

LEGISLATIVE COUNCIL.

No. S. 157.—The following Bills were read a first time at a Meeting of the Council held on the 16th May, 1912 :—

A BILL

ENTITLED

An Ordinance to repeal certain enactments relating to the Law of Copyright.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

- Short title. 1. This Ordinance may be cited as "The Copyright Repeal Ordinance, 1912".
- Repeal. 2. The enactments mentioned in the Schedule to this Ordinance are hereby repealed to the extent specified in the third column thereof.
- Commencement. 3. This Ordinance shall come into operation on the first day of July, 1912.

Schedule.

Enactments Repealed.

Ordinance.	Short title.	Extent of Repeal.
No. 17 of 1901.	The Fine Arts Copyright Ordinance, 1901.	Sections 2, 3, 4, 5, 6, 7, 10, 11, 12 and 13.
No. 14 of 1910.	The Copyright Ordinance, 1910.	The whole Ordinance.

Objects and Reasons.

The Copyright Act 1911 (1 & 2 Geo. 5 Ch. 46) will, by virtue of the provisions of Section 37 (d) thereof, apply to the Colony on its proclamation by the Governor. Its application to the Colony will necessitate the repeal of the enactments mentioned in the Schedule to the Bill.

It is intended that the Ordinance shall come into operation at the same time as the Proclamation.

C. G. ALABASTER,
Attorney General.

A BILL

ENTITLED

An Ordinance to make provision for the re-constitution of the Full Court.

WHEREAS it is deemed expedient to amend the constitution of the Supreme Court and to make provision for the appointment of a temporary judge in cases where a sufficient number of permanent judges are not available :

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

- Short title. 1. This Ordinance may be cited as "The Full Court Ordinance 1912".

2. In all existing and future enactments the expression "Full Court" shall mean, subject only to the provisions of this Ordinance, any two or three judges sitting together, provided however that where more than two judges in the permanent service of the Colony are available a judge whose judgment or order is appealed from shall not be a member of a Full Court of two judges only, sitting to hear and determine the appeal. Interpretation.

3. The Chief Justice shall as a general rule preside in the Full Court. Precedence.

Provided however that the Judge of His Britannic Majesty's Supreme Court for China, if his appointment as such judge is earlier in date than the appointment of the Chief Justice as such Chief Justice, shall preside whenever he is present in the Full Court.

4.—(1.) Where a Full Court consisting of three judges sits the judgment or order of any two of them shall be deemed the judgment or order of the Full Court. Rule where Judges differ.

(2.) Where a Full Court consisting of two judges only sits in appellate jurisdiction and the two judges differ then the judgment or order appealed from shall be disturbed only in so far as it may be modified or affected by any order they may make as to which they do not differ and shall be deemed to be the judgment or order of the Full Court.

(3.) Where a Full Court consisting of two judges only sits otherwise than in appellate jurisdiction and the two judges differ the judgment or order of the Chief Justice or in his absence of the Senior Judge shall be deemed to be the judgment or order of the Full Court subject to a right which is hereby conferred on any party aggrieved to an appeal to a Full Court consisting of three judges if applied for within fourteen days after the delivery of the judgment or order of the said Senior Judge.

5. Where three judges in the permanent service of the Colony shall not be available and also whenever the Governor by notification in the *Gazette* so directs the following provisions shall apply:— Procedure where three permanent judges are not available.

(1.) In all interlocutory appeals, appeals from the court in its summary jurisdiction, appeals from any Magistrate (including a Marine Magistrate), in all cases where the Full Court sits to hear and determine points reserved for its consideration, and in all cases where the Full Court does not sit in appellate jurisdiction the Full Court shall consist of two judges only.

(2.) In all other cases the Full Court shall consist of three judges one of whom shall be the judge of His Britannic Majesty's Supreme Court for China (if the Principal Secretary of State for Foreign Affairs has consented to such appointment) or a barrister of not less than 7 years standing temporarily appointed by the Governor from time to time for the purposes of this sub-section.

6. The enactments specified in the first column of the Schedule hereto are hereby amended in the manner specified in the second column. Amend-

7. This Ordinance shall come into operation on the day of 1912. Commence-

SCHEDULE.

