

House of Representatives

Supplementary Order Paper

Tuesday, 23 August 2016

Judicature Modernisation Bill

Proposed amendments for the consideration of the Committee of the whole House

Key:

- **this is inserted text**
- **~~this is deleted text~~**

Note: This Supplementary Order Paper shows amendments to the Bill that are being proposed by the Minister for the purposes of consideration in Committee of the whole House. This document does—

- **NOT have official status in terms of unamended text**
- **NOT have the status of an as-reported version of the Bill.**

Explanatory note

This Supplementary Order Paper makes various changes to the Judicature Modernisation Bill. These include minor or technical changes, consequential and consistency changes, updates to consequential amendments, and other changes to improve drafting. The more significant changes are explained below.

Clause 2 currently provides for the provisions of the Bill to come into force by Order in Council (and different commencement dates may be appointed for different provisions). The Supplementary Order Paper amends *clause 2*—

- to bring into force, on the day after the Royal assent,—
 - *clause 4* (in so far as it relates to the High Court Rules), *new clause 144A*, and *clauses 145 to 152*. :
 - *New clauses 144A and 151* provide for the High Court Rules, as in force at the date of the Royal assent, to continue in force as part of Part 1 of the Bill but be published under the Legislation Act 2012, as the High Court Rules 2016, as if they were a statutory instrument. These changes have no substantive effect but have the practical effect of making the rules more accessible for users. *Schedule 1*, which currently sets out the High Court Rules as in force when the Bill was introduced, is therefore proposed to be deleted (*see* the provision and note inserted at *Schedule 1*).
 - *Clauses 145 to 150* are powers for making rules of practice and procedure for the High Court, Court of Appeal, and Supreme Court and *clause 152* continues the Rules Committee for the purposes of the Senior Courts, District Court, and the Criminal Procedure Act 2011. These provisions enable the High Court Rules 2016 to be amended under *clause 145* and the equivalent provisions of the Judicature Act 1908 (section 51A to 51F) are therefore repealed (*new clause 199AA*).
 - *clauses 171 and 419*, which provide for the extent to which a person may have access to the court information of a senior court and the court information of the District Court, judicial information, and Ministry of Justice information as described in *Schedules 2 and 5*:
 - *clauses 171A and 419A*, which provide for the Ministry of Justice to share permitted information (listed in *Part B of Schedule 2* and *Part B of Schedule 5*) with other agencies under approved information sharing agreements under the Privacy Act 1993:
 - *Schedule 2*, which specifies categories of information for the purposes of *clauses 171 and 171A*:
 - *Schedule 5*, which specifies categories of information for the purposes of *clauses 419 and 419A*:

- *Schedule 3A*, which amends other enactments consequential on *new clause 151* and the publication of the High Court Rules as the High Court Rules 2016:
- to bring into force, on 1 March 2017, all remaining provisions of the Bill except those concerning *Part 4*:
- to bring into force, on 1 January 2018,—
 - *Part 4*, which provides for the interest that is to be awarded for delay in the payment of money claims in civil proceedings and standard provisions for calculating interest payable on amounts of money under other enactments:
 - *subpart 7 of Part 6*, which provides for the Copyright Tribunal’s powers to award interest on amounts of money, including how interest must be calculated:
 - *new Schedule 9AAA*, which contains transitional provisions relating to interest on money claims for proceedings already commenced and transitional provisions relating to amendments to other enactments:
 - *new Schedule 9AA*, which provides standard provisions for calculating interest to apply for the purposes of other enactments:
 - *new Schedule 9*, which consequentially amends enactments that currently provide for interest calculated by reference to section 87 of the Judicature Act 1908.

In *Parts 1 to 6*, including the remaining schedules of the Bill,—

- *new clause 26A* is inserted to carry over section 26Q of the Judicature Act 1908 and expressly provide that an Associate Judge has the same immunities as a Judge of the High Court:
- *clause 38(9)*, which provides for compensation to be awarded to a defendant who is arrested as an absconding debtor but subsequently has judgment awarded in his or her favour in the proceeding relating to the debt, is amended to increase from \$2,000 to \$10,000 the maximum amount of compensation that a Judge may award the defendant so that this is consistent with the equivalent provision applying in the District Court (*clause 392(9)*):
- *clause 48*, which provides for the assignment of Judges to a division of the Court of Appeal, is deleted as it is redundant now that there are no longer distinct criminal and civil divisions of that court:
- *clause 49* is amended to carry over the existing provision enabling a single Judge of the Court of Appeal to review a decision of the Registrar made within the civil jurisdiction of the court under a power conferred on him or her by a court rule. However, to reflect the additional statutory powers conferred on Registrars by *clause 64(1)(b)*, the amendment enables a single Judge to review a Registrar’s decision made in the exercise of those powers also:

- *clause 66* is amended to retain express reference to the Supreme Court hearing appeals on important legal matters, including matters relating to the Treaty of Waitangi:
- *clauses 110, 111, and 112* are amended to ensure that an acting Judge of the Supreme Court, Court of Appeal, or High Court may be appointed by the Governor-General in anticipation of a vacancy or need:
- *new clauses 136A, 218A, 569A, and 569B* are inserted, and *clause 543* is amended, to provide that an acting Judge is not entitled to a government-funded subsidy on his or her contribution to a superannuation fund unless when appointed an acting Judge he or she is a permanent Judge of a court (in which case the entitlement is to a government subsidy on the contribution to the Judge's superannuation that relates to the permanent office that the Judge continues to hold):
- *clauses 167 and 401, new section 222B in clause 544, new section 288B in clause 565, and new section 98B in clause 571* are deleted to remove the requirement that final written judgments of a court must be published on the Internet, leaving the publication of judgments a matter for the judiciary to determine as currently:
- *clauses 171B and 419B*, which provide that a requirement to notify a registration authority of certain information is not affected by any suppression order imposed by the court, are amended to clarify that a requirement of this kind is also not affected by suppression orders imposed by the operation of law (for example, under section 201 of the Criminal Procedure Act 2011):
- *clause 421* is replaced by *new clauses 421 to 421T*, which set out in more detail how references to District Courts, Family Courts, Youth Courts, and Disputes Tribunals are to be read on the commencement of *Part 2* of the Bill when there will be only 1 District Court with divisions known as the Family Court, Youth Court, and Disputes Tribunal. Consequential amendments to the District Courts Rules 2014, Family Courts Act 1980, Family Courts Rules 2002, and Disputes Tribunal Act 1988 are also made:
- *clause 445* is amended, and *new clause 445A* is inserted, to include an additional purpose of *Part 5*, which is to provide standard provisions for calculating sums of interest on amounts under other enactments using the Internet site calculator. Under *new clause 470AA* and *new Schedule 9AA*, the standard clauses set out in *new Schedule 9AA* apply where an enactment provides for interest to be calculated in accordance with that schedule:
- *clause 467* is amended to provide for regulations to be made prescribing when a judgment debt or an instalment of payment of a judgment debt is paid or deemed to be paid for the purpose of calculating interest under *Part 4*:
- *clause 475* is amended to include the ability to limit, by Order in Council, the application of *Part 5* (which enables the use of electronic technology in court and tribunal proceedings) to a court or tribunal located in a particular place, or

to a particular jurisdiction of a court or tribunal located in a particular place, or to any specified class of persons:

- *clause 527* (which replaces section 8 of the Courts (Remote Participation) Act 2010), which currently requires the use of audiovisual links (AVL) for sentencing hearings, is amended to provide that the use of AVL in such hearings is at the discretion of the Judge if certain criteria are met:
- *clause 579* is deleted as the Judicature Act 1908 (except section 87) is repealed by *clause 179*. Section 87 is repealed by *clause 470* on 1 January 2018:
- *clause 580* and *Schedule 11* are deleted as relevant consequential amendments are now incorporated in *Part 6*:
- *new Schedule 1A* is inserted as a consequence of the High Court Rules being continued after the Royal assent and the rest of the Bill (other than the provisions relating to interest on money claims) coming into force on 1 March 2017. *New Schedule 1A* consequentially amends the High Court Rules 2016 on 1 March 2017 to replace references to legislation repealed on that date and take account of substantive changes concerning the senior courts and the District Court that also come into force on that date:
- *Schedules 2 and 5*, which describe for the purposes of *Part 1* (*clauses 171 and 171A*) and *Part 2* (*clauses 419 and 419A*) respectively, court information, Ministry of Justice information, and judicial information that may be accessed or shared, are amended to—
 - include as further items of permitted information that may be shared between agencies protection orders made under the Sentencing Act 2002, non-contact orders made under the Victims' Orders Against Violent Offenders Act 2014, and public protection orders made under the Public Safety (Public Protection Orders) Act 2014:
 - clarify that case-level information must exclude any personal identification details so that it is not possible to work out the identity of any person from the published information or data:
- *Schedule 3*, which sets out consequential amendments relating to *Part 1* of the Bill, is updated:
- *Schedule 6*, which sets out consequential amendments relating to *Part 2* of the Bill, is updated:
- *Schedule 8*, which sets out consequential amendments relating to *Part 3* of the Bill, is updated:
- *Schedule 9*, which sets out consequential amendments relating to *Part 4* of the Bill is updated.

Departmental disclosure statement

The Ministry of Justice considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.

The Honourable Minister, in Committee, to propose the amendments shown in the following document.

Hon Amy Adams

Judicature Modernisation Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the **Judicature Modernisation Act 2013**.

2 Commencement

- (1) ~~This Act comes into force on a date appointed by the Governor-General by Order in Council; and 1 or more orders may be made bringing different provisions into force on different dates.~~
- (2) ~~The power conferred by **subsection (1)** includes (without limitation) the power to bring different provisions of the High Court Rules set out in **Schedule 1** into force on different dates.~~
- (1) This Act comes into force on **1 March 2017**.
- (2) **Subsection (1)** applies with the following exceptions:
- (a) the following provisions come into force on the day after the date of Royal assent:
- (i) **section 4**, in relation to the definition of **High Court Rules**;
 - (ii) **sections 144A to 152**;
 - (iii) **sections 171 and 171A**;
 - (iv) **sections 179(1AA), 180(c), and 182**;
 - (v) **sections 419 and 419A**;
 - (vi) **Schedule 2**;
 - (vii) **Schedule 3A**;
 - (viii) **Schedule 5**;
- (b) the following provisions come into force on **1 January 2018**:
- (i) **section 179(3)**;
 - (ii) **section 420(2)**;
 - (iii) **Part 4**;
 - (iv) **subpart 7 of Part 6**;
 - (v) **Schedule 9AAA**;
 - (vi) **Schedule 9AA**;
 - (vii) **Schedule 9**.

