

SUPREME COURT ASSESSORS ORDINANCE 1925-1938. ⁽¹⁾

An Ordinance to provide for the Appointment of Assessors at Trials in the Supreme Courts.

Amended by
No. 41 of 1936,
s. 2.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act 1920* as follows:—

1. This Ordinance may be cited as the *Supreme Court Assessors Ordinance 1925-1938*. ⁽¹⁾

Short title.
Amended by
No. 3 of 1934,
s. 50, and by
No. 41 of 1936,
s. 2.

2. In this Ordinance unless the contrary intention appears—
 “cause” includes any suit, action, or original proceeding between parties and also includes criminal proceedings;
 “Court” means the Supreme Court;
 “Judge” means Judge of the Supreme Court.

Interpretation.
Section 2
amended by
No. 41 of 1936,
s. 2.

3.—(1.) In any criminal cause pending in the Court, the Crown Law Officer or the accused person may, before or during trial, apply to the Court or a Judge for the appointment of assessors at the trial.

Appointment
of assessors
by the Court.

(2.) In any civil cause pending in the Court any plaintiff or defendant may before or during trial, apply to the Court or a Judge for the appointment of assessors at the trial.

(1) The *Supreme Court Assessors Ordinance 1925-1938* comprises the *Central Court Assessors Ordinance 1925*, as amended by the other Ordinances referred to in the following Table:—

TABLE.

PART I.—ORDINANCE MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Governor-General in Council.	Date on which notified in <i>Commonwealth Gazette</i> .	Date on which took effect.
<i>Central Court Assessors Ordinance 1925</i> (No. 42 of 1925)	19.8.1925	27.8.1925	27.8.1925 (<i>Cwth. Gaz.</i> of 27.8.1925)

PART II.—ORDINANCES OF THE LEGISLATIVE COUNCIL.

Short title, number and year.	Date of assent by Administrator.	Date notified in <i>New Guinea Gazette</i> as not disallowed by Governor-General in Council.	Date on which came into operation.
<i>Supreme Court Assessors Ordinance 1936</i> (No. 41 of 1936)	5.8.1936	14.11.1936	5.8.1936 (<i>Laws of T.N.G.</i> , Vol. XIII., p. 525)
<i>Supreme Court Assessors Ordinance 1938</i> (No. 28 of 1938)	24.8.1938	30.11.1938	24.8.1938 (<i>Laws of T.N.G.</i> , Vol. XIV., p. 150)

COURTS—

(3.) The Court or Judge may, upon any such application being made, or of its or his own motion, appoint not more than two assessors.

(4.) Where the Court or Judge refuses, upon any such application being made, to appoint assessors in any cause in which natives are interested, the Court or Judge shall refer the application to the Administrator who may, if he thinks fit, appoint assessors.

Assessors attendance at Court.

4. Every assessor shall attend the Court at the time and place set out in the notice of his appointment, and shall remain in Court until the termination of the trial at which he has been appointed an assessor or until the Court grants him permission to depart, whichever first happens.

Duties of assessors.

5. Assessors shall, when required by the Court, give their opinion on any matters of fact, custom or usage, or any other matters, arising out of the evidence given at the trial but shall not adjudicate in any cause before the Court.

Assessors to take oath or affirmation.

6. Every assessor shall, before entering upon his duties at a trial, take an oath or affirmation in the Form in the Schedule to this Ordinance.

Payment of assessors.

7. Assessors shall be paid such fees and expenses as are prescribed.

Penalties when assessors fail in their duties.

8. Any person appointed an assessor who, without reasonable excuse, fails to attend the Court as required, or neglects or refuses to perform the duties of assessor, shall be liable to a fine not exceeding Fifty pounds, which may be imposed forthwith by the Court and, in default of payment within such time as the Court orders, may by warrant under the hand of a Judge, be recovered by levy and distress of the goods of that person.

Regulations. Sub-section (1.) amended by No. 28 of 1938, s. 2.

9.—(1.) The Administrator in Council may make regulations⁽²⁾ not inconsistent with this Ordinance prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular for prescribing the fees and expenses to be paid to assessors and the fees to be paid by the parties in any cause in which assessors are applied for and appointed.

Sub-sections (2.) and (3.) omitted by No. 28 of 1938, s. 2.

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THE SCHEDULE.

OATH.

I, A.B. do swear that I will well and truly carry out my duties as Assessor. So help me God.

AFFIRMATION.

I, A.B. do solemnly and sincerely promise and declare that I will well and truly carry out my duties as Assessor.

(2) See the Central Court Assessors Regulations, printed on p. 1069.