

**Reprint
as at 1 January 2018**



Judicature (Judicial Matters) Amendment Act 2010

Public Act 2010 No 7
Date of assent 22 March 2010
Commencement see section 2

Judicature (Judicial Matters) Amendment Act 2010: repealed, on 1 January 2018, pursuant to section 182 of the Senior Courts Act 2016 (2016 No 48).

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The Parliament of New Zealand enacts as follows:

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Justice.

1 Title

This Act is the Judicature (Judicial Matters) Amendment Act 2010.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Judicature Act 1908.

*Higher duties allowance for High Court Judges serving on Court of Appeal***4 Salaries and allowances of Judges**

- (1) Section 9A(1) is amended by inserting the following paragraph after paragraph (b):

(ba) a higher duties allowance payable and calculated in accordance with subsection (1A); and

- (2) Section 9A is amended by inserting the following subsection after subsection (1):

- (1A) The higher duties allowance under subsection (1)(ba) is—

- (a) payable only to a Judge who—
- (i) is or was not a Judge of the Court of Appeal holding office under section 57(2) (in this subsection called a **permanent Judge**); but
 - (ii) is or was under sections 58A to 58C or section 58F serving as a member of a criminal or civil division, or as a member of the Full Court, of the Court of Appeal; and
- (b) payable only in respect of periods of the Judge's service as a member of the division or Full Court; and
- (c) calculated at a rate expressed per day of service as a member of the division or Full Court in accordance with the following formula:

$$(a - b) \times c/d$$

where—

- a is the applicable yearly rate of salary determined by the Remuneration Authority to be payable to a permanent Judge
- b is the applicable yearly rate of salary determined by the Remuneration Authority to be payable to a Judge who is not a permanent Judge
- c is 0.0383561 (the standard payroll factor, which represents the proportion of an annual salary that is paid per fortnight)
- d is 10 (the number of working days per fortnight).

- (3) Section 9A(5) is consequentially amended by omitting “the payment of salary and allowances on a pro-rata basis under subsection (4) is not” and substituting “neither the cessation of the payment of a higher duties allowance payable and calculated under subsections (1)(ba) and (1A), nor the payment of salary and allowances on a pro-rata basis under subsection (4), is”.
- (4) Section 11A(3) is consequentially amended by omitting “shall also be paid” and substituting “must also be paid the higher duties allowance payable and calculated under section 9A(1)(ba) and (1A) and”.

5 Allowances paid previously

- (1) This section applies to higher duties allowances paid out of public money before the commencement of this section to Judges who, for the periods in respect of which the allowances were paid,—
 - (a) were not Judges of the Court of Appeal holding office under section 57(2) of the Judicature Act 1908; but
 - (b) were under sections 58A to 58C or section 58F of that Act serving as a member of a criminal or civil division, or as a member of the Full Court, of the Court of Appeal.
- (2) Those allowances must be taken to be, and to always have been, as authorised and valid as allowances calculated, appropriated, and paid in accordance with sections 9A, 11, and 11A of the Judicature Act 1908 (as those sections are amended by section 4 of this Act).

Associate Judges of High Court

6 Appointment of Associate Judges

Section 26C(2) is amended by omitting “6” and substituting “9”.

Court of Appeal Judges

7 Constitution of Court of Appeal

Section 57(2)(b) is amended by omitting “8” and substituting “9”.

Reprints notes

1 *General*

This is a reprint of the Judicature (Judicial Matters) Amendment Act 2010 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Senior Courts Act 2016 (2016 No 48): section 182