Part 1 Senior courts

Subpart 1—Preliminary provisions

3 Purposes

The purposes of this **Part** are to—

- (a) consolidate in a single statute the provisions of the Judicature Act 1908 and the Supreme Court Act 2003; and
- (b) continue the High Court, the Court of Appeal, and the Supreme Court, and provide for their—
 - (i) constitution and jurisdiction; and
 - (ii) practice and procedure; and
 - (iii) judicial and other officers, including their—
 - (A) selection; and
 - (B) appointment and conditions; and
- (c) make provision for any other related matters; and
- (d) improve the transparency of court arrangements in a manner consistent with judicial independence.

4 Interpretation

- (1) In this **Part**, unless the context otherwise requires,—

Associate Judge means an Associate Judge of the High Court

Chief High Court Judge—

- (a) means the person holding that office under **section 100**; and
- (b) includes a Judge of the High Court acting in place of the Chief High Court Judge under **section 108**

Chief Justice means the Chief Justice of New Zealand holding office under **section 100**

Court of Appeal means the Court of Appeal of New Zealand continued under **section 43**

defendant means a person served or intended to be served with any application to the High Court for the exercise of its civil or criminal jurisdiction

~~**Gazette** means the *New Zealand Gazette*~~

High Court means the High Court of New Zealand continued under **section 6**

High Court Rules means ~~the rules set out in **Schedule 1, as amended from time to time**~~ High Court Rules 2016 that are part of this Act under **section 144A**

interlocutory application—

- (a) means any application to the High Court in any civil proceedings or criminal proceedings, or intended civil proceedings or intended criminal proceedings, for—
 - (i) an order or a direction relating to a matter of procedure; or
 - (ii) in the case of civil proceedings, for some relief ancillary to that claimed in a pleading; and
- (c) includes an application to review an order made, or a direction given, on any application to which **paragraph (a)** applies

Judge means a Judge of the High Court

judgment includes decree

lawyer has the meaning given to it by section 6 of the Lawyers and Conveyancers Act 2006

medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine

Minister means the Minister or Ministers of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is or are for the time being responsible for the administration of this **Part**

plaintiff means a person who makes an application (other than an interlocutory application) to the High Court for the exercise of its civil or criminal jurisdiction

President of the Court of Appeal means the Court of Appeal Judge holding office under **section 100**

Supreme Court means the Supreme Court of New Zealand continued under **section 66**

working day, ~~in relation to the High Court and the Court of Appeal,~~ means a day that is not—

- (a) ~~a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, or Waitangi Labour Day;~~ or
- (b) the day observed as the anniversary day of the province in which the court is located; or
- (c) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; or
- (ed) a day in the period commencing on 25 December in one year and ending with 15 January in the next year.

~~working day~~, in relation to the Supreme Court, has the meaning given in ~~section 65~~.

- (2) A reference in any enactment to a senior court in New Zealand must, unless the context otherwise requires, be read as a reference to the High Court, the Court of Appeal, or the Supreme Court.
- (3) A reference in any enactment to a senior court of a country other than New Zealand must, unless the context otherwise requires, be read as a reference to a court that has jurisdiction comparable to the jurisdiction of a senior court in New Zealand.

5 This Part binds the Crown

This **Part** binds the Crown.

Subpart 2—High Court

Constitution of High Court

6 High Court continued

- (1) There continues to be a High Court of New Zealand.
- (2) The High Court consists of—
 - (a) the Chief Justice of New Zealand; and
 - (b) the other High Court Judges who are from time to time appointed.
- (7) The High Court is a court of record.
- (8) The High Court is the same court as the High Court continued by section 3(1) of the Judicature Act 1908.

Compare: 1908 No 89 s 4(1)

6A Number of High Court Judges

- (1) The number of High Court Judges appointed from time to time referred to in **section 6(2)(b)** may not exceed 55.
- (2) For the purposes of **subsection (1)**,—
 - (a) a permanent Judge who is sitting on a full-time basis counts as 1;
 - (b) a permanent Judge who is sitting on a part-time basis counts as an appropriate fraction of 1;
 - (c) the aggregate number (for example 54.5) must not exceed 55.
- (3) Despite **subsection (1)**, the Governor-General may appoint more than 55 High Court Judges (**additional Judges**) if the Governor-General thinks that 1 or more additional Judges are required because of—
 - (a) the absence of any Judge on leave preliminary to retirement; or
 - (b) the anticipated absence of any Judge on leave preliminary to retirement.

- (4) The appointment of an additional Judge under **subsection (3)** must fill the vacancy next occurring in the office of Judge, not being a vacancy filled by an earlier appointment under **subsection (3)**.

7 Seal

- (1) The High Court must have a seal, and the Registrar of the court is responsible for the seal.
- (2) The seal must be used for sealing judgments, orders, certificates, and any other document issued by the court that must be sealed.

Compare: 1908 No 89 s 50

8 Powers of High Court to be exercised by High Court Judges

- (1) The powers of the High Court may be exercised in any part of New Zealand by a High Court Judge or 2 or more High Court Judges.
- (2) **Subsection (1)** is subject to any enactment that—
- (a) requires the powers of the High Court to be exercised by the full court or by a specified number of High Court Judges; or
 - (b) provides for the appointment of persons other than High Court Judges to sit with the High Court or as members of the court in any specified proceeding or class of proceeding.

Compare: 1908 No 89 s 19

9 Sessions of High Court and adjournments

- (1) A High Court Judge may hold a session of the High Court at any time and place the Judge thinks fit.
- (2) A High Court Judge may adjourn a session of the High Court to a time and place the Judge thinks fit.
- (3) If a High Court Judge is not present at the time appointed for a session of the court, a Registrar must adjourn the session and may determine the time and place of the next session.

Compare: 1908 No 89 s 52

10 Court offices

- (1) The Governor-General may, by notice in the *Gazette*, declare that an office of the High Court is established at a place and on and after a date stated in the notice.
- (2) The Governor-General may, by notice in the *Gazette*, abolish an office of the High Court.
- (3) The following provisions apply on the abolition of an office of the High Court (the **abolished office**):

- (a) the Minister may direct that the documents and records in the abolished office must be transferred to another office of the court (the **substituted office**):
- (b) when delivered to the Registrar of the substituted office, the documents and records become subject to the custody of that Registrar:
- (c) the Registrar of the substituted office may do anything that could under an enactment or a rule have been done by the Registrar of the abolished office:
- (d) a step in a proceeding that could under an enactment or a rule have been taken in the abolished office may be taken in the substituted office:
- (e) an act or a thing required or authorised by an enactment or a rule to be done by a person at the abolished office in relation to a proceeding or transaction or document may be done by a person at the substituted office:
- (f) an address for service given by a party in relation to a proceeding in the abolished office continues to be the address for service of the party, but if the address does not comply with any enactment or rule the party must give a new address for service on first filing a document in the proceeding in the substituted office:
- (g) a High Court Judge may—
 - (i) decide a question as to the application of this section or the procedure to be followed; and
 - (ii) make any order the Judge thinks fit.

Compare: 1908 No 89 s 23A

Jurisdiction of High Court

11 Jurisdiction of High Court

The High Court has—

- (a) the jurisdiction that it had on the commencement of this **Part**; and
- (b) the judicial jurisdiction that may be necessary to administer the laws of New Zealand; and
- (c) the jurisdiction conferred on it by any other Act.

Compare: 1908 No 89 s 16

12 Power to award damages as well as, or in substitution for, injunction or specific performance

The High Court may award damages in addition to or in substitution for an injunction or specific performance.

Compare: 1908 No 89 s 16A

13 Jurisdiction in relation to persons who lack competence to manage their affairs

- (1) The High Court has jurisdiction and control in relation to—
 - (a) mentally impaired persons who, in the opinion of the court, lack wholly or partly the competence to manage their own affairs; and
 - (b) the property and managers of those persons.
- (2) **Subsection (1)** is subject to other enactments making provision in relation to those persons or their property or managers.

Compare: 1908 No 89 s 17

14 When civil proceeding to be tried before Judge alone

- (1) A civil proceeding must be tried before a High Court Judge sitting alone.
- (2) This section is subject to **section 15**.

Compare: 1908 No 89 s 19B

15 Certain civil proceedings may be tried by High Court Judge with jury

- (1) Any party to a proceeding for defamation, false imprisonment, or malicious prosecution may, on giving notice in accordance with the High Court Rules, require the proceeding to be tried by a High Court Judge with a jury.
- (2) Any party to a counterclaim in a proceeding for defamation, false imprisonment, or malicious prosecution may, on giving notice in accordance with the High Court Rules, require the counterclaim to be tried by a High Court Judge with a jury.
- (3) If a notice is given under **subsection (1) or (2)**, the proceeding or counterclaim must be tried in accordance with the subsection that applies.
- (3A) A High Court Judge may, on the application of either party, order that a proceeding for defamation, false imprisonment, or malicious prosecution or any issue in the proceeding be tried before a Judge without a jury if it appears to the Judge before the trial that the trial of the proceeding or the issue will—
 - (a) involve mainly the consideration of difficult questions of law; or
 - (b) require any prolonged examination of documents or accounts, or any investigation in which difficult questions in relation to scientific, technical, business, or professional matters are likely to arise, being an examination or investigation ~~which that~~ cannot conveniently be made with a jury.
- (3B) A proceeding for defamation, false imprisonment, or malicious prosecution that also contains other causes of action may be tried only before a High Court Judge without a jury.
- (4) No civil proceeding other than for defamation, false imprisonment, or malicious prosecution may be tried by a High Court Judge with a jury.

