



THE
REVISED STATUTES
OF
NEWFOUNDLAND

1970

VOLUME V.

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The Lieutenant-Governor in Council.*

ST. JOHN'S, NEWFOUNDLAND

E. RALPH DAVIS, QUEEN'S PRINTER.

PART I.

JURISDICTION, CONSTITUTION AND POWERS OF THE COURT
AND THE JUDGES THEREOF.Jurisdiction of
Supreme Court.

4. The Supreme Court of Newfoundland shall have all civil and criminal jurisdiction whatsoever, conferred by the Imperial statute passed in the fifth year of the reign of His late Majesty King George the Fourth, entitled "An Act for the better administration of justice in Newfoundland, and for other purposes", and by the Royal Charter or Letters Patent under the Great Seal, issued by virtue of the said statute, dated the nineteenth day of September, in the sixth year of His said Majesty's reign, and by any law in force in this province.

Composition
of Court.

5.—(1) The Supreme Court shall be composed of a Chief Justice and three other judges who shall be resident barristers of the province of at least ten years' standing.

Powers of
judges.

(2) The Chief Justice and the three other judges shall have and exercise the like privileges, powers and authorities in the province as are prescribed by the Act, Charter and laws referred to in Section 4.

Vacancy not
to impair
powers of
Court.

(3) The Supreme Court shall be deemed to be duly constituted even though the office of any judge may be vacant or unfilled.

REFERENCES TO SUPREME COURT.

Reference to
Supreme Court.

6.—(1) The Lieutenant-Governor in Council may refer to the Supreme Court consisting of at least three judges any matter which he thinks fit to refer and the Court shall thereupon hear and consider the matter.

Court to certify
opinion.

(2) The Court shall certify to the Lieutenant-Governor in Council its opinion on the matter referred, with the reasons therefor which are to be given in like manner as in the case of a judgment in an ordinary action, and any judge who differs from the opinion of the majority shall in like manner certify his opinion and his reasons.

(3) Where the matter relates to the constitutional validity of any Act of the Legislature or of any provision in any such Act, the Attorney General of Canada shall be notified of the hearing in order that he may be heard if he sees fit.

Notice to
Attorney
General of
Canada.

(4) Where the matter relates to questions arising under any Agreement entered into between the Government of Canada and the Government of the Province of Newfoundland which provides for a reference to the Supreme Court to hear, consider, and determine the questions so arising, the Attorney General of Canada and the Attorney General of any other province which has entered into an agreement of a like nature and having like purposes to that Agreement is entitled to appear before the Supreme Court and be heard as a party to any proceedings consequent upon the reference.

Reference
under
agreement.

(5) The form and terms of and other matters relating to a reference under subsection (4) shall be determined as provided in the Agreement and if no such provision is made shall be such as the parties to the Agreement agree, and if the parties cannot agree shall be determined by the Chief Justice of the Supreme Court of Newfoundland upon the application of either party.

Form and
terms of
reference under
subsection (4).

(6) The Court has power to direct that any person interested, or, where there is a class of persons interested, any one or more persons as representatives of such class, shall be notified of the hearing and such persons are entitled to be heard.

Notice to
persons
interested.

(7) Where any interest affected is not represented by counsel, the Court may in its discretion request counsel to argue the case in such interest and the reasonable expenses thereby occasioned shall be paid out of the general revenues of the province.

Appointment
of counsel.

(8) The opinion of the Court upon any reference under this section shall be deemed a judgment of the Court and an appeal lies therefrom as from a judgment in an action.

Appeal.

(9) The procedure in any reference under this section shall be governed by the Rules of the Supreme Court or otherwise shall be such as the Court determines.

Procedure.



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OATHS.

5D.—(1) The Chief Justice of Newfoundland, the Chief Justice of the Trial Division and every other judge of the Supreme Court shall, before entering upon the duties of his office, take and subscribe

(a) the Oath of Allegiance, and

(b) the Judicial Oath

referred to in The Oaths of Office Act.

(2) The oaths referred to in subsection (1) shall be administered by a judge of the Court.”

Administration of oaths.

4. Section 6 of the said Act is amended by

Amdt. Sec. 6.

(a) deleting from subsection (1) the words “Supreme Court consisting of at least three judges” and substituting therefor the words “Court of Appeal”;

(b) deleting from subsection (4) the words “entitled to appear before the Supreme Court” and substituting therefor the words “entitled to appear before the Court of Appeal”; and

(c) deleting from subsection (5) the words “Chief Justice of the Supreme Court of Newfoundland” and substituting therefor the words “Chief Justice of Newfoundland or in his absence the senior judge of the Court of Appeal”.

5. Section 7 of the said Act is repealed and the following substituted therefor as Sections 7, 7A, 7B and 7C:

Repeal and substitution Sec. 7; and addition of new sections.

“7. A judge of the Court of Appeal or of the Trial Division

Judge of Supreme Court.

(a) is a judge of the Supreme Court, and

(b) is *ex officio* a judge of the Division of the Court of which he is not a member,