<i>Enactment.</i>	<i>How Amended.</i>
Ordinance No. 1 of 1869.	In Part 2 of the Schedule by the deletion of the words "The Chief Justice, The Puisne Judge" and by the substitution therefor of the words "The Judges".
Ordinance No. 1 of 1871.	In section 2 by the deletion of the words "the Chief Justice and the Puisne Judge" and by the substitution therefor of the words "any of the judges".
Ordinance No. 3 of 1873.	<p>(a.) In the definition of "The Court" in section 2 by the deletion of the words "the Chief Justice and the Puisne Judge" and by the substitution therefor of the words "any of the judges".</p> <p>(b.) In section 2 by the repeal of the definition of "The Full Court".</p> <p>(c.) In sub-section (1) of section 9 by the deletion of the words "a Puisne Judge" and by the substitution therefor of the words "one or more other judges".</p> <p>(d.) In sub-section (2) of section 9 by the insertion after the words "every Puisne Judge shall" of the words "save as is provided in sub-section (2) of section 5 of the Full Court Ordinance 1912".</p> <p>(e.) In sub-section (3) of section 9 by the insertion after the words "The said Judges" of the words "save as is provided in sub-section (2) of section 5 of the Full Court Ordinance 1912".</p> <p>(f.) In sub-section (1) of section 10 by the deletion of the words "either of the Judges of the Supreme Court" and by the substitution therefor of the words "any Judge in the permanent service of the Colony".</p> <p>(g.) In the first line of sub-section (2) of section 10 by the deletion of the word "either" and by the substitution therefor of the word "any".</p> <p>(h.) By the addition at the end of sub-section (2) of section 10 of the words "or Judges in the permanent service of the Colony".</p> <p>(i.) In section 12 by the deletion of the words "the Puisne" and by the substitution therefor of the words "any other".</p> <p>(j.) In section 22 by the deletion of the words "either of the two" and by the substitution therefor of the words "any of the".</p> <p>(k.) By the repeal of section 24.</p>
Ordinance No. 4 of 1873.	<p>(a.) In the definition of "The Supreme Court" and of "The Court" in section 2 by the deletion of the words "the Puisne" and by the substitution therefor of the words "any other".</p>

<i>Enactment.</i>	<i>How Amended.</i>
	(b.) In section 2 by the repeal of the definition of "The Full Court".
	(c.) In section 34 by the deletion of the words "The Puisne" and by the substitution therefor of the words "A Puisne".
Ordinance No. 2 of 1889.	In section 2 by the deletion of the words "the Puisne" and by the substitution therefor of the words "any other".
Ordinance No. 3 of 1890.	In section 2 by the repeal of the definition of "The Full Court".
Ordinance No. 3 of 1901.	(a.) In the definition of "The Court" in section 2 by the deletion of the words "the Puisne" and by the substitution therefor of the words "any other".
	(b.) In section 2 by the repeal of the definition of "The Full Court".
Ordinance No. 1 of 1903.	In section 252 by the deletion of the words "to the Puisne" and by the substitution therefor of the words "to the Senior or only Puisne".
Ordinance No. 21 of 1909.	In section 12 (b) by the deletion of the words "to the Puisne" and by the substitution therefor of the words "to the Senior or only Puisne".
Ordinance No. 21 of 1910.	In section 6 (3) by the deletion of the words "to the Puisne" and by the substitution therefor of the words "to the Senior or only Puisne".
Ordinance No. 31 of 1911.	In section 39D by the deletion of the words "The Chief Justice and the Puisne Judge" from the definition of "Full Court" and by the substitution therefor of the words "any two or more judges".

Objects and Reasons.

This Bill is intended to abolish the present system under which appeals from any one of the two judges are heard by them both and which gives one of them a casting vote if they differ. It necessarily changes the constitution of the Full Court. Provision is made for the rules which are to apply when three judges in the permanent service of the Colony are available and provision is also made for the temporary appointment of a third judge who must either be a judge of His Majesty's Supreme Court in China or or else a barrister of at least sufficient standing to qualify him for appointment to the County Court Bench in England.

C. G. ALABASTER,
Attorney General.