Compare: 1908 No 89 s 19A(1)–(5)

16 Question of foreign law must be decided by High Court Judge

- (1) A question about the effect of evidence of a foreign law that arises in a civil or criminal proceeding that is tried by a High Court Judge with a jury must be decided by the Judge alone.
- (2) This section overrides **section 15**.
Compare: 1908 No 89 s 19C

17 Proceedings in place of writs

- (1) This section applies in any case where, before the commencement of the Judicature Amendment Act (No 2) 1985,—
 - (a) the High Court had jurisdiction to grant relief or a remedy or do any other thing by way of a writ; or
 - (b) the High Court could issue a writ for the commencement or conduct of a proceeding or in relation to a proceeding.
- (2) If this section applies,—
 - (a) the court continues to have jurisdiction to grant the relief or remedy or to do the thing; but
 - (b) the court may not issue the writ; and
 - (c) the court may grant the remedy or relief or do the thing by way of a judgment or an order in accordance with this **Part** and the High Court Rules; and
 - (d) a proceeding for the remedy or relief or for the court to do the thing must be commenced and conducted in accordance with this **Part** and the High Court Rules.
- (3) This section does not apply to—
 - (a) a writ of habeas corpus under the Habeas Corpus Act 2001; or
 - (b) any writ of execution for the enforcement of a judgment or an order of the court; or
 - (c) any writ in aid of any writ of execution.
- (4) **Subsection (3)** is subject to the High Court Rules.
Compare: 1908 No 89 s 98A

Panels of Judges

18 Panels

- (1) The commercial panel of the High Court from which Judges may be selected to hear and determine commercial proceedings is established and may operate subject to this section.

- (2) The Governor-General may, by Order in Council made on the recommendation of the Attorney-General after consultation with the Chief Justice and the Chief High Court Judge,—
 - (a) specify a commencement date for the operation of the commercial panel:
 - (b) specify the types of proceedings that may be assigned to the commercial panel:
 - (c) if the Governor-General considers it necessary, provide for the commercial panel to cease its operations on or from a specified date.
- (3) The Chief High Court Judge, in consultation with the Attorney-General and the Chief Justice, may establish other panels of High Court Judges for the purposes of dealing with proceedings other than commercial proceedings.
- (4) The Chief High Court Judge may determine how many High Court Judges are to be on the commercial panel or any other panel and assign Judges to the panels.
- (5) The Chief High Court Judge may decide the basis on which cases are to be distributed as between Judges on the commercial panel or another panel and Judges who are not on any panel.
- (6) A party may nominate that the party's case be dealt with by a Judge on a panel and the Chief High Court Judge may assign to the case a Judge or Judges from a panel.

Jurisdiction of Associate Judges

19 Associate Judge may exercise certain powers of High Court

- (1) An Associate Judge has the jurisdiction and powers of the High Court in relation to the following matters:
 - (a) an application for summary judgment:
 - (b) ~~an application to stay or dismiss an application for the appointment of a liquidator under the Companies Act 1993:~~
 - (ba) reinstating a company to the Register of Companies:
 - (bb) any matter arising under the Insolvency Act 1967:
 - (bc) case management of proceedings under the Admiralty Act 1973:
 - (c) a proceeding in which relief is claimed solely under any of sections 140, 143, 144, 145, 145A, and 148 of the Land Transfer Act 1952 (which relate to caveats):
 - (d) an assessment of damages where liability has been determined or the trial of a proceeding in which only the amount of a debt or damages is in dispute:
 - (e) the entry of a judgment by consent or the making of an order by consent:

- (f) the making of an order (other than an arrest order or an order relating to an arrest order) that may be made under the High Court Rules against a judgment debtor who has been ordered to attend the court for an examination:
 - (g) the making, variation, suspension, or discharge of an attachment order under the High Court Rules:
 - (h) any other matter that an Associate Judge has jurisdiction to deal with under an enactment.
- (2) An Associate Judge has the jurisdiction and powers of the court or a High Court Judge under the following enactments:
- (a) article 11 of Schedule 1 of the Arbitration Act 1996:
 - (b) sections 123, 154, 165 to 168, 173, 179, 232 to 234, 236 to 238, Part 15A, ~~and~~ Part 16, and section 329 of the Companies Act 1993:
 - (c) section 42(2) of the Corporations (Investigations and Management) Act 1989:
 - (d) the Insolvency Act 2006 (except sections 150, 166(3), 180, and 236(2)):
 - (e) regulations or rules made under the Insolvency Act 2006:
 - (f) regulations relating to liquidations made under the Companies Act 1993:
 - (g) sections 118, 128, 131, 167, 168, 170, 179, 181, 182, and 186 of the Personal Property Securities Act 1999:
 - (h) the Model Law on Cross-Border Insolvency as set out in Schedule 1 of the Insolvency (Cross-border) Act 2006.
- (3) An Associate Judge may adjourn a proceeding even though the Associate Judge does not have jurisdiction in relation to the proceeding.
- (4) An Associate Judge has the jurisdiction and powers of the court to deal with costs and other matters incidental to the matters over which the Associate Judge has jurisdiction under this section.
- (5) Rules made under **section 145** or under any other Act in the same manner as rules under that section may contain any provisions that may be necessary to enable the proper exercise by Associate Judges of the jurisdiction and powers conferred by this section.

Compare: 1908 No 89 ss 26I(1)–(3), (4)(a), 26O

20 Ancillary powers of Associate Judge

- (1) An Associate Judge has, in relation to a proceeding (including a proceeding on an interlocutory application) that is properly before the Associate Judge, the same jurisdiction and power to make an order or exercise an authority as a Judge of the High Court.

- (2) Despite **subsection (1)**, an Associate Judge does not have the jurisdiction or powers referred to in **section 21(4)**.

Compare: 1908 No 89 s 26IA

21 Rules conferring on Associate Judges specified jurisdiction and powers of High Court Judge in chambers

- (1) Rules made under **section 145** and rules made under any other Act in the manner provided in that section may confer on an Associate Judge the jurisdiction and powers of a High Court Judge in chambers specified in the rules.
- (2) The rules may specify limitations and restrictions on the jurisdiction and powers.
- (3) The rules may contain any provisions that may be necessary to enable the proper exercise by Associate Judges of the jurisdiction and powers so conferred.
- (4) Despite **subsection (1)**, no rules may be made that confer on Associate Judges jurisdiction and power in relation to any of the following:
- (a) a criminal proceeding other than an uncontested application for bail or an application to set aside a witness summons:
 - (b) an application for a writ of habeas corpus:
 - (c) a proceeding for the issue or renewal of a writ of sequestration:
 - (d) a proceeding under the Care of Children Act 2004:
 - (e) an action *in rem* under the Admiralty Act 1973:
 - (f) an application to review, or appeal against, the exercise, or the refusal to exercise, by a Registrar or a Deputy Registrar of any jurisdiction or power conferred on a Registrar or Deputy Registrar by **this Part** or any other enactment:
 - (g) an application for a search order or an interlocutory or a permanent injunction:
 - (h) an application for review or other relief under **Part 3 of the Judicature Modernisation Act 2013**:
 - (i) a proceeding for a writ or an order in the nature of mandamus, prohibition, or certiorari, or for a declaration or an injunction:
 - (j) a proceeding to remove a person from public office:
 - (k) a proceeding to try the right of a person to hold public office.

Compare: 1908 No 89 s 26J

22 Application of provisions relating to witnesses and contempt

Sections 40, 41, and 161 (which relate to the power to deal with witnesses and contempt) apply to a proceeding before an Associate Judge in the same way as they apply to a proceeding before a High Court Judge.

Compare: 1908 No 89 s 26K

23 No power to order committal, attachment, or arrest

- (1) An Associate Judge does not have power to make an order for the committal, attachment, or arrest of a person.
- (2) This section is subject to **section 22**.

Compare: 1908 No 89 s 26L

24 Power to act as referee

An Associate Judge may act as a referee under the High Court Rules in a proceeding or on a question that arises in a proceeding.

Compare: 1908 No 89 s 26M

25 Transfer of proceeding to High Court Judge

- (1) An Associate Judge may, on the application of a party to a proceeding before the Associate Judge or on the Associate Judge's own initiative, refer the proceeding or a matter in the proceeding to a High Court Judge if the Associate Judge is satisfied that because of the complexity of the proceeding or matter it is desirable to do so.
- (2) A High Court Judge may, on the application of a party to a proceeding that is being or is to be dealt with by an Associate Judge, order that the proceeding or any part of it be transferred to and dealt with by a High Court Judge if the Judge making the order is satisfied that it is desirable to do so.
- (3) A High Court Judge may—
 - (a) dispose of the proceeding; or
 - (b) refer the proceeding or matter back to the Associate Judge with any directions the High Court Judge thinks fit.

Compare: 1908 No 89 s 26N

26 Appeals against decisions of Associate Judges

- (1) A party to any proceedings may appeal to the Court of Appeal against any order or decision of an Associate Judge in those proceedings.
- (2) **Section 57** applies to an appeal under **subsection (1)**.

Compare: 1908 No 89 s 26P(1)–(1A), (3)

26A Immunity of Associate Judges

Every Associate Judge has the same immunities as a Judge of the High Court.

Compare: 1908 No 89 s 26Q

27 Jurisdiction of High Court Judges not affected

Nothing in this **Part** or the High Court Rules prevents the exercise by a High Court Judge of the jurisdiction and powers conferred on an Associate Judge by this **Part** or those rules.

Compare: 1908 No 89 s 26R

*Commissioners for oaths, affidavits, and affirmations***28 Power to appoint Commissioners**

- (1) A High Court Judge may appoint a person to be a Commissioner of the High Court to administer and take an oath, affidavit, or affirmation outside New Zealand in connection with a proceeding or matter before a court in New Zealand.
- (2) Notification of the appointment must be published in the *Gazette*.
Compare: 1908 No 89 s 47

29 Effect of oath, affidavit, or affirmation

An oath, affidavit, or affirmation administered or taken by a Commissioner has the same effect as if it had been administered or taken by a person authorised to administer or take the oath, affidavit, or affirmation in New Zealand.

Compare: 1908 No 89 s 48

30 Revocation of commission

- (1) A High Court Judge may revoke a commission for any reason the Judge considers sufficient.
- (2) Revocation of a commission does not affect the validity of anything done by the Commissioner before notice of the revocation was given or sent to the Commissioner.
- (3) Notice of the revocation and of the date on which it was given or sent to the Commissioner must be published in the *Gazette*.

Compare: 1908 No 89 s 49

*Registrars, Sheriffs, and officers of High Court***31 Appointment of Registrars, Deputy Registrars, and other officers of High Court**

Registrars, Deputy Registrars, and other officers may be appointed under the State Sector Act 1988 for the conduct of the business of the High Court.

Compare: 1908 No 89 s 27

32 Powers of Registrars

- (1) A Registrar has the duties and powers—
 - (a) conferred by this **Part**, any other enactment, or the High Court Rules:
 - (b) necessary or desirable to ensure the efficient and effective administration of the business of the High Court.
- (2) A Deputy Registrar has the same duties and powers as a Registrar.
- (3) **Subsection (2)** is subject to a provision to the contrary in any other enactment or the High Court Rules.

