

House of Assembly—No 166A

As reported with amendments, report agreed to and passed remaining stages,
1 November 2016

South Australia

Statutes Amendment (Judicial Registrars) Bill 2016

A BILL FOR

An Act to amend the *District Court Act 1991*; the *Magistrates Court Act 1991*; the *Oaths Act 1936*; the *Supreme Court Act 1935*; and the *Youth Court Act 1993*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Judicial Registrars) Act 2016*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *District Court Act 1991*

4—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *judicial office*—delete "or Master" and substitute:
, Master or Judicial Registrar

- (2) Section 3(1)—after the definition of *judicial office* insert:

Judicial Registrar means a District Court Judicial Registrar;

- (3) Section 3—after the definition of *Master* insert:

Registrar means the Registrar, or any Deputy Registrar of the Court, but does not include a Judicial Registrar;

5—Amendment of section 10—Court's judiciary

Section 10(1)—after paragraph (c) insert:

and

- (d) the Judicial Registrars.

6—Insertion of heading to Part 3 Division 2 Subdivision 1

Part 3 Division 2—before section 11A insert:

Subdivision 1—Appointment of Chief Judge

7—Insertion of heading to Part 3 Division 2 Subdivision 2

Part 3 Division 2—before section 12 insert:

Subdivision 2—Appointment of other Judges and Masters

8—Amendment of section 12—Appointment of other Judges and Masters

- (1) Section 12(1)—after "judicial office" insert:

(other than to the office of Judicial Registrar)

- (2) Section 12(2)—after "judicial office" insert:

(other than to the office of Judicial Registrar)

- (3) Section 12(3)—before "may be appointed" insert:

under this section

9—Insertion of heading to Part 3 Division 2 Subdivision 3

Part 3 Division 2—before section 13 insert:

Subdivision 3—Other provisions relating to Judges and Masters

10—Amendment of section 13—Judicial remuneration (other than for Judicial Registrar)

Section 13(1)—after "judicial officers" insert:

(other than a Judicial Registrar)

11—Insertion of Part 3 Division 2 Subdivision 4

After section 16 insert:

Subdivision 4—Provisions relating to Judicial Registrars

16A—Appointment and conditions of Judicial Registrars

- 5 (1) The Governor may, on the recommendation of the Attorney-General and with the concurrence of the Chief Judge, appoint a legal practitioner of at least 5 years standing, to be a District Court Judicial Registrar.
- 10 (2) The term of appointment (which must be for at least 7 years), the remuneration and the conditions of service applicable to a person holding an appointment under this section will be as determined by the Governor with the concurrence of the Chief Judge, and specified in the instrument of appointment.
- 15 (3) An appointment of a Judicial Registrar under this section will be taken to be on a full-time basis unless the instrument of appointment provides that the appointment is on a part-time basis.
- 20 (4) However, a Judicial Registrar not appointed on a part-time basis may, by written agreement with the Chief Judge made with the approval of the Attorney-General, perform the duties of office on a part-time basis for a period specified in the agreement.
- 25 (5) An instrument appointing a Judicial Registrar on a part-time basis or an agreement under subsection (4) must specify the hours of duty the Judicial Registrar will ordinarily be required to work, expressed as a proportion of the time a Judicial Registrar appointed on a full-time basis is ordinarily required to work.
- 30 (6) The hours of duty specified in an instrument of appointment or an agreement under subsection (4) may be varied by written agreement between the Judicial Registrar and the Chief Judge made with the approval of the Attorney-General.
- 35 (7) The remuneration determined by the Governor with the concurrence of the Chief Judge and specified in the instrument of appointment may not be reduced by subsequent determination.
- 40 (8) However, a Judicial Registrar (whether appointed on a full-time or part-time basis) is, while performing the duties of the office on a part-time basis, entitled to remuneration on a pro-rata basis in respect of the hours of duty at the rate determined by the Governor under this section in relation to a Judicial Registrar appointed on a full-time basis.
- (9) For the purpose of determining whether a legal practitioner has the standing necessary for appointment to the office of Judicial Registrar, periods of legal practice within and outside the State will be taken into account.

(10) A person appointed as a Judicial Registrar is, on the recommendation of the Attorney-General and with the concurrence of the Chief Judge, eligible for reappointment at the expiration of a term of office.

(11) A Judicial Registrar may, with the approval of the Attorney-General and the concurrence of the Chief Judge, concurrently hold office as a member of the Court's non-judicial staff if the non-judicial office is compatible with the judicial office.

