3RD SCH. —*cont.*

was made and on the Minister or Secretary of State by whom it was confirmed and shall be entered at the Crown Office within the same period:

(iv) The evidence upon the hearing of the application shall be by affidavit except in so far as the Court at the hearing may direct oral evidence to be given:

(v) The ordinary practice and rules of the King's Bench Division shall apply so far as they are applicable, and are not inconsistent with the provisions of this Act or of these temporary rules.

CHAPTER 2.

An Act to amend the Supreme Court of Judicature (Consolidation) Act, 1925, by increasing to nineteen the number of puisne judges who may be appointed to be attached to the King's Bench Division of the High Court, by making provision for the appointment and precedence of a Vice-President of the Court of Appeal, by permitting certain orders of court in matrimonial proceedings to be made before decree absolute, and by providing for the hearing in camera of certain evidence in nullity proceedings; and for purposes connected with the matters aforesaid.

[12th February 1935.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of 15 & 16 Geo. 5. c. 49 ss. 4 and 11.

1.—(1) The number of puisne judges who may be appointed to be attached to the King's Bench Division of the High Court shall be increased to nineteen; and accordingly paragraph (ii) of subsection (1) of section four of the Supreme Court of Judicature (Consolidation) Act, 1925, (hereinafter referred to as "the principal Act") (which determines the constitution of that Division)

shall have effect as if for the word "seventeen" there were therein substituted the word "nineteen."

(2) Proviso (*a*) to subsection (1) of section eleven of the principal Act (which provides that, whenever the whole number of puisne judges attached to the King's Bench Division amounts to fifteen or upwards, a vacancy occurring among them shall not be filled except after presentation to His Majesty of an address from both Houses of Parliament) shall have effect as if for the words "Whenever the whole number of the puisne judges "attached to the King's Bench Division amounts to "fifteen or upwards, a vacancy occurring among those "judges" there were therein substituted the words "If after the occurrence at any time of a vacancy among "the puisne judges attached to the King's Bench "Division, the number of those judges amounts to "seventeen or more, the vacancy".

(3) The said proviso (*a*) shall not apply to any appointment made by virtue of the provisions of subsection (1) of this section within a period of one year from the passing of this Act, but for the purposes of the application of the said proviso to any such appointment made after the expiration of that period, the appointment shall be deemed to be the filling of a vacancy which has occurred among the puisne judges attached to the King's Bench Division, notwithstanding that the office to which a judge is thereby appointed may not have been vacated by any other judge.

Vice-President of Court of Appeal.

2.—(1) Subsection (4) of section six of the principal Act shall have effect as if at the end thereof there were inserted the words following, that is to say—

> "and may appoint to be Vice-President of that court one of the Lords Justices of Appeal, who shall preside when sitting and acting in any division of the Court of Appeal if no ex officio judge of that court is sitting in that division."

(2) For the purposes of giving effect to the provisions of the last foregoing subsection, the amendments specified in the second column of the Schedule to this Act shall be made in the provisions of the principal Act specified in the first column of that Schedule.

(3) The provisions of this section shall not affect the persons holding office as Lords Justices of Appeal at the date of the passing of this Act and accordingly those persons shall have rank and precedence in all respects as if this Act had not been passed.

Amendment of 15 & 16 Geo. 5. c. 49, ss. 191 and 192.

3.—(1) Section one hundred and ninety-two of the principal Act shall have effect as if at the end thereof there were inserted the following subsection:—

"(2) The powers of the court under this section may be exercised at any time after a decree nisi has been pronounced, but no order made under this section shall take effect unless and until the decree is made absolute."

(2) For the avoidance of doubts it is hereby declared that the powers of the court to make orders under subsection (1) or subsection (2) of section one hundred and ninety of the principal Act or under subsection (1) of section one hundred and ninety-one of that Act may, in any case in which the court pronounces a decree for divorce or, as respects the said section one hundred and ninety for nullity of marriage, be exercised at any time after the decree nisi has been pronounced so, however, that no such order, save in so far as it relates to the preparation, execution or approval of a deed or instrument, and no settlement made in pursuance of any such order, shall take effect unless and until the decree is made absolute.

Certain evidence in nullity proceedings to be in camera.

4. The principal Act shall have effect as if the following section were inserted after section one hundred and ninety-eight thereof:—

"198A. In any proceedings for nullity of marriage, evidence on the question of sexual capacity shall be heard in camera unless in any case the judge is satisfied that in the interests of justice any such evidence ought to be heard in open court."

Short title.

5. This Act may be cited as the Supreme Court of Judicature (Amendment) Act, 1935.

Section 2.

SCHEDULE.

CONSEQUENTIAL AMENDMENTS TO 15 & 16 GEO. V. c. 49.

Section to be amended.	Amendment.
Section six - - -	In subsection (3) after the words "Court of Appeal" there shall be inserted the words "(including the "judge appointed under this section "to be Vice-President of that "court)."
Section sixteen - -	After subsection (2) there shall be inserted the following subsection :— "(2*a*) The Vice-President of the Court of Appeal shall have rank and precedence next after the President of the Probate Division" and in subsection (3) after the word "and" there shall be inserted the words "except the Vice-President of the Court of Appeal shall rank."

CHAPTER 3.

An Act to authorise the Central Electricity Board to make certain arrangements with authorised undertakers who are the owners of, or control, generating stations which are not selected stations; to authorise the Central Electricity Board to supply electricity directly to railway companies for certain purposes; to amend sections eleven and twelve of the Electricity (Supply) Act, 1926; and for purposes connected with the matters aforesaid.

[12th February 1935.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present