Compare: 1908 No 89 s 28

33 Sheriffs

- (1) A Registrar is also a Sheriff for New Zealand.
- (2) Deputy Sheriffs may be appointed under the State Sector Act 1988 for offices of the High Court.
- (3) In the absence of the Sheriff or when acting for the Sheriff, a Deputy Sheriff has the same duties and powers as a Sheriff.

Compare: 1908 No 89 s 29

34 Powers of Sheriffs

A Sheriff has—

- (a) the power to enforce an order of the High Court:
- (b) the power to serve a process of the High Court:
- (c) the power to arrest a person in accordance with an order of the High Court:
- (d) any other powers conferred by this **Part**, any other enactment, or the High Court Rules.

Compare: 1908 No 89 s 32

35 Sheriff not to act as lawyer or agent

No Sheriff may be in any way concerned in any action in any court in New Zealand either as a lawyer or as an agent.

Compare: 1908 No 89 s 34

36 Service of process when Sheriff disqualified

- (1) If the Sheriff is disqualified by law from executing any process that has been issued, the court must authorise a fit person to execute the process.
- (2) The cause of the process must be entered in the records of the court.

Compare: 1908 No 89 s 35

37 Persons arrested by Sheriffs may be committed to prison at once

A Sheriff, Sheriff's officer, bailiff, or any other person employed to assist the Sheriff who arrests any person under or by virtue of any writ or process that authorises the committal of the arrested person may, without delay, take steps to have the arrested person taken to a prison and committed there.

Compare: 1908 No 89 s 36

Miscellaneous matters

38 Arrest of defendant about to leave New Zealand

- (1) A Judge may, on the application of a plaintiff in a proceeding to recover an amount of money, issue a warrant to arrest a defendant in the proceeding and bring the defendant before the court.

- (2) A Judge must not issue a warrant unless the Judge is satisfied that—
 - (a) the plaintiff has a good cause of action against the defendant; and
 - (b) there are reasonable grounds to suspect that the defendant is about to leave New Zealand with the intention of evading payment of the amount claimed.
- (3) The Judge may require the applicant for the warrant to deposit in the court an amount not exceeding the amount claimed in the proceeding or give a surety for that amount for the purposes of payment of any compensation that may be ordered to be paid to the defendant under **subsection (9)**.
- (4) The defendant must be brought before the court unless the amount claimed in the proceeding is paid to the plaintiff before the warrant is executed.
- (5) The Judge may—
 - (a) release the defendant; or
 - (b) release the defendant on bail on any terms and conditions the Judge thinks fit and with a surety of an amount the Judge thinks fit (but not exceeding the amount claimed in the proceeding and costs) or without a surety; or
 - (c) remand the defendant in custody.
- (6) A defendant who is remanded in custody must be brought before the court within 4 days after the date of the order.
- (7) A defendant arrested under the warrant may either give to the enforcing officer or deposit in the court the amount shown on the warrant as the amount of the claim plus costs. If the defendant does so, he or she must be released and the amount must be retained and,—
 - (a) if judgment in the proceeding is given in favour of the plaintiff, paid or applied in accordance with the judgment; or
 - (b) if judgment in the proceeding is given in favour of the defendant, paid to the defendant.
- (8) The Judge may,—
 - (a) if the defendant consents, hear and determine the proceeding at the time the defendant is brought before the court; or
 - (b) fix a date and time for the hearing of the proceeding.
- (9) If judgment is given for the defendant, the Judge may order that the defendant be paid compensation for his or her arrest or arrest and detention of an amount not exceeding ~~\$2,000~~ \$10,000.
- (10) Where a Judge is not available through absence, illness, or any other cause, a Registrar may exercise any of the powers conferred on a Judge by **subsections (1) to (3) and (5)(a) and (b)**.

Compare: 1908 No 89 s 55; 1947 No 16 ss 109, 110

39 Witness not required to attend hearing of civil proceeding unless allowances and expenses paid

A witness is not required to attend the hearing of a civil proceeding in the High Court unless allowances and travelling expenses in accordance with regulations made under the Criminal Procedure Act 2011 have been paid or tendered to the witness—

- (a) at the time of service on the witness of the subpoena; or
- (b) a reasonable time before the hearing.

Compare: 1908 No 89 s 56A(3)

40 Failure of witness to attend

- (1) The High Court may, in civil proceedings, issue a warrant to arrest and bring before the court a witness who—
 - (a) is compellable to attend the court to give evidence; and
 - (b) has been summoned to attend the court to give evidence; and
 - (c) fails to attend the court.
- (2) The High Court may impose a fine not exceeding \$1,000 on a witness brought before the court under **subsection (1)** who ~~did~~ does not have a reasonable excuse for failing to attend the court.
- (3) The onus of proving a reasonable excuse is on the witness.

Compare: 1908 No 89 s 56A(1), (2)

41 Refusal to give evidence

- (1) This section applies to a witness in a civil proceeding who, without reasonable excuse,—
 - (a) refuses to give evidence when required; or
 - (b) refuses to produce a document the witness has been required to produce; or
 - (c) refuses to be sworn; or
 - (d) having been sworn, refuses to answer a question.
- (2) The High Court may order that, unless the witness complies with **subsection (1)**, the witness is to be detained in custody for a period not exceeding 7 days and may issue a warrant to arrest and detain the witness.
- (3) The High Court may exercise the powers in **subsection (2)** if the witness is again brought before the court, whether on 1 or more occasions, and still fails to comply with **subsection (1)**.
- (4) This section does not limit the power of the High Court to punish the witness for contempt.

Compare: 1908 No 89 s 56B

42 High Court may require person to undergo medical examination

- (1) The High Court may order a party to a civil proceeding to undergo a medical examination by a registered medical practitioner at a time and place specified in the order if the court is satisfied, in the interests of justice, that the physical or mental condition of the person is relevant to a matter in the proceeding.
- (2) The person to be examined may have a registered medical practitioner of the person's own choice present at the examination.
- (3) The court may order a party seeking the order to pay to the person to be examined a reasonable sum to meet—
 - (a) the person's travelling and other expenses in connection with the examination; and
 - (b) the expenses of having a registered medical practitioner chosen by the person attend the examination.
- (4) The person to be examined must do the things reasonably requested and answer the reasonable questions asked by the medical practitioner who conducts the examination.
- (5) If the person to be examined fails, without reasonable excuse, to comply with the order or wilfully obstructs the medical examination, the High Court may—
 - (a) stay the proceeding; or
 - (b) strike out a notice, statement, or other document filed, or a step taken, in the proceeding by the person to be examined.

Compare: 1908 No 89 s 100

Subpart 3—Court of Appeal*Constitution***43 Court of Appeal continued**

- (1) There continues to be a Court of Appeal of New Zealand.
- (2) The Court of Appeal consists of—
 - (a) a Judge of the High Court appointed by the Governor-General as a Judge of the Court of Appeal and as President of that court; and
 - (b) no fewer than 5 nor more than 9 other Judges of the High Court appointed by the Governor-General as Judges of the Court of Appeal.
- (3) The Court of Appeal is a court of record.
- (4) The Court of Appeal is the same court as the Court of Appeal continued by section 57 of the Judicature Act 1908.

Compare: 1908 No 89 s 57(1), (2)

44 Seal

- (1) The Court of Appeal must have a seal, and the Registrar of the court is responsible for the seal.
- (2) The seal must be used for sealing judgments, orders, certificates, and any other document issued by the court that must be sealed.

Compare: 1908 No 89 s 74

45 Court of Appeal to sit in divisions

- (1) For the purposes of proceedings in the Court of Appeal, the Court of Appeal sits in divisions comprising 3 Judges.
- (3) Each division may exercise all the powers of the Court of Appeal.
- (4) A division may exercise the powers of the Court of Appeal even though 1 or more divisions of the court or a full court exercises those powers at the same time.
- (5) A majority of the members of a division may, if they consider it desirable, refer a proceeding, or state a case, or reserve a question for consideration by a full court of the Court of Appeal. A full court has power to hear and determine the proceeding, case, or question.

Compare: 1908 No 89 s 58

46 Composition of divisions

- (1) For the purposes of a proceeding that is heard by a division, the Court of Appeal comprises—
 - (a) 3 Judges of the Court of Appeal holding office under **section 43(2) or 111**; or
 - (b) 2 Judges of the Court of Appeal holding office under **section 43(2) or 111** and 1 Judge of the High Court appointed under **subsection (2)**; or
 - (c) 1 Judge of the Court of Appeal holding office under **section 43(2) or 111** and 2 Judges of the High Court appointed under **subsection (2)**.
- (2) The President of the Court of Appeal and the Chief High Court Judge may jointly appoint Judges of the High Court to be members of the Court of Appeal for the purposes of any proceedings.
- (3) Judges may be appointed under **subsection (2)** either—
 - (a) in respect of a specified case or specified cases; or
 - (b) in respect of every case to be heard by the Court of Appeal during a specified period not exceeding 3 months.
- (4) An appointment under **subsection (2)** may be made for 1 or more 3-month periods, but no Judge may be a member of the Court of Appeal under that subsection for more than 4 months in any calendar year.

- (5) **Section 173** applies to an appointment under **subsection (2)** despite anything in **subsection (3) or (4)**.
- (6) Each division may exercise all the powers of the Court of Appeal.
- (7) A division may exercise the powers of the Court of Appeal even though 1 or more divisions of the court or a full court exercises those powers at the same time.
- (8) A majority of the members of a division may, if they consider it desirable, refer a proceeding, or state a case, or reserve a question for consideration by a full court of the Court of Appeal. A full court has power to hear and determine the proceeding, case, or question.

Compare: 1908 No 89 ss 58A, 58B

48 Assignment of Judges to divisions

- (1) Judges are assigned to act as members of a criminal or civil division of the Court of Appeal in accordance with a procedure adopted from time to time by the Judges of the Court of Appeal holding office under **section 43(2)**.
- (2) The President of the Court of Appeal must publish the procedure on an Internet site maintained by or on behalf of the court.