16B—Judicial Registrar ceasing to hold office and suspension

(1) The Governor may, on the recommendation of the Attorney-General, remove a Judicial Registrar from office for—

- (a) mental or physical incapacity to carry out official duties satisfactorily; or
- (b) neglect of duty; or
- (c) dishonourable conduct.

(2) A Judicial Registrar ceases to hold office if the Judicial Registrar—

- (a) dies; or
- (b) completes a term of office and is not reappointed; or
- (c) resigns by written notice to the Attorney-General; or
- (d) ceases to satisfy any qualification by virtue of which the person was eligible for appointment to the office of Judicial Registrar; or
- (e) is removed from office under subsection (1).

(3) The Attorney-General may only make a recommendation under subsection (1) with the concurrence of the Chief Judge.

(4) The Chief Judge may, on the Chief Judge's own initiative or at the request of the Attorney-General, suspend a Judicial Registrar from office if it appears that there may be grounds for the removal of the Judicial Registrar from office.

(5) If a Judicial Registrar is suspended under subsection (4), the Judicial Registrar remains entitled to the Judicial Registrar's usual remuneration and allowances during the period of suspension.

16C—Jurisdiction of Judicial Registrar

(1) Subject to the regulations, Judicial Registrars may exercise such jurisdiction of the Court as assigned by the Chief Judge or the rules.

(2) If the Court is constituted of a Judicial Registrar in criminal proceedings, the Court—

- (a) may not impose a sentence of imprisonment; and
- (b) if of the opinion that the limitation on its powers imposed under this subsection prevents it from imposing an appropriate sentence—may adjourn the question of sentence for hearing and determination by a Judge.

12—Amendment of section 20—Constitution of Court

(1) Section 20(1)—after paragraph (b) insert:

or

(c) if the matter lies within a jurisdiction of the Court assigned to
Judicial Registrars—a Judicial Registrar (but the jurisdiction of
Judicial Registrars is not exclusive; such a jurisdiction may also be
exercised by a Judge or Master).

(2) Section 20(6)—delete "or Master" and substitute:

, Master or Judicial Registrar

13—Amendment of section 29—Issue of evidentiary summons

Section 29(a)—delete "or Master" and substitute:

, Master or Judicial Registrar

14—Amendment of section 32—Mediation and conciliation

(1) Section 32(1)—delete "or Master" and substitute:

, Master or Judicial Registrar

(2) Section 32(2c)—delete "or Master" and substitute:

, Master or Judicial Registrar

15—Amendment of section 43—Right of appeal

Section 43(2)—before paragraph (a) insert:

(aa) in the case of a judgment given by a Judicial Registrar or the Court
constituted of a Judicial Registrar—to the Court constituted of a
Judge;

16—Amendment of section 44—Reservation of questions of law

Section 44(1)—after "Master" insert:

or Judicial Registrar

17—Amendment of section 46—Immunities

Section 46(1)—after "Master" insert:

, Judicial Registrar

18—Amendment of section 51—Rules of Court

(1) Section 51(1)(b)—after "Masters" insert:

or Judicial Registrars

(2) Section 51(1)(c)—after "Court" insert:

(including in its appellate jurisdiction)

Part 3—Amendment of *Magistrates Court Act 1991*

19—Amendment of section 3—Interpretation

(1) Section 3(1), definition of *judicial office*—before "or special justice" insert:

, Judicial Registrar

(2) Section 3(1)—after the definition of *judicial office* insert:

Judicial Registrar means a Magistrates Court Judicial Registrar;

(3) Section 3(1), definition of *Registrar*—after "Court" insert:

, but does not include a Judicial Registrar

20—Insertion of heading to Part 2 Division 2 Subdivision 1

Before section 7 insert:

Subdivision 1—Divisions and constitution of Court

21—Amendment of section 7A—Constitution of Court

(1) Section 7A—after subsection (1) insert:

(1a) Subject to the regulations, Judicial Registrars may exercise such jurisdiction of the Court as assigned by the Chief Magistrate or the rules.

(2) Section 7A(2)(c)—after "Magistrate" insert:

or Judicial Registrar

(3) Section 7A(2)—delete "but, when constituted of a special justice, the Court may not impose a sentence of imprisonment"

(4) Section 7A—after subsection (2) insert:

(2aa) If the Court is constituted of a Judicial Registrar or special justice in criminal proceedings, the Court—

(a) may not impose a sentence of imprisonment; and

(b) if of the opinion that the limitation on its powers imposed under this subsection prevents it from imposing an appropriate sentence—may adjourn the question of sentence for hearing and determination by a Magistrate.

