

1009

(Mr. Sheehan.)

## Privileges Act Amendment.

### ANALYSIS.

- Title.
- Preamble.
- 1. Short Title.
- 2. Act to be read as part of amended Act.

- 3. Members and Officers of Assembly may obtain adjournment of civil proceedings against them in certain cases.
- 4. Court may adjourn case on application of Member or officer, and after inquiry.

### A BILL INTITULED

## AN ACT to amend "The Privileges Act, 1866." Title.

**W**HEREAS it is expedient that "The Privileges Act, 1866," should Preamble.  
be amended as hereinafter provided :

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

1. The Short Title of this Act shall be "The Privileges Act 1866" Short Title.  
Amendment Act, 1872."

2. This Act shall be read and construed as part of the said Act to be read as part of amended Act.  
"Privileges Act, 1866."

10 **3.** Whenever any civil proceedings shall be pending in any Court Members and Officers of Assembly may obtain adjournment of civil proceedings against them in certain cases.  
of Record against any Member of either the Legislative Council or the House of Representatives, or any such Officer as in the Schedule to the said Act specified, and such proceedings shall be set down for trial or hearing, or be likely in the ordinary course to come on for trial or  
15 hearing at a sitting of any such Court to be held within the period extending from ten days before the holding of any Session of the General Assembly to thirty days after the termination of the said Session, such Member or Officer may obtain an adjournment or appointment of such trial or hearing to or on some day beyond the  
20 period of thirty days last mentioned upon the conditions following :—

(1.) Where such Member or Officer shall not be in attendance on Parliament, and the proceedings shall be likely to come on or shall be set down for trial or hearing at a sitting of any such Court to be held within ten days before the commencement of the Session or during such Session, such  
25 Member or Officer shall make application to the Court in which such proceedings are pending for an adjournment or appointment of such trial or hearing to or on some day beyond the period of thirty days after the end of such Session, accompanying such application with an affidavit made  
30 by such Member or Officer that he has been summoned to attend in his place in Parliament, and that it is necessary that opportunity should be afforded him of being personally present at the trial or hearing of such proceedings, and

that his attendance on Parliament will prevent his being able so to be present on such trial or hearing.

- (2.) When such Member or Officer shall be in attendance on Parliament, and such proceedings shall be likely to come on or shall be set down for trial or hearing at a sitting of such Court to be held at any time during a Session of Parliament or within thirty days thereafter, then such Member or Officer shall apply to the Speaker of the Council or House of which he is Member or Officer for a certificate entitling him to an adjournment of such trial or hearing. Such application shall be made upon an affidavit of such Member or Officer, and delivered to such Speaker, that such proceedings are likely to come on or are set down for trial or hearing at a sitting of such Court to be held during such Session or within thirty days thereafter, and that the personal attendance of such Member or Officer at such trial or hearing will be necessary for his interest. The said Speaker shall, after making inquiry in manner provided by the ninth section of the said Act, and unless satisfied that irreparable injury would be caused to any party to such proceedings if the trial or hearing thereof were postponed, forward such affidavit, together with a certificate in terms of the said ninth section of the said Act, to the Court in which such proceedings are pending.

Court may adjourn case on application of Member or Officer, and after inquiry.

4. The Court in which such civil proceedings shall be pending shall, in either of the cases provided by the two subsections of the last preceding clause, cause the trial or hearing of such proceedings to be adjourned without cost to such Member or Officer from time to time to some sitting of such Court to be held after the expiration of thirty days after the termination of the Session: Provided, however, that in the case provided for by the first subsection of the said last preceding section, the Court may make the same inquiries as the Speaker of either House of Assembly is required to make under the said ninth section of the said Act, and shall not be bound to adjourn or postpone the trial or hearing if it shall be satisfied that irreparable injury would be caused to any party to such proceedings by such adjournment or postponement.