Compare: 1908 No 89 s 58C

49 Powers exercisable by Judges

- (1) This section applies to all proceedings before the Court of Appeal other than proceedings under the Criminal Procedure Act 2011.
- (2) Any 2 or more Judges of the Court of Appeal may act as the court to determine—
- (a) any contested application for leave to appeal;
 - (b) any contested application for an extension of time to appeal;
 - (c) any other contested application or matter (other than an appeal) that effectively determines or disposes of the substantive proceeding.
- (3) A single Judge of the Court of Appeal may act as the court to determine any uncontested application of the kind referred to in **subsection (2)** or other uncontested matter in the court (other than an appeal).
- (4) If a single Judge acting under **subsection (2) (3)** determines not to grant an application or not to resolve a matter in favour of a party, the party may apply to have the Judge's determination confirmed reviewed by 2 or more Judges of the Court of Appeal.
- (5) The Judges who determine an application under **subsection (4)** may confirm, modify, or reverse the single Judge's determination.
- (6) Every application or matter dealt with under this section must be determined on the papers, unless the Judge or Judges order that it be determined at an oral hearing or in any other manner considered just by the Judge or Judges.

- (6) A single Judge of the Court of Appeal may—
- (a) review a decision of the Registrar made within the civil jurisdiction of the court under
 - (i) a power conferred on the Registrar by a rule made under **section 145**; or
 - (ii) in the exercise of the powers under **section 64(1)(b)**; and
 - (b) confirm, modify, or revoke that decision as the Judge thinks fit.
- (7) Unless otherwise directed by the court—
- (a) every application and matter dealt with under this section must be determined on the papers; and
 - (b) every review under this section must be conducted on the papers.

Compare: 1908 No 89 s 61A(1), (2)

51 Court of Appeal to sit as full court in certain cases

- (1) The Court of Appeal must sit as a full court to hear and determine—
- (a) cases that are considered, in accordance with the procedure adopted under **section 52**, to be of sufficient significance to warrant the consideration of a full court;
 - (b) a proceeding, case, or question referred under **section 45(5)** for hearing and determination by a full court;
 - (c) an appeal from a decision of the Court Martial Appeal Court under section 10 of the Court Martial Appeals Act 1953.
- (2) A full court of the Court of Appeal consists of 5 Judges.
- (3) A full court is constituted only by Judges of the Court of Appeal holding office under **section 43(2)**.
- (4) ~~Despite **subsection (2)**, it is not necessary for a proceeding to be reheard if, before the determination of the proceeding, 1 or more members of the full court before whom the proceeding is being or was heard—~~
- ~~(a) dies; or~~
 - ~~(b) becomes seriously ill; or~~
 - ~~(c) is unavailable for any other reason.~~
- (5) ~~The remaining members of the full court may continue to act as a full court for the purposes of this section and have power to determine the proceeding or any incidental matter, including the question of costs, that may arise in the proceeding.~~

Compare: 1908 No 89 s 58D

52 Cases of sufficient significance for full court

- (1) The question whether a case is of sufficient significance to warrant the consideration of a full court must be determined in accordance with the procedure adopted by the Judges of the Court of Appeal holding office under **section 43(2)**.
- (2) The President of the Court of Appeal must publish the procedure on an Internet site maintained by or on behalf of the court.

Compare: 1908 No 89 s 58E

53 Authority of High Court Judges to act as Judges of Court of Appeal

- (1) The fact that a High Court Judge acts as a Judge of the Court of Appeal is conclusive evidence of the Judge's authority to do so. No judgment or determination given or made by the Court of Appeal while the Judge so acts may be questioned on the ground that the occasion for the Judge acting had not arisen or had ceased to exist.
- (2) A Judge of the High Court who has acted as a Judge of the Court of Appeal may attend sessions of the Court of Appeal for the purpose of giving a judgment or imposing a sentence or completing a proceeding heard by the Court of Appeal while the Judge acted as a Judge of the court.

Compare: 1908 No 89 s 58G

54 Judgment of Court of Appeal

- (1) The judgment of the Court of Appeal must be in accordance with the opinion of a majority of the Judges hearing the proceeding.
- (2) If the Judges are equally divided, the judgment or order appealed from or under review is taken as affirmed.
- (3) A judgment of the Court of Appeal may be given in the manner prescribed by rules made under **section 145**.

Compare: 1908 No 89 s 59

55 Sessions of Court of Appeal

- (1) The President of the Court of Appeal presides at a session of the court at which he or she is present.
- (2) If the President is not present, the senior Judge of the Court of Appeal who is present presides.

Compare: 1908 No 89 s 60(2), (3)

56 Adjournments

- (1) The Court of Appeal may adjourn a session of the court to a time and place appointed by the court.
- (2) One or more Judges of the Court of Appeal may adjourn a session of the Court of Appeal to a time and place appointed by the Judge or Judges if it is neces-

sary to do so because 1 or more Judges of the Court of Appeal are not present at the session.

- (3) If none of the Judges is present at the time appointed for a session of the court, the Registrar of the Court of Appeal must adjourn the session and may determine the time and place of the next session.

Compare: 1908 No 89 ss 60(4), 61

Jurisdiction

57 Jurisdiction

- (1) The Court of Appeal may hear and determine appeals—
- (a) from a judgment, decree, or order of the High Court;
 - (b) under the Criminal Procedure Act 2011;
 - (c) from any court or tribunal under any other Act that confers on the Court of Appeal jurisdiction and power to hear and determine an appeal.
- (2) **Subsection (1)** is subject to **subsections (2A) and (4)** and to rules made under **section 145**.
- (2A) No appeal, except an appeal under **subsection (3)**, lies from any order or decision of the High Court made on an interlocutory application in respect of any civil proceeding unless leave to appeal to the Court of Appeal is given by the High Court on application made within 20 working days after the date of that order or decision or within any further time that the High Court may allow.
- (3) Any party to any proceedings may appeal without leave to the Court of Appeal against any order or decision of the High Court—
- (a) striking out or dismissing the whole or part of a proceeding, claim, or defence; or
 - (b) granting summary judgment.
- (4) If the High Court refuses leave to appeal under **subsection (2A)**, the Court of Appeal may grant that leave on application made to the Court of Appeal within 20 working days after the date of the refusal of leave by the High Court.
- (5) If leave to appeal under **subsection (2A) or (4)** is refused in respect of an order or a decision of the High Court made on an interlocutory application, nothing in this section prevents any point raised in the application for leave to appeal from being raised in an appeal against the substantive High Court decision.

Compare: 1908 No 89 s 66

58 Court of Appeal may remit proceeding to High Court

The Court of Appeal may—

- (a) remit a proceeding to the High Court; or

- (b) order a new trial in the High Court of a civil or criminal proceeding that is the subject of an appeal to the Court of Appeal.

Compare: 1908 No 89 s 62

59 Judgment of Court of Appeal may be enforced by High Court

A judgment, an order, or a decree of the Court of Appeal may be enforced by the High Court as if it had been given or made by the High Court.

Compare: 1908 No 89 s 63

60 Transfer of civil proceeding from High Court to Court of Appeal

- (1) A party to a civil proceeding in the High Court may apply for an order transferring the proceeding to the Court of Appeal.
- (2) In determining whether to make an order transferring the proceeding, the Court of Appeal must be satisfied that the circumstances of the proceeding are exceptional.
- (3) Without limiting **subsection (2)**, the circumstances may be exceptional if—
- (a) the party to the proceeding intends to submit that a relevant decision of the Court of Appeal should be overruled;
 - (b) the proceeding raises an issue of considerable public importance that—
 - (i) needs to be determined urgently; and
 - (ii) is unlikely to be determined urgently if the proceeding is heard and determined by both the High Court and the Court of Appeal;
 - (c) the proceeding does not raise a question of fact or a significant question of fact, but raises a question of law that is the subject of conflicting decisions of the Court of Appeal.
- (4) In deciding whether to make an order transferring the proceeding, the Court of Appeal must have regard to the following matters:
- (a) the primary purpose of the Court of Appeal as an appellate court;
 - (b) the desirability of obtaining a determination of the proceeding in the High Court and a review of that determination on appeal;
 - (c) whether a full court of the High Court could effectively determine the question in issue;
 - (d) whether the proceeding raises a question of fact or a significant question of fact;
 - (e) whether the parties have agreed to the transfer of the proceeding;
 - (f) any other matter to which regard should be had in the public interest.
- (5) It is not a sufficient ground that the parties agree to the transfer.
- (6) The Court of Appeal has the jurisdiction of the High Court to hear and determine a proceeding transferred under this section.

- (7) The Court of Appeal may transfer back to the High Court a proceeding that has been transferred to the Court of Appeal.

Compare: 1908 No 89 s 64

61 Appeals against decisions of High Court on appeal from District Court, Family Court, or Youth Court

- (1) The decision of the High Court on appeal from the District Court, the Family Court, or the Youth Court is final unless a party, on application, obtains leave to appeal against the decision to the Court of Appeal.
- (2) An application under **subsection (1)** for leave to appeal to the Court of Appeal must be made to the High Court or, if the High Court refuses leave, to the Court of Appeal.
- (3) If leave to appeal is obtained under **subsection (1)**, the decision of the Court of Appeal is final unless a party obtains leave to appeal against that decision to the Supreme Court.
- (3A) If there is non-compliance with any procedural rules in relation to an application or appeal under this section before the Court of Appeal, the court may dismiss the application or appeal or deal with it in any other manner and on any terms that the court decides.
- (4) **Subsections (1) to (3A)** are subject to **subpart 4**.

Compare: 1908 No 89 s 67

62 Reasons for granting or refusing leave to appeal

- (1) The Court of Appeal may, but does not have to, give reasons for granting leave to appeal to the Court of Appeal.
- (1A) The Court of Appeal must give reasons for refusing leave to appeal to the Court of Appeal.
- (2) Reasons given by the Court of Appeal may be stated—
- (a) briefly; and
 - (b) in general terms only.

Compare: 2003 No 53 s 16

62A Procedure if Judges absent

- (1) This section applies if, because of the death or unavailability of 1 or 2 of the Judges of the Court of Appeal who are about to begin or have begun hearing a proceeding, only 2 of those Judges (in the case of a division of the court) or 3 or 4 of those judges (in the case of a full court) remain available to hear and determine the proceeding.
- (2) The remaining Judges must decide whether the proceeding must be adjourned or reheard, or may continue.
- (3) If the remaining Judges decide that the proceeding may continue,—

- (a) they may—
 - (i) act as the Court of Appeal in relation to the proceeding and hear and determine the proceeding; and
 - (ii) make any order or decision on any interlocutory application; and
 - (iii) make any order or decision as to costs; and
 - (b) a reference in **section 54(1)** to a majority of the Judges hearing the proceeding must be read as a reference to the 2 remaining Judges (in the case of a division) or to a majority of those remaining Judges (in the case of a full court).
- (4) If the death or unavailability occurs while judgment is reserved in the proceeding, the remaining Judges must decide—
- (a) whether the judgment should be produced or completed, and (if so) who should produce or complete the judgment; or
 - (b) whether the proceeding should be reheard.
- (5) If, at the time appointed for a session of the Court of Appeal, 1 or more Judges are absent, the Judge or Judges present may adjourn or further adjourn the session to some other time.
- (6) If none of the Judges of the Court of Appeal is present at the time appointed for a session of the court, the Registrar of the Court of Appeal must adjourn the session and may determine the time and place of the next session.