(5) Section 7A(2a)—after "Magistrate" insert:

, Judicial Registrar

22—Insertion of Part 2 Division 2 Subdivision 2

After section 7A insert:

Subdivision 2—Provisions relating to Judicial Registrars

7AA—Appointment and conditions of Judicial Registrars

- 5 (1) The Governor may, on the recommendation of the Attorney-General and with the concurrence of the Chief Magistrate, appoint a legal practitioner of at least 5 years standing, to be a Magistrates Court Judicial Registrar.
- 10 (2) The term of appointment (which must be for at least 7 years), the remuneration and the conditions of service applicable to a person holding an appointment under this section will be as determined by the Governor with the concurrence of the Chief Magistrate, and specified in the instrument of appointment.
- 15 (3) An appointment of a Judicial Registrar under this section will be taken to be on a full-time basis unless the instrument of appointment provides that the appointment is on a part-time basis.
- 20 (4) However, a Judicial Registrar not appointed on a part-time basis may, by written agreement with the Chief Magistrate made with the approval of the Attorney-General, perform the duties of office on a part-time basis for a period specified in the agreement.
- 25 (5) An instrument appointing a Judicial Registrar on a part-time basis or an agreement under subsection (4) must specify the hours of duty the Judicial Registrar will ordinarily be required to work, expressed as a proportion of the time a Judicial Registrar appointed on a full-time basis is ordinarily required to work.
- 30 (6) The hours of duty specified in an instrument of appointment or an agreement under subsection (4) may be varied by written agreement between the Judicial Registrar and the Chief Magistrate made with the approval of the Attorney-General.
- 35 (7) The remuneration determined by the Governor with the concurrence of the Chief Magistrate and specified in the instrument of appointment may not be reduced by subsequent determination.
- 40 (8) However, a Judicial Registrar (whether appointed on a full-time or part-time basis) is, while performing the duties of the office on a part-time basis, entitled to remuneration on a pro-rata basis in respect of the hours of duty at the rate determined by the Governor under this section in relation to a Judicial Registrar appointed on a full-time basis.
- (9) For the purpose of determining whether a legal practitioner has the standing necessary for appointment to the office of Judicial Registrar, periods of legal practice within and outside the State will be taken into account.

(10) A person appointed as a Judicial Registrar is, on the recommendation of the Attorney-General and with the concurrence of the Chief Magistrate, eligible for reappointment at the expiration of a term of office.

5 (11) A Judicial Registrar may, with the approval of the Attorney-General and the concurrence of the Chief Magistrate, concurrently hold office as a member of the Court's non-judicial staff if the non-judicial office is compatible with the judicial office.

7AB—Judicial Registrar ceasing to hold office and suspension

10 (1) The Governor may, on the recommendation of the Attorney-General, remove a Judicial Registrar from office for—

(a) mental or physical incapacity to carry out official duties satisfactorily; or

(b) neglect of duty; or

15 (c) dishonourable conduct.

(2) A Judicial Registrar ceases to hold office if the Judicial Registrar—

(a) dies; or

(b) completes a term of office and is not reappointed; or

(c) resigns by written notice to the Attorney-General; or

20 (d) ceases to satisfy any qualification by virtue of which the person was eligible for appointment to the office of Judicial Registrar; or

(e) is removed from office under subsection (1).

25 (3) The Attorney-General may only make a recommendation under subsection (1) with the concurrence of the Chief Magistrate.

(4) The Chief Magistrate may, on the Chief Magistrate's own initiative or at the request of the Attorney-General, suspend a Judicial Registrar from office if it appears that there may be grounds for the removal of the Judicial Registrar from office.

30 (5) If a Judicial Registrar is suspended under subsection (4), the Judicial Registrar remains entitled to the Judicial Registrar's usual remuneration and allowances during the period of suspension.

