



ANALYSIS

Title
1. Short Title

2. Extension of term of office of Mr Justice Tompkins
3. Restriction on institution of vexatious actions

1965, No. 62

An Act to amend the Judicature Act 1908

[22 October 1965]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Judicature Amendment Act 1965, and shall be read together with and deemed part of the Judicature Act 1908 (hereinafter referred to as the principal Act).

2. Extension of term of office of Mr Justice Tompkins—
(1) Section 13 of the principal Act (as amended by section 18 (1) of the Superannuation Amendment Act 1955) shall not apply to the Honourable Arthur Lance Tompkins who shall retire from office as a Judge of the Supreme Court on the first day of August, nineteen hundred and sixty-eight.

(2) Paragraph (a) of subsection (2) of section 76 of the Superannuation Act 1956 (as amended by section 11 of the Superannuation Amendment Act 1964) shall apply to that Judge as if he attained the age of seventy-two years on that day.

3. Restriction on institution of vexatious actions—The principal Act is hereby amended by inserting, after section 71, the following section:

“71A. (1) If, on an application made by the Attorney-General under this section, the Supreme Court is satisfied that any person has persistently and without any reasonable ground instituted vexatious legal proceedings, whether in the Supreme Court or in any inferior Court, and whether against the same person or against different persons, the Court may, after hearing that person or giving him an opportunity of being heard, order that no civil proceeding or no civil proceeding against any particular person or persons shall without the leave of the Supreme Court or a Judge thereof be instituted by him in any court and that any civil proceeding instituted by him in any court before the making of the order shall not be continued by him without such leave.

“(2) Leave may be granted subject to such conditions (if any) as the Court or Judge thinks fit and shall not be granted unless the Court or Judge is satisfied that the proceeding is not an abuse of the process of the court and that there is *prima facie* ground for the proceeding.

“(3) No appeal shall lie from an order granting or refusing such leave.”

This Act is administered in the Department of Justice.