Compare: 2003 No 53 s 30

Registrar and other officers of Court of Appeal

63 Appointment of Registrar, Deputy Registrar, and other officers of Court of Appeal

A Registrar, a Deputy Registrar, and other officers may be appointed under the State Sector Act 1988 for the conduct of the business of the Court of Appeal.

Compare: 1908 No 89 s 72

64 Powers of Registrar and Deputy Registrar

- (1) The Registrar has the powers and duties—
- (a) conferred by this **Part**, any other enactment, or rules made under **section 145**:
 - (b) necessary or desirable to ensure the efficient and effective administration of the business of the Court of Appeal.
- (2) The Deputy Registrar has the same duties and powers as the Registrar.
- (3) **Subsection (2)** is subject to a provision to the contrary in any rules made under **section 145** or any other enactment.

Compare: 1908 No 89 s 73

Subpart 4—Supreme Court

Preliminary matters

65 Interpretation

In this subpart, unless the context otherwise requires,—

civil proceeding—

- (a) means a proceeding that is not a criminal proceeding; and
- (b) includes a proceeding under the Bail Act 2000

decision includes a judgment, decree, order, direction, or determination

District Court includes—

- (a) the Family Court and the Youth Court; and
- (b) the District Court sitting in its admiralty jurisdiction

High Court includes the High Court sitting—

- (a) in its admiralty jurisdiction; or
- (b) as a permanent Prize Court under the jurisdiction conferred by section 8 of the Admiralty Act 1973

interlocutory application—

- (a) means an application in a proceeding or an intended proceeding for—
 - (i) an order or a direction relating to a matter of procedure; or
 - (ii) in the case of a civil proceeding, for relief ancillary to the relief claimed in the proceeding; and
- (b) includes an application for a new trial; and
- (c) includes an application to review a decision made on an interlocutory application

New Zealand court means—

- (a) the Supreme Court, the Court of Appeal, the High Court, or the District Court; or
- (b) any of the following specialist courts: the Court Martial of New Zealand established under section 8 of the Court Martial Act 2007, the Court Martial Appeal Court constituted by the Court Martial Appeals Act 1953, the Employment Court, the Environment Court, the Māori Appellate Court, and the Māori Land Court

Registrar means the Registrar of the Supreme Court appointed under **section 87**

Supreme Court means the Supreme Court continued by **section 66**.

working day means a day of the week other than—

- (a) ~~a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day; and~~
- (b) ~~the day observed as anniversary day in Wellington; and~~
- (c) ~~if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and~~
- (d) ~~a day in the period commencing on 25 December in any year and ending with 15 January in the following year.~~

Compare: 2003 No 53 s 4

Constitution of Supreme Court

66 Supreme Court continued

- (1) There continues to be a Supreme Court of New Zealand for the hearing of appeals in New Zealand on important legal matters, including matters relating to the Treaty of Waitangi, which would formerly have been determined by the Judicial Committee of the Privy Council.
- (2) The Supreme Court consists of—
 - (a) the Chief Justice; and
 - (b) no fewer than 4 nor more than 5 other Judges appointed by the Governor-General as Judges of the Supreme Court.
- (3) The Supreme Court is a court of record.
- (4) The jurisdiction of the Supreme Court is not affected by a vacancy in its membership.

Compare: 2003 No 53 ss 3(1), 6, 17

67 Seal

- (1) The Supreme Court must have a seal, and the Registrar of the Supreme Court is responsible for the seal.
- (2) The seal must be used for sealing judgments, orders, certificates, and any other document issued by the Supreme Court that must be sealed.

Compare: 2003 No 53 s 38

Jurisdiction of Supreme Court

68 Appeals against decisions of Court of Appeal in civil-cases proceedings

The Supreme Court may hear and determine an appeal by a party to a civil proceeding in the Court of Appeal against a decision made in the proceeding, unless—

- (a) an enactment other than this **Part** makes provision to the effect that there is no right of appeal against the decision; or

- (b) the decision is a refusal to give leave or special leave to appeal to the Court of Appeal.

Compare: 2003 No 53 s 7

69 Appeals against decisions of High Court in civil proceedings

The Supreme Court may hear and determine an appeal by a party to a civil proceeding in the High Court against a decision made in the proceeding, unless—

- (a) an enactment other than this **Part** makes provision to the effect that there is no right of appeal against the decision; or
- (b) the decision is a refusal to give leave or special leave to appeal to the High Court or the Court of Appeal; or
- (c) the decision ~~was~~ is made on an interlocutory application.

Compare: 2003 No 53 s 8

70 Appeals against decisions of other courts in civil proceedings

The Supreme Court may hear and determine an appeal against a decision made in a civil proceeding in a New Zealand court other than the Court of Appeal or the High Court to the extent only that an enactment other than this **Part** provides for the bringing of an appeal against the decision to the Supreme Court.

Compare: 2003 No 53 s 9

71 Appeals against decisions in criminal proceedings

The Supreme Court may hear and determine appeals authorised by—

- (a) Part 6 of the Criminal Procedure Act 2011; or
- (b) section 10 or 10A of the Court Martial Appeals Act 1953.

Compare: 2003 No 53 s 10

72 Procedural requirements

Sections 68 to 71 are subject to—

- (a) this **Part**; and
- (b) all applicable rules, orders, and directions for regulating the terms and conditions on which appeals may be allowed, made, or given under this **Part**.

Compare: 2003 No 53 s 11

Leave to appeal

73 Appeals to be by leave

- (1) Appeals to the Supreme Court may be heard only with the court's leave.
- (2) A reference in an enactment other than this **Part** to the leave of the Supreme Court must be read subject to **sections 74 and 75**.

Compare: 2003 No 53 s 12

74 Criteria for leave to appeal

- (1) The Supreme Court must not give leave to appeal to it unless it is satisfied that it is necessary in the interests of justice for the court to hear and determine the appeal.
- (2) It is necessary in the interests of justice for the Supreme Court to hear and determine a proposed appeal if—
 - (a) the appeal involves a matter of general or public importance; or
 - (b) a substantial miscarriage of justice may have occurred, or may occur unless the appeal is heard; or
 - (c) the appeal involves a matter of general commercial significance.
- (3) For the purposes of **subsection (2)(a)**, a significant issue relating to the Treaty of Waitangi is a matter of general or public importance.
- (4) The Supreme Court must not give leave to appeal to it against an order made by the Court of Appeal on an interlocutory application unless satisfied that it is necessary in the interests of justice for the Supreme Court to hear and determine the proposed appeal before the proceeding concerned is concluded.
- (5) **Subsection (2)** does not limit the generality of **subsection (1)** and **subsection (3)** does not limit the generality of **subsection (2)(a)**.

Compare: 2003 No 53 s 13

75 No direct appeal from court other than Court of Appeal unless exceptional circumstances established

The Supreme Court must not give leave to appeal directly to it against a decision made, a conviction entered, or a sentence imposed in a proceeding in a New Zealand court other than the Court of Appeal unless the court is satisfied,—

- (a) in accordance with **section 74**, that it is necessary in the interests of justice for the court to hear and determine the appeal; and
- (b) that there are exceptional circumstances that justify taking the proposed appeal directly to the court.

Compare: 2003 No 53 s 14

76 Applications for leave

- (1) The parties to an application for leave to appeal to the Supreme Court may make written submissions to the court, and may include in the submissions—
 - (a) additional relevant written material; and
 - (b) responses to submissions made by another party.
- (2) Neither the parties nor their representatives have a right to appear before the court on the application; but the court may, if it thinks fit,—
 - (a) authorise the parties, their representatives, or both to appear:

- (b) exclude from any authority to appear a party who is an appellant in custody.
- (3) In determining the application, the court must consider—
 - (a) the written submissions before it; and
 - (b) if an oral hearing was held, the matters raised at the hearing.
- (4) The court may consider the written submissions in any manner it thinks fit.
Compare: 2003 No 53 s 15

77 Court to state reasons for refusal to give leave

- (1) The Supreme Court must state its reasons for refusing to give leave to appeal to it.
 - (2) The reasons may be stated—
 - (a) briefly; and
 - (b) in general terms only.
- Compare: 2003 No 53 s 16

Powers and judgments of Supreme Court

78 Appeals to proceed by way of rehearing

Appeals to the Supreme Court proceed by way of rehearing.
Compare: 2003 No 53 s 24

79 General powers

- (1) On an appeal in a proceeding that has been heard in a New Zealand court, the Supreme Court—
 - (a) may make any order or grant any relief that could have been made or granted by that court; and
 - (b) even if the proceeding has not been heard in the Court of Appeal, has the powers the Court of Appeal would have if hearing the appeal.
 - (2) In a proceeding, the Supreme Court may, as it thinks fit, make—
 - (a) any ancillary order; and
 - (b) any order or decision on an interlocutory application; and
 - (c) any order as to costs.
- Compare: 2003 No 53 s 25

80 Power to remit proceeding

The Supreme Court may remit a proceeding that began in any New Zealand court to a New Zealand court that has jurisdiction to deal with it.
Compare: 2003 No 53 s 26

81 Exercise of powers of court

- (1) For the purposes of the hearing and determination of a proceeding, the Supreme Court comprises 5 Judges of the court.
- (2) Two or more permanent Judges of the Supreme Court may act as the court—
 - (a) to decide whether an oral hearing of an application for leave to appeal to the court should be held, or the application should be determined just on the basis of written submissions:
 - (b) to determine an application for leave to appeal to the court.
- (3) A judgment of the Supreme Court may be delivered in the manner and by the number of Judges provided by rules made under **section 145**.
- (4) This section is subject to **sections 82(1)** and **84(1)**.

