



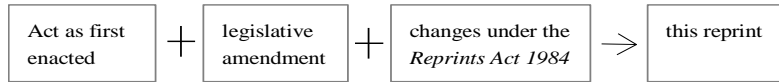
Western Australia

Judges' Retirement Act 1937

Reprint 2: The Act as at 5 December 2003

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 5 December 2003

Western Australia

Judges' Retirement Act 1937

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Judges' Retirement Act 1937

An Act to provide for the retirement of Judges of the Supreme Court and to provide for their pensions on such retirement; to amend the *Constitution Act 1889* and the *Supreme Court Act 1935*; and for other purposes consequent thereon and incidental thereto.

1. Short title and construction

- (1) This Act may be cited as the *Judges' Retirement Act 1937*¹.
- (2) This Act shall be read and construed with and as an amendment of the *Constitution Act 1889* (52 Vict., No. 23), and the *Supreme Court Act 1935* (No. 36 of 1935).

2. Interpretation

In this Act —

“Judge” means and includes any person appointed to and holding any of the following offices —

- (a) Chief Justice of Western Australia; or
- (b) Judge of the Supreme Court of Western Australia; or
- (c) Acting Judge or Auxiliary Judge of the Supreme Court of Western Australia; or

- (d) a Commissioner of the Supreme Court of Western Australia appointed under section 49 of the *Supreme Court Act 1935*.

[Section 2 amended by No. 23 of 1997 s. 11.]

3. Retirement of Judges

Notwithstanding anything to the contrary contained in the *Constitution Act 1889*, or in the *Supreme Court Act 1935*, but subject to —

- (a) section 11AA of the latter Act; or
- (b) sections 16 and 18A of the *District Court of Western Australia Act 1969*,

as the case requires, every Judge appointed after the commencement of this Act who shall attain the age of 70 years shall retire from office on the day on which he attains such age, and thereupon the office of such Judge shall by virtue of this Act become vacant, save for the purpose of completing the trial of any action as next hereinafter provided, and such office may, notwithstanding the pendency of any such trial, be filled by the appointment of any qualified person:

Provided that any Judge who ceases to hold office under this section on attaining the age of 70 years may nevertheless complete the trial of any action which he had entered upon and had not completed before attaining that age:

Provided further, that this section shall not apply to any Judge who holds office as a puisne Judge at the date of the commencement of this Act and who is hereafter appointed to the office of Chief Justice.

[Section 3 amended by No. 23 of 1997 s. 12.]

- [4. Repealed by No. 35 of 1950 s. 4.]**



Notes

- ¹ This reprint is a compilation as at 5 December 2003 of the *Judges' Retirement Act 1937* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Judges' Retirement Act 1937</i>	8 of 1937	8 Dec 1937	8 Dec 1937
<i>Judges' Salaries and Pensions Act 1950</i> s. 4	35 of 1950	16 Dec 1950	16 Dec 1950
Reprint of the <i>Judges' Retirement Act 1937</i> as at 19 Jan 1989 (includes amendments listed above)			
<i>Acts Amendment (Auxiliary Judges) Act 1997</i> Pt. 4	23 of 1997	18 Sep 1997	18 Sep 1997 (see s. 2)
Reprint 2: The <i>Judges' Retirement Act 1937</i> as at 5 Dec 2003 (includes amendments listed above)			

- ² Marginal notes in the *Judges' Retirement Act 1937* referring to legislation of other jurisdictions have been omitted.