

LEGISLATIVE COUNCIL.

Draft Bill.

No. S 35.—The following bill is published for general information:—

[No. 3:—23.1.33.—2.]

(C.S.O. 11/4299/32.)

A BILL

INTITULED

An Ordinance to amend the Supreme Court (Vacations) Ordinance, 1898.

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

Short title.

1. This Ordinance may be cited as the Supreme Court (Vacations) Amendment Ordinance, 1933.

Amendment of Ordinance No. 5 of 1898, s. 9.

2. Section 9 of the Supreme Court (Vacations) Ordinance, 1898, is amended by the addition of the following proviso at the end thereof:—

“Provided that nothing in this section shall be deemed to extend the time for entering appearance to any specially indorsed writ.”

Objects and Reasons.

1. By section 5 of the principal Ordinance, No. 5 of 1898, the Supreme Court and the offices connected therewith shall be open during vacation for the purpose, *inter alia*, of issuing writs and of transacting any business under the provisions of section 6.

2. Section 6 provides that the Court shall hear and determine during vacation all such applications as may require to be immediately or promptly heard and all applications for summary judgment.

3. By section 9 where any limited time, not exceeding one month, is appointed or allowed for the doing of any act, no days included in a vacation shall be reckoned in the computation of such time, unless the Court otherwise directs.

4. It has been pointed out by the Incorporated Law Society of Hong Kong that if the time for appearance to a specially indorsed writ is not allowed to run during vacation the provisions of section 6 in regard to applications for summary judgment may be seriously curtailed by the provisions of section 9.

5. This amending Ordinance meets the difficulty by adding a proviso to section 9 to the effect that nothing in the section shall be deemed to extend the time for entering appearance to any specially indorsed writ.

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January, 1933.