Compare: 2003 No 53 s 27

82 Orders and directions on interlocutory applications may be made or given by 1 Judge

- (1) In a proceeding before the Supreme Court, a permanent Judge of the court may, on an interlocutory application, make any order and give any direction that the Judge thinks fit (other than an order or a direction excluded by **subsection (2)**).
- (2) **Subsection (1)** does not apply to an order or a direction that determines the proceeding or disposes of a question or an issue that is before the court in the proceeding.
- (3) A permanent Judge of the Supreme Court may—
 - (a) review a decision of the Registrar made within the civil jurisdiction of the court under a power conferred on the Registrar by a rule made under **section 145**; and
 - (b) confirm, modify, or revoke that decision as the Judge thinks fit.
- (4) The Judges of the Supreme Court who together have jurisdiction to hear and determine a proceeding may—
 - (a) discharge or vary an order or a direction made or given under **subsection (1)**; or
 - (b) confirm, modify, or revoke a decision confirmed or modified under **subsection (3)**.

Compare: 2003 No 53 s 28

83 Presiding Judge

- (1) The Chief Justice presides over the Supreme Court.
- (2) If the Chief Justice is absent, or the office of Chief Justice is vacant, the most senior available Judge of the Supreme Court presides over the court.

- (3) The fact that a Judge of the Supreme Court other than the Chief Justice presides over the court is conclusive proof of the Judge's authority to do so. No action of the Judge, and no judgment or decision of the court, may be questioned on the ground that the occasion for the Judge to preside over the court had not arisen or had ceased.

Compare: 2003 No 53 s 29

84 Procedure if Judges absent

- (1) This section applies if, because of the death or unavailability of 1 or 2 of the Judges of the Supreme Court who are about to begin or have begun hearing a proceeding, only 3 or 4 of those Judges remain available to hear and determine the proceeding.
- (2) The remaining Judges must decide whether the proceeding must be adjourned or reheard, or may continue.
- (3) If the remaining Judges decide that the proceeding may continue,—
- (a) they may—
 - (i) act as the Supreme Court in relation to the proceeding and hear and determine the proceeding; and
 - (ii) make any order or decision on any interlocutory application; and
 - (iii) make any order or decision as to costs; and
 - (b) a reference in **section 85(1)** to a majority of the Judges hearing the proceeding must be read as a reference to a majority of those remaining Judges.
- (3A) If the death or unavailability occurs while judgment is reserved in the proceeding, the remaining Judges must decide—
- (a) whether the judgment should be produced or completed, and (if so) who should produce or complete the judgment; or
 - (b) whether the proceeding should be reheard.
- (4) If, at the time appointed for a session of the Supreme Court, 1 or more Judges are absent, the Judge or Judges present may adjourn or further adjourn the session to some other time.
- (5) If none of the Judges of the Supreme Court is present at the time appointed for a session of the court, the Registrar of the Supreme Court must adjourn the session and may determine the time and place of the next session.

Compare: 2003 No 53 s 30

85 Judgment of Supreme Court

- (1) The judgment of the Supreme Court must be in accordance with the opinion of a majority of the Judges hearing the proceeding concerned.

- (2) If the Judges are equally divided in opinion, the decision appealed from or under review is taken to be affirmed.

Compare: 2003 No 53 s 31

86 Decisions of Supreme Court may be enforced by High Court

A judgment, decree, or order of the Supreme Court may be enforced by the High Court as if it had been given or made by the High Court.

Compare: 2003 No 53 s 32

Registrar and other officers of Supreme Court

87 Appointment of Registrar, Deputy Registrar, and other officers of Supreme Court

- (1) A Registrar of the Supreme Court must be appointed under the State Sector Act 1988.

- (2) There may also be appointed under that Act Deputy Registrars of the Supreme Court, and any other officers required for the conduct of the court's business.

Compare: 2003 No 53 s 36

88 Powers of Registrar

The Registrar, Deputy Registrars, and other officers of the Supreme Court have the powers and duties conferred or imposed by this **Part**, rules made under **section 145**, or any other enactment.

Compare: 2003 No 53 s 37

Subpart 5—Senior court Judges

Head Judges

89 Head of New Zealand judiciary

The Chief Justice is the head of the New Zealand judiciary.

Compare: 2003 No 53 s 18(1)

90 Head of Supreme Court

- (1) The Chief Justice is the head of the Supreme Court and is responsible for ensuring the orderly and efficient conduct of the Supreme Court's business.

- (2) The Chief Justice may make all necessary arrangements for—

- (a) the sessions of the Supreme Court; and
(b) the conduct of the Supreme Court's business.

91 Head of Court of Appeal

- (1) The President of the Court of Appeal is the head of the Court of Appeal and is responsible to the Chief Justice for ensuring the orderly and efficient conduct of the Court of Appeal's business.
- (2) The President of the Court of Appeal may make all necessary arrangements for—
 - (a) the sessions of the Court of Appeal; and
 - (b) the conduct of the Court of Appeal's business.

92 Head of High Court

- (1) The Chief High Court Judge is the head of the High Court and is responsible to the Chief Justice for ensuring the orderly and efficient conduct of the High Court's business.
- (2) The Chief High Court Judge may make all necessary arrangements for—
 - (a) the sessions of the High Court; and
 - (b) the conduct of the High Court's business.

Compare: 1908 No 89 s 4B

Judicial appointment process

93 Attorney-General to publish information concerning judicial appointment process

The Attorney-General must publish information explaining his or her process for—

- (a) seeking expressions of interest for the appointment of Judges and Associate Judges; and
- (b) recommending persons for appointment as a Judge or an Associate Judge.

Eligibility for appointment

94 Eligibility for appointment as Judge or Associate Judge

A person may only be appointed a Judge or an Associate Judge if—

- (a) that person has, for at least 7 years, held a New Zealand practising certificate as a barrister or as a barrister and solicitor; or
- (b) that person—
 - (i) holds a degree in law granted or issued by any university within New Zealand; and
 - (ii) has been admitted as a barrister and solicitor of the High Court; and

- (iii) has held a practising certificate in a jurisdiction specified by Order in Council—
 - (A) for at least 7 years; or
 - (B) for a lesser number of years, but, when that number of years is added to the number of years that the person has held a New Zealand practising certificate, the total number of years is at least 7 years.

Compare: 1908 No 89 ss 6, 26C(4)

95 Eligibility for appointment as Court of Appeal Judge

A person may only be appointed a Court of Appeal Judge if that person is—

- (a) a High Court Judge; or
- (b) appointed a High Court Judge at the same time as being appointed a Court of Appeal Judge.

Compare: 1908 No 89 s 57(3)

96 Eligibility for appointment as Supreme Court Judge

A person may only be appointed a Supreme Court Judge if that person is—

- (a) a Court of Appeal Judge; or
- (b) a High Court Judge; or
- (c) appointed a High Court Judge at the same time as being appointed a Supreme Court Judge.

Compare: 2003 No 53 s 20(1)

97 Eligibility for appointment as Chief High Court Judge

A person may only be appointed the Chief High Court Judge if that person—

- (a) is—
 - (i) a High Court Judge; or
 - (ii) appointed a High Court Judge at the same time as being appointed the Chief High Court Judge; but
- (b) is not—
 - (i) a Supreme Court Judge; or
 - (ii) a Court of Appeal Judge.

Compare: 1908 No 89 s 4A(1)

98 Eligibility for appointment as President of Court of Appeal

- (1) A person may only be appointed the President of the Court of Appeal if that person is—

- (a) a High Court Judge; or

- (b) appointed a High Court Judge at the same time as being appointed the President of the Court of Appeal.
- (2) If a person who is a Supreme Court Judge is appointed the President of the Court of Appeal, the person immediately ceases to hold office as a Supreme Court Judge.
- (3) A person who ceases to hold office as a Supreme Court Judge under **subsection (2)** may nevertheless continue in that office to determine, give judgment in, or otherwise complete a proceeding heard by that person (either alone or with others) when he or she sat in the Supreme Court.

99 Eligibility for appointment as Chief Justice

- (1) A person may only be appointed the Chief Justice if that person is—
 - (a) a High Court Judge; or
 - (b) appointed a High Court Judge at the same time as being appointed the Chief Justice.
- (2) If a person who is a Court of Appeal Judge is appointed the Chief Justice, the person immediately ceases to hold office as a Court of Appeal Judge.
- (3) A person who ceases to hold office as a Court of Appeal Judge under **subsection (2)** may nevertheless continue in that office to determine, give judgment in, or otherwise complete a proceeding heard by that person (either alone or with others) when he or she sat in the Court of Appeal.

Appointments

100 Judges appointed by Governor-General

- (1) A Judge is appointed by the Governor-General in the name and on behalf of Her Majesty.
- (1) ~~The Chief Justice is appointed by the Governor-General on the recommendation of the Prime Minister.~~
- (2) ~~Every other Judge, and every Associate Judge, is appointed by the Governor-General on the recommendation of the Attorney-General.~~

Compare: 1908 No 89 s 4(2); 2003 No 53 s 17(1)(b)

101 Appointment as permanent Judge

- (1) A Judge is appointed as a permanent Judge of a court unless the Judge is appointed as an acting Judge.
- (2) An Associate Judge is appointed as a permanent Associate Judge of the High Court unless the Associate Judge is appointed as an acting Associate Judge.

Compare: 1908 No 89 ss 4C(1), 26D(1), 57A(1)

101A High Court Judge or Associate Judge may not hold lower judicial office

- (1) When a person who is a District Court Judge is appointed a High Court Judge or an Associate Judge, that person ceases to hold office as a District Court Judge.
- (2) A person who ceases to hold office as a District Court Judge under **subsection (1)** may nevertheless continue in that office to determine, give judgment in, or otherwise complete a proceeding heard by that person (either alone or with others) when he or she sat in the District Court.
- (3) When a person who is an Employment Court Judge is appointed a High Court Judge or an Associate Judge, that person ceases to hold office as an Employment Court Judge.
- (4) A person who ceases to hold office as an Employment Court Judge under **subsection (3)** may nevertheless continue in that office to determine, give judgment in, or otherwise complete a proceeding heard by that person (either alone or with others) when he or she sat in the Employment Court.

101B Court of Appeal Judge continues as Judge of High Court

When a person who is a Judge of the High Court is appointed a Judge of the Court of Appeal, ~~that Judge~~ person continues to be a Judge of the High Court and may sit as, or exercise the powers of, a Judge of the High Court.