23—Insertion of heading to Part 2 Division 2 Subdivision 3

Before section 7B insert:

35 **Subdivision 3—Assessors**

24—Amendment of section 15—Exercise of procedural and administrative powers of Court

Section 15—after "A" insert:

Judicial Registrar,

25—Amendment of section 24—Issue of evidentiary summonses

Section 24—after paragraph (a) insert:

(ab) a Judicial Registrar; or

26—Amendment of section 27—Mediation and conciliation

5 (1) Section 27(1)—after "Magistrate" insert:
or Judicial Registrar

(2) Section 27(2c)—before "or other judicial officer" insert:
, Judicial Registrar

27—Amendment of section 44—Immunities

10 Section 44(1)—after "Magistrate" insert:
, Judicial Registrar, special justice

28—Amendment of section 45—Contempt in face of Court

Section 45(b)—after "Magistrate" insert:
Judicial Registrar,

15 **29—Amendment of section 49—Rules of Court**

Section 49(1)(c)—after "Court" insert:
(including in its appellate jurisdiction)

Part 4—Amendment of *Oaths Act 1936*

30—Amendment of section 7—Oaths to be taken by judicial officers

20 (1) Section 7(1)(a)—delete "and Masters" and substitute:
, Masters and Judicial Registrars

(2) Section 7(1)(b)—delete "and Masters" and substitute:
, Masters and Judicial Registrars

(3) Section 7(1)(c)—delete paragraph (c) and substitute:
25 (c) Magistrates and Judicial Registrars of the Magistrates Court; and

31—Amendment of section 28—Commissioners for taking affidavits

Section 28(1)(ca)—before "Registrars" insert:
Judicial Registrars,

Part 5—Amendment of *Supreme Court Act 1935*

30 **32—Amendment of section 5—Interpretation**

(1) Section 5(1)—after the definition of *judgment* insert:
judicial registrar means a Supreme Court judicial registrar;

- (2) Section 5(1), definition of *registrar*—after "of the court" insert:
 , but does not include a judicial registrar

33—Amendment of section 7—Judicial officers of the court

- (1) Section 7(1)—delete subsection (1) and substitute:

- (1) The court is constituted of the following judicial officers:
- (a) the Chief Justice;
 - (b) the puisne judges;
 - (c) the masters;
 - (d) the judicial registrars.

- (2) Section 7(2)—delete subsection (2) and substitute:

- (2) Subject to this Act or any other Act, the judges, masters and judicial registrars have the power, authority and jurisdiction conferred on them under this Act or any other Act, and the rules of court made under this Act or any other Act.

34—Insertion of sections 13I and 13J

After section 13H insert:

13I—Appointment and conditions of judicial registrars

- (1) The Governor may, on the recommendation of the Attorney-General and with the concurrence of the Chief Justice, appoint a legal practitioner of at least 5 years standing, to be a Supreme Court judicial registrar.
- (2) The term of appointment (which must be for at least 7 years), the remuneration and the conditions of service applicable to a person holding an appointment under this section will be as determined by the Governor with the concurrence of the Chief Justice, and specified in the instrument of appointment.
- (3) An appointment of a judicial registrar under this section will be taken to be on a full-time basis unless the instrument of appointment provides that the appointment is on a part-time basis.
- (4) However, a judicial registrar not appointed on a part-time basis may, by written agreement with the Chief Justice made with the approval of the Attorney-General, perform the duties of office on a part-time basis for a period specified in the agreement.
- (5) An instrument appointing a judicial registrar on a part-time basis or an agreement under subsection (4) must specify the hours of duty the judicial registrar will ordinarily be required to work, expressed as a proportion of the time a judicial registrar appointed on a full-time basis is ordinarily required to work.

- 5
- (6) The hours of duty specified in an instrument of appointment or an agreement under subsection (4) may be varied by written agreement between the judicial registrar and the Chief Justice made with the approval of the Attorney-General.
- 10
- (7) The remuneration determined by the Governor with the concurrence of the Chief Justice and specified in the instrument of appointment may not be reduced by subsequent determination.
- (8) However, a judicial registrar (whether appointed on a full-time or part-time basis) is, while performing the duties of the office on a part-time basis, entitled to remuneration on a pro-rata basis in respect of the hours of duty at the rate determined by the Governor under this section in relation to a judicial registrar appointed on a full-time basis.
- 15
- (9) For the purpose of determining whether a legal practitioner has the standing necessary for appointment to the office of judicial registrar, periods of legal practice within and outside the State will be taken into account.
- 20
- (10) A person appointed as a judicial registrar is, on the recommendation of the Attorney-General and with the concurrence of the Chief Justice eligible for reappointment at the expiration of a term of office.
- 25
- (11) A judicial registrar may, with the approval of the Attorney-General and the concurrence of the Chief Justice, concurrently hold office as a member of the court's non-judicial staff if the non-judicial office is compatible with the judicial office.

