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New Zealand.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. —.

ANALYSIS.

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| <ul style="list-style-type: none"> Title. Preamble. 1. Short Title. 2. Construction. 3. Member and Officer of Assembly may apply before Session to Court for exemption from attendance therein. 4. Duty of Court to make inquiry and grant exemption. | <ul style="list-style-type: none"> 5. Member of Assembly may apply during Session to Speaker for exemption from attendance in civil Courts. 6. Duty of Speaker to make inquiry and grant certificate of exemption. 7. Effect of certificate. 8. Court to take judicial notice of signature of Speaker. Schedule. |
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A BILL INTITLED

AN ACT to exempt Members of the General Assembly from attendance in certain cases in Courts of Law. Title.

WHEREAS compelling Members of the General Assembly and certain Officers thereof to absent themselves from attendance on Parliament in obedience to the process of Courts of Law may in certain cases be very prejudicial to the public service and from the great distance from the Seat of Government at which many of the said Courts are held attendance therein may subject such Members and Officers to much personal inconvenience and expense And whereas such attendance may often be dispensed with or postponed without prejudice to the due administration of justice Preamble.

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

I. The Short Title of this Act shall be "The Privileges Act 1866." Short Title.

II. The term "Speaker" shall include the person for the time being acting in that capacity and the term "Court" shall include the Court of Appeal the Supreme Court and every Court of inferior jurisdiction and also all Judges Resident Magistrates and Justices of the Peace and the word "process" shall include every writ summons and subpoena. Construction.

III. Whenever any Member of the Legislative Council or any Member of the House of Representatives or any of the Officers specified in the Schedule to this Act not being in attendance on Parliament shall be required by the process of any Court to attend thereat personally either during any Session of the General Assembly or within ten days before the commencement thereof either as a party or a witness in any civil proceeding or as a witness in any criminal proceeding it shall be lawful for such Member or Officer to apply to the Court from which such process issued to be exempted from attendance on such Court. Member and Officer of Assembly may apply before Session to Court for exemption from attendance therein.

Privileges.

Duty of Court to make inquiry and grant exemption.

IV. It shall be the duty of the Court to make inquiry as to whether it is reasonable that such exemption should be granted and if the Court shall be satisfied that it is reasonable it shall grant exemption accordingly until ten days after the termination of the Session of the General Assembly in respect of which such exemption is applied for.

Member of Assembly may apply during Session to Speaker for exemption from attendance in civil Courts.

V. Whenever any Member of the Legislative Council or any Member of the House of Representatives or any such Officer as aforesaid being in attendance on Parliament shall be required by the process of any Court to attend thereat personally either as a party or a witness in any civil proceeding or as a witness in any criminal proceeding it shall be lawful for such Member or Officer being a Member or Officer of the Legislative Council to apply to the Speaker thereof or being a Member or Officer of the House of Representatives to apply to the Speaker thereof to be exempted from such attendance on such Court.

Duty of Speaker to make inquiry and grant certificate of exemption.

VI. It shall be the duty of the Speaker applied to to make inquiry as to whether it is reasonable that such exemption should be granted and if after careful inquiry he shall be fully satisfied that it is reasonable he shall grant a certificate under his hand to the effect that the attendance in Parliament of the Member or Officer therein named is required during the Session then being held and that he is exempt from attendance in obedience to such process.

Effect of certificate.

VII. On such certificate being presented to the Court in which the attendance of such Member or Officer is required he shall be thereby exempted from attending therein until ten days after the termination of the Session then being held and it shall be the duty of the Court to make such arrangement having regard to such exemption for the due administration of justice as the circumstances shall require.

Court to take judicial notice of signature of Speaker.

VIII. It shall be the duty of all Courts Judges and Justices and all other persons to take judicial notice of the signatures of the Speaker of the Legislative Council and the Speaker of the House of Representatives when affixed to any such certificate as aforesaid.

SCHEDULE.

The Clerk of Parliament.
 The Clerk of the Legislative Council.
 The Clerk of the House of Representatives.
 The Sergeant-at-Arms.
 The Clerk Assistant of the House of Representatives.