the said Committee when summoned thereto unless he shall be prevented by reasonable cause; and such members shall hold their office during good behaviour, and shall continue to hold their offices notwithstanding the demise of the Crown, but they shall be removable by Her Majesty, her heirs and successors, upon the address of both Houses of Parliament: Provided always, they shall hold their offices subject to such arrangements as may be hereafter made by Parliament for the constitution of a supreme court of appellate jurisdiction.

Provided that no member of the Judicial Committee of the Privy Council shall take part in the hearing of any appeal from any decision or judgment which he has given or assisted in giving.

Definition of "Superior Courts at Westminster."

2. In this Act—

The term "Superior Courts at Westminster" means Her Majesty's Superior Courts of Law and Equity at Westminster, inclusive of the Court of Probate in England and the Court for Divorce and Matrimonial Causes, and the High Court of Admiralty of England.

Saving of Acts relating to Judicial Committee.

3. This Act shall not, except in so far as is by this Act expressly provided, affect the Act of the session of the third and fourth years

of the reign of King William the Fourth, chapter forty-one, intituled " An Act for the better administration of justice in His Majesty's " Privy Council," or any Act amending the same. A.D. 1871.

4. This Act may be cited as The Judicial Committee Act, 1871, and shall, so far as is consistent with the tenor thereof, be construed as one with any Acts for the time being in force relating to the Judicial Committee of the Privy Council. Short title.

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