13J—Judicial registrar ceasing to hold office and suspension

- 30
- (1) The Governor may, on the recommendation of the Attorney-General, remove a judicial registrar from office for—
- (a) mental or physical incapacity to carry out official duties satisfactorily; or
- (b) neglect of duty; or
- (c) dishonourable conduct.
- 35
- (2) A judicial registrar ceases to hold office if the judicial registrar—
- (a) dies; or
- (b) completes a term of office and is not reappointed; or
- (c) resigns by written notice to the Attorney-General; or
- (d) ceases to satisfy any qualification by virtue of which the person was eligible for appointment to the office of judicial registrar; or
- 40
- (e) is removed from office under subsection (1).
- (3) The Attorney-General may only make a recommendation under subsection (1) with the concurrence of the Chief Justice.

(4) The Chief Justice may, on the Chief Justice's own initiative or at the request of the Attorney-General, suspend a judicial registrar from office if it appears that there may be grounds for the removal of the judicial registrar from office.

(5) If a judicial registrar is suspended under subsection (4), the judicial registrar remains entitled to the judicial registrar's usual remuneration and allowances during the period of suspension.

35—Substitution of section 14

Section 14—delete the section and substitute:

14—Certain common interests do not disqualify

A judge, master or judicial registrar of the court is not incapable of acting in judicial office in any proceeding by reason of being 1 of several ratepayers or taxpayers or 1 of any other class of persons liable in common with others to contribute to or be benefited by a rate or tax which may be increased, diminished or in any way affected by that proceeding.

36—Amendment of section 48—Jurisdiction of Full Court, single judge, master, etc

Section 48(2)(c)—after "master" insert:

or judicial registrar

37—Insertion of section 48A

After section 48 insert:

48A—Jurisdiction of judicial registrar

(1) Subject to the regulations, judicial registrars may exercise the jurisdiction of the court as assigned by the Chief Justice or the rules.

(2) If the court is constituted of a judicial registrar in criminal proceedings, the court—

(a) may not impose a sentence of imprisonment; and

(b) if of the opinion that the limitation on its powers imposed under this subsection prevents it from imposing an appropriate sentence—may adjourn the question of sentence for hearing and determination by a judge.

38—Amendment of section 49—Questions of law reserved for Full Court

Section 49(1)—delete "or a master" and substitute:

, master or judicial registrar"

39—Amendment of section 50—Appeals

(1) Section 50(2)—after "master" insert:

or judicial registrar

(2) Section 50—after subsection (2) insert:

(2a) Subject to the rules, subsections (3) and (4)(a)(i) do not apply to an appeal against a judgment of a judicial registrar.

40—Amendment of section 65—Mediation and conciliation

5 (1) Section 65(1)—delete "or master" and substitute:

, master or judicial registrar

(2) Section 65(5)—delete "or master" and substitute:

, master or judicial registrar

41—Amendment of section 72—Rules of court

10 (1) Section 72(1)(b)—delete paragraph (b) and substitute:

(b) regulating the practice and procedure of the court (including in its appellate jurisdiction);

(2) Section 72(1)(f)—delete "a master" and substitute:

masters or judicial registrars

15 (3) Section 72(1)(g)—delete "master" and substitute:

masters or judicial registrars

42—Insertion of section 110C

Before section 111 insert:

110C—Immunities

20 (1) A master, judicial registrar, mediator or assessor has the same privileges and immunities from civil liability as a judge.

(2) A non-judicial officer of the court incurs no civil or criminal liability for an honest act or omission in carrying out or purportedly carrying out official functions.

Part 6—Amendment of *Youth Court Act 1993*

43—Amendment of section 3—Interpretation

(1) Section 3, definition of *judicial office*—after "magistrate" insert:

, judicial registrar

(2) Section 3—after the definition of *judicial office* insert:

30 *judicial registrar* means a Youth Court judicial registrar;

(3) Section 3, definition of *Registrar*—after "Court" insert:

, but does not include a judicial registrar

44—Amendment of section 9—Court's judiciary

Section 9(1)—after paragraph (b) insert:

- (ba) the judicial registrars of the Court; and

45—Insertion of sections 10A to 10C

After section 10 insert:

