



Appellate Jurisdiction Act 1908

1908 CHAPTER 51

An Act to amend the Law with respect to the Judicial Committee of the Privy Council, and the Court of Appeal in England. [21st December 1908]

BE IT ENACTED by the King'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:

1 Power to direct colonial judge to act as assessor of the Judicial Committee on hearing of appeals from the colony.

- (1) For the purpose of the hearing of any appeal to His Majesty in Council from any court in a British possession, His Majesty may, if he thinks fit, authorise any person who is or has been a judge of the court from which the appeal is made, or a judge of a court to which an appeal lies from the court from which the appeal is made, and whose services are for the time being available, to attend as an assessor of the Judicial Committee of the Privy Council on the hearing of the appeal.
- (2) This section shall not apply to any British possession except the possessions specified in the schedule to this Act and any possession which may hereafter be added to that schedule by Order in Council.

2 Provision as to persons being or having been judges in British India.

- (1) If any person being or having been chief justice or judge of any High Court in British India is a member of His Majesty's Privy Council, he shall, if His Majesty so directs, be a member of the Judicial Committee of the Privy Council.
- (2) The number of persons being members of the Judicial Committee by reason of this section shall not exceed two at any one time.
- (3) In this section the expression " High Court in British India" means the High Court of Bengal, Madras, Bombay, or the North-Western Provinces, or any other Court in

British India which may for the time being be recognised for the purpose by Order in Council.

3 Extension of 58 & 59 Vict. c.44.

- (1) Section one of the Judicial Committee Amendment Act, 1895, shall have effect as if the persons named therein included any person being or having been chief justice or a justice of the High Court of Australia or chief justice or judge of the Supreme Court of Newfoundland.
- (2) The Schedule to the Judicial Committee Amendment Act, 1895, shall be read as if the Transvaal and the Orange River Colony were included therein as South African Colonies.

4 Resignation of members of the Judicial Committee.

Any member of the Judicial Committee of the Privy Council may resign his office as member of that Committee by giving notice of his resignation in "writing to the Lord President of the Council.

5 Power to make continuing Order instead of annual Order directing appeals to be referred to Judicial Committee.

His Majesty may from time to time by Order in Council make a general Order directing that all appeals shall be referred to the Judicial Committee of the Privy Council until the Order is rescinded, and section nine of the Judicial Committee Act, 1844, shall have effect as if any such general Order for the time being in force were substituted in the first proviso to that section for the annual Order therein referred to, and the time for which the Order remains in force were substituted for the twelve months next after the making of the general Order. The expression " appeals " in this section means appeals on petitions presented to His Majesty in Council, and includes any complaints in the nature of appeals and any petitions in the matter of appeals.

6 Attendance of a judge of the High Court in the Court of Appeal.

- (1) The Lord Chancellor may request the attendance at any time of any judge of the High Court to sit as an additional judge at the sittings of the Court of Appeal, and any judge whose attendance is so requested shall attend accordingly.
- (2) Every judge who attends in pursuance of this section shall be deemed to be an additional judge within the meaning of section four of the Supreme Court of Judicature Act, 1875, and section nineteen of the Appellate Jurisdiction Act, 1876 (which relate to the constitution of the Court of Appeal).
- (3) The fifth paragraph of section four of the Supreme Court of Judicature Act, 1875, beginning with the words " The Lord Chancellor " and ending with the words " attend accordingly," is hereby repealed.

7 Short title and construction.

- (1) This Act may be cited as the Appellate Jurisdiction Act, 1908.

- (2) The provisions of this Act shall be in addition to and shall not affect any other enactment for the appointment of or relating to members of the Judicial Committee.

Status: This is the original version (as it was originally enacted).

SCHEDULE

British India

The Dominion of Canada.

The Commonwealth of Australia.

The Dominion of New Zealand.

Cape of Good Hope.

Natal.

Transvaal.

Orange River Colony.

Newfoundland.