



## ANALYSIS

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1997, No. 51

**An Act to amend the New Zealand Council of Law Reporting Act 1938** [28 July 1997]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the New Zealand Council of Law Reporting Amendment Act 1997, and is part of the New Zealand Council of Law Reporting Act 1938 (“the principal Act”).

**2. New sections relating to proceedings of Council substituted**—The principal Act is amended by repealing section 10, and substituting the following sections:

“**10. Chairperson**—The Attorney-General is the Chairperson of the Council and, when present, presides at all meetings.

“**10A. Deputy Chairperson**—(1) At its first meeting in each calendar year the Council must elect one of its members to be Deputy Chairperson.

“(2) The Deputy Chairperson, when present, presides at all meetings of the Council in the absence of the Chairperson.

“(3) Subject to subsection (4), the Deputy Chairperson holds office until a successor is elected under this section, and is eligible for re-election.

“(4) The office of Deputy Chairperson becomes vacant in any of the following circumstances:

“(a) If the Deputy Chairperson dies; or

“(b) If the Council removes the Deputy Chairperson from office; or

“(c) If the Deputy Chairperson resigns, by writing addressed to the Chairperson of the Council, or to the principal administrative officer of the Council; or

“(d) If the Deputy Chairperson ceases to be a member of the Council.

“(5) Where the office of Deputy Chairperson becomes vacant, an election to fill the vacancy must be held as soon as is reasonably practicable after its occurrence.

“10B. **Absence of Chairperson and Deputy Chairperson**—In the absence from any meeting of both the Attorney-General and the Deputy-Chairperson, the members present must elect one of their number to be the chairperson for the purposes of that meeting.

“10C. **Alternates**—(1) If any member of the Council appointed by the Chief Justice is absent from any meeting of the Council, any Judge of the High Court authorised in that behalf by the Chief Justice is entitled to attend the meeting.

“(2) If the Solicitor-General is absent from any meeting of the Council, any person employed in the Crown Law Office authorised by the Solicitor-General is entitled to attend the meeting.

“(3) If the President of the New Zealand Law Society is absent from any meeting of the Council, a Vice-President of that Society authorised by the Council of that Society is entitled to attend.

“(4) A person appointed under this section is, for the purpose of those meetings, deemed to be a member of the Council and that person’s attendance is evidence of authority to do so.

“10D. **Proceedings of Council**—(1) At any meeting of the Council 4 members form a quorum.

“(2) Except as otherwise provided in section 14, every question before the Council must be decided by a majority of the votes of the members present at a meeting of the Council.

“(3) On every such question the Chairperson has a deliberative vote, and, in the case of an equality of votes, has a casting vote.

“(4) Except as provided in this section and sections 10 to 10C, the Council may govern its own procedure.”

**3. Other amendments to principal Act**—(1) Sections 8A (c) and 9 (1) (b) of the principal Act are consequentially amended by omitting the word “Chairman”, and substituting the word “Chairperson”.

(2) Section 5 of the New Zealand Council of Law Reporting Amendment Act 1964 is consequentially repealed.

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This Act is administered in the Ministry of Justice.

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