10A—Appointment and conditions of judicial registrars

- (1) The Governor may, on the recommendation of the Attorney-General and with the concurrence of the Judge of the Court, appoint a legal practitioner of at least 5 years standing, to be a Youth Court judicial registrar.
- (2) The term of appointment (which must be for at least 7 years), the remuneration and the conditions of service applicable to a person holding an appointment under this section will be as determined by the Governor with the concurrence of the Judge of the Court, and specified in the instrument of appointment.
- (3) An appointment of a judicial registrar under this section will be taken to be on a full-time basis unless the instrument of appointment provides that the appointment is on a part-time basis.
- (4) However, a judicial registrar not appointed on a part-time basis may, by written agreement with the Judge of the Court made with the approval of the Attorney-General, perform the duties of office on a part-time basis for a period specified in the agreement.
- (5) An instrument appointing a judicial registrar on a part-time basis or an agreement under subsection (4) must specify the hours of duty the judicial registrar will ordinarily be required to work, expressed as a proportion of the time a judicial registrar appointed on a full-time basis is ordinarily required to work.
- (6) The hours of duty specified in an instrument of appointment or an agreement under subsection (4) may be varied by written agreement between the judicial registrar and the Judge of the Court made with the approval of the Attorney-General.
- (7) The remuneration determined by the Governor with the concurrence of the Judge of the Court and specified in the instrument of appointment may not be reduced by subsequent determination.
- (8) However, a judicial registrar (whether appointed on a full-time or part-time basis) is, while performing the duties of the office on a part-time basis, entitled to remuneration on a pro-rata basis in respect of the hours of duty at the rate determined by the Governor under this section in relation to a judicial registrar appointed on a full-time basis.

(9) For the purpose of determining whether a legal practitioner has the standing necessary for appointment to the office of judicial registrar, periods of legal practice within and outside the State will be taken into account.

5 (10) A person appointed as a judicial registrar is, on the recommendation of the Attorney-General and with the concurrence of the Judge of the Court, eligible for reappointment at the expiration of a term of office.

10 (11) A judicial registrar may, with the approval of the Attorney-General and the concurrence of the Judge of the Court, concurrently hold office as a member of the Court's non-judicial staff if the non-judicial office is compatible with the judicial office.

10B—Judicial registrar ceasing to hold office and suspension

(1) The Governor may, on the recommendation of the Attorney-General, remove a judicial registrar from office for—

- 15 (a) mental or physical incapacity to carry out official duties satisfactorily; or
(b) neglect of duty; or
(c) dishonourable conduct.

(2) A judicial registrar ceases to hold office if the judicial registrar—

- 20 (a) dies; or
(b) completes a term of office and is not reappointed; or
(c) resigns by written notice to the Attorney-General; or
(d) ceases to satisfy any qualification by virtue of which the person was eligible for appointment to the office of judicial registrar; or
25 (e) is removed from office under subsection (1).

(3) The Attorney-General may only make a recommendation under subsection (1) with the concurrence of the Judge of the Court.

30 (4) The Judge of the Court may, on the Judge's own initiative or at the request of the Attorney-General, suspend a judicial registrar from office if it appears that there may be grounds for the removal of the judicial registrar from office.

35 (5) If a judicial registrar is suspended under subsection (4), the judicial registrar remains entitled to the judicial registrar's usual remuneration and allowances during the period of suspension.

10C—Jurisdiction of judicial registrar

Subject to the regulations, judicial registrars may exercise such jurisdiction of the Court as assigned by the Judge of the Court or the rules.

46—Amendment of section 14—Constitution of Court

- (1) Section 14(1)—delete "section" and substitute:

Act

- (2) Section 14(1)—delete "or a magistrate" and substitute:

, magistrate or judicial registrar

- (3) Section 14—after subsection (2) insert:

(2a) The Court, when constituted of a judicial registrar in criminal proceedings, may not impose a sentence of detention.

- (4) Section 14(3)—after "magistrate" insert:

or judicial registrar

- (5) Section 14(5)—before "special justice" insert:

judicial registrar or

- (6) Section 14(7)—after "A" insert:

judicial registrar,

47—Amendment of section 22—Appeals

Section 22(2)(b)—after "magistrate" insert:

or judicial registrar

48—Substitution of section 26

Section 26—delete the section and substitute:

26—Immunities

(1) The Judge of the Court, or a judicial registrar, special justice or any other person exercising the jurisdiction of the Court has the same privileges and immunities from civil liability as a Judge of the Supreme Court.

(2) A non-judicial officer of the Court incurs no civil or criminal liability for an honest act or omission in carrying out or purportedly carrying out official functions.

49—Amendment of section 27—Contempt of Court

Section 27(b)—delete "a Judge, Magistrate," and substitute:

the Judge of the Court or a magistrate, judicial registrar,