

# Provincial Councils Legislation Appeal Act 1869

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### **An Act for trying the Legality of Bills passed by Provincial Councils.**

**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.**

The Short Title of this Act shall be “The Provincial Councils Legislation Appeal Act 1869.”

**2 Interpretation.**

The word “Bill” shall include Act and Ordinance.

**3 Governor may on request of Superintendent take opinion of Supreme Court as to validity of any Bill passed by Provincial Council.**

It shall be lawful for the Governor at any time within three months after any Bill passed by any Provincial Council of any Province shall have been received by him if he shall think fit and if he shall be requested by the Superintendent of such Province so to do to direct the Attorney-General to state or cause to be stated a case in writing for the opinion of the Supreme Court at Wellington annexed to which shall be a true copy of the said Bill and in such case the question for the opinion of such Court shall be—Is the Bill annexed hereto or are any and what provisions thereof valid or invalid Such case shall be transmitted to the Registrar of such Court together with a copy for the Judge or for each Judge if more than one of the judicial district and such Registrar shall thereupon with the assent of the Court fix a day for the argument of such case not being later than one calendar month from the receipt of such case by the Registrar and on the day so appointed the argument of such case shall have precedence of all other business and shall be heard and conducted in like manner as other special cases and counsel shall be heard on the part of the Superintendent in support of the validity of the Bill but the Attorney-General or counsel representing him shall commence and have the right of reply and the opinion of the Judge or of each Judge if more than one of the Court present at the argument shall be given in writing under his hand and shall with the copy of the case supplied to him identified by the signature of such Judge be delivered to the Attorney-General or some person on his behalf and shall by him be transmitted to the Colonial Secretary who shall lay the same before the Governor for his information Provided however that it shall be lawful for the Governor notwithstanding any such opinion so given by the Supreme Court to disallow such Bill if he shall think fit.

**4 Costs &c. not to be paid in respect of argument.**

No costs shall be payable by or to the Superintendent of any Province in respect of any such special case or argument thereof nor shall any fees be payable in respect thereof to the Supreme Court or any officer thereof.

**5 Copy of case and opinion of Judges to be laid before both Houses of Assembly.**

A copy of every case so stated together with the opinion of the Judge or Judges thereon shall be laid before both Houses of the General Assembly within fourteen days after the delivery of such opinion if the Parliament be then in Session if not within fourteen days after the commencement of the Session of Parliament next ensuing the delivery of such opinion.