Compare: 1908 No 89 s 57(4)

102 Supreme Court Judge continues as Judge of High Court but no other court

- (1) When a person who is a Judge of the High Court is appointed a Supreme Court Judge, ~~a that person~~—
 - (a) continues to be a High Court Judge and may exercise any of the powers of a High Court Judge; but
 - (b) ceases to hold office as a Court of Appeal Judge if, immediately before being appointed a Supreme Court Judge, the person was a Court of Appeal Judge.
- (2) A Supreme Court Judge who ceases to hold office as a Judge of the Court of Appeal (under **subsection (1)(b)**) may nevertheless continue in that office to determine, give judgment in, or otherwise complete a proceeding heard by the Judge (either alone or with others) when he or she sat in that court.

Compare: 2003 No 53 ss 20(2), 21

104 Terms and conditions of appointment not to be changed without consent

- (1) No changes may be made to the terms and conditions of a Judge's appointment without the Judge's consent.

- (2) No changes may be made to the terms and conditions of an Associate Judge's appointment without the Associate Judge's consent.

Compare: 1908 No 89 ss 4C(7), 26D(7), 57A(7)

Part-time Judges

105 Attorney-General may authorise Judges to sit part-time

- (1) Judges (other than Supreme Court Judges) and Associate Judges may seek the authorisation of the Attorney-General to sit part-time for a specified period.
- (2) The Attorney-General may grant an authorisation sought by a Judge or an Associate Judge under **subsection (1)** only with the agreement of—
- (a) the President of the Court of Appeal, if the Judge is a Court of Appeal Judge;
 - (b) the Chief High Court Judge, if—
 - (i) the Judge is a High Court Judge but not a Court of Appeal Judge; or
 - (ii) the Judge is an Associate Judge.
- (3) An authorisation may take effect from—
- (a) the date the Judge or Associate Judge commences office; or
 - (b) any other date specified in the authorisation.
- (4) A Judge or an Associate Judge may be authorised to sit part-time for a specified period on more than 1 occasion.
- (5) A Judge or an Associate Judge authorised to sit part-time for a specified period resumes sitting on a full-time basis at the end of that period.

Compare: 1908 No 89 ss 4C(1)–(6), 26D(2)–(6), 57A(2)–(6)

Acting Judges

106 Acting Chief Justice

- (1) During any period that the office of the Chief Justice is vacant, the most senior available Judge of the Supreme Court is authorised to act as Chief Justice.
- (2) During any period that the Chief Justice is unable for any reason (including illness) to perform the duties of that office, the next most senior available Judge of the Supreme Court is authorised to act as Chief Justice.
- (4) A Judge authorised under **subsection(1) or (2)** to act as Chief Justice is empowered while so acting to—
- (a) perform the duties of the Chief Justice; and
 - (b) exercise any power of the Chief Justice.

- (5) This section does not affect clause 12 of the Letters Patent Constituting the Office of Governor-General of New Zealand.

Compare: 2003 No 53 s 19(1)–(3), (5)

107 Acting President of Court of Appeal

- (1) During any period that the office of the President of the Court of Appeal is vacant, the most senior available Judge of the Court of Appeal is authorised to act as President of the Court of Appeal.
- (2) During any period that the President of the Court of Appeal is unable for any reason (including illness) to perform the duties of that office, the next most senior available Judge of the Court of Appeal is authorised to act as President of the Court of Appeal.
- (4) A Judge authorised under **subsection(1) or (2)** to act as President of the Court of Appeal is empowered while so acting to—
- (a) perform the duties of the President of the Court of Appeal; and
 - (b) exercise any power of the President of the Court of Appeal.

Compare: 1908 No 89 s 57(7)

108 Acting Chief High Court Judge

- (1) During any period that the office of the Chief High Court Judge is vacant, the most senior available Judge of the High Court is authorised to act as Chief High Court Judge.
- (2) During any period that the Chief High Court Judge is unable for any reason (including illness) to perform the duties of that office, the next most senior available Judge of the High Court is authorised to act as Chief High Court Judge.
- (4) A Judge authorised under **subsection(1) or (2)** to act as Chief High Court Judge is empowered while so acting to—
- (a) perform the duties of the Chief High Court Judge; and
 - (b) exercise any power of the Chief High Court Judge.

Compare: 1908 No 89 s 4A(4), (5)

109 Appointment of acting Judges of Supreme Court by Chief Justice

- (1) The Chief Justice, in consultation with the President of the Court of Appeal, may appoint a Court of Appeal Judge as an acting Supreme Court Judge to hear and determine 1 or more specified proceedings.
- (2) An appointment under **subsection (1)** may be made ~~during because of the illness or absence, or anticipated absence,~~ of any Judge of the Supreme Court, or for any other temporary purpose.
- (3) Only 1 Court of Appeal Judge appointed under **subsection (1)** may be present at a sitting of the Supreme Court for the hearing of a proceeding.

- (4) To avoid doubt, **section 102** does not apply to a Court of Appeal Judge appointed under **subsection (1)**.

Compare: 2003 No 53 s 23(1)(4)

110 Appointment of acting Judges of Supreme Court by Governor-General

- (1) The Governor-General may, on the advice of the Attorney-General, appoint 1 or more acting Judges of the Supreme Court.
- (2) ~~A person under the age of 75 years is eligible for appointment under **subsection (1)** if that person is a retired Supreme Court Judge.~~
- (3) ~~An appointment under **subsection (1)** may be made during the illness or absence of any Judge of the Supreme Court, or for any other temporary purpose.~~
- (2) A person is eligible for appointment under **subsection (1)** if that person is—
- (a) a retired Supreme Court Judge; and
 - (b) under the age of 75 years.
- (4) During the term of his or her appointment under **subsection (1)**, an acting Judge of the Supreme Court may only act to the extent authorised by the Chief Justice under **subsection (5)**.
- (5) ~~An acting Judge of the Supreme Court may be authorised by the Chief Justice to—~~
- (a) ~~hear and determine proceedings within a specified period;~~
 - (b) ~~hear and determine 1 or more specified proceedings.~~
- (5) The Chief Justice may authorise an acting Judge to act as a member of the Supreme Court—
- (a) to hear and determine any proceedings within a specified period; or
 - (b) to hear and determine 1 or more specified proceedings.
- (6) The Chief Justice may authorise an acting Judge to act as a member of the Supreme Court only if satisfied that—
- (a) there is a vacancy in the Supreme Court; or
 - (b) a Judge of the Supreme Court is for any reason unavailable to hear proceedings or particular proceedings.
- (7) An acting Judge is authorised when the Chief Justice gives the Attorney-General a certificate under **section 114**.

Compare: 2003 No 53 s 23(1), (3), (4)–(6)

111 Appointment of acting Judges of Court of Appeal

- (1) The Governor-General may, on the advice of the Attorney-General, appoint 1 or more acting Judges of the Court of Appeal.
- (2) A person under the age of 75 years is eligible for appointment under **subsection (1)** if that person has retired or resigned from office as—

- (a) a Court of Appeal Judge; or
 - (b) a High Court Judge.
- (3) An appointment under **subsection (1)** may be made ~~during~~ because of the illness or absence of any Judge of the Court of Appeal, or for any other temporary purpose.
- (4) During the term of his or her appointment, an acting Judge of the Court of Appeal may only act to the extent authorised by the President of the Court of Appeal.
- (5) An acting Judge of the Court of Appeal may be authorised by the President of the Court of Appeal to hear and determine proceedings within a specified period.

112 Appointment of acting Judges of High Court

- (1) The Governor-General may, on the advice of the Attorney-General, appoint 1 or more acting Judges of the High Court.
- (2) A person under the age of 75 years is eligible for appointment under **subsection (1)** if that person—
- (a) has retired or resigned from office as—
 - (i) a High Court Judge; or
 - (ii) an Associate Judge; or
 - (iii) a District Court Judge; or
 - (b) is—
 - (i) an Associate Judge; or
 - (ii) a District Court Judge.
- (3) An appointment under **subsection (1)** may be made ~~during~~ because of the illness or absence of any Judge of the High Court, or for any other temporary purpose.
- (4) During the term of his or her appointment, an acting Judge of the High Court may only act to the extent authorised by the Chief High Court Judge.
- (5) An acting Judge of the High Court may be authorised by the Chief High Court Judge to—
- (a) act during 1 or more specified periods; and
 - (b) act in 1 or more specified places.

Compare: 1908 No 89 ss 11(1), 11A(1), (2)

113 Appointment of acting Associate Judges

- (1) The Governor-General may, on the advice of the Attorney-General, appoint 1 or more acting Associate Judges.
- (2) A person is eligible for appointment under **subsection (1)** if the person—

- (a) is eligible under **section 94** to be appointed an Associate Judge and is under the age of 75 years; or
 - (b) is a District Court Judge; or
 - (c) has retired or resigned from office as a District Court Judge.
- (3) An appointment under **subsection (1)** may be made ~~during~~ because of the illness or absence of any Associate Judge, or for any other temporary purpose.
- (4) During the term of his or her appointment, an acting Associate Judge may only act to the extent authorised by the Chief High Court Judge.
- (5) An acting Associate Judge may be authorised by the Chief High Court Judge to—
- (a) act during 1 or more specified periods; and
 - (b) act in 1 or more specified places.

Compare: 1908 No 89 s 26H(1)

114 Requirements before Attorney-General gives advice on appointment of acting Judge

- (1) Before advising the Governor-General to make an appointment under any of **sections 110 to 113**, the Attorney-General must have received from the Chief Justice a certificate certifying that the appointment is necessary for the proper conduct of the court in respect of which the appointment is to be made.
- (2) A certificate required by **subsection (1)** must be signed by the Chief Justice.

Compare: 1908 No 89 s 11B; 2003 No 53 s 23(6)

115 Term of appointment of acting Judges appointed by Governor-General

- (1) An appointment under any of **sections 110 to 113** must be for a specified term that—
- (a) is not more than the time until the Judge will reach the age of 75 years; and
 - (b) in any case, is not more than 2 years.
- (2) When an acting Judge's term of appointment ends, the acting Judge, if under the age of 75 years, may at any time be reappointed for a further 1 or more terms.
- (3) However, an acting Judge may not be reappointed for a term that, when aggregated with all previous terms, exceeds 5 years if that acting Judge is—
- (a) an acting Court of Appeal Judge appointed under **section 111**; or
 - (b) an acting High Court Judge appointed under **section 112**.

Compare: 1908 No 89 s 11(2); 2003 No 53 s 23(2)

116 Term of appointment of acting Associate Judges

- (1) An appointment under **section 113** must be for a specified term that—

- (a) is not more than the time until the Associate Judge will reach the age of 75 years; and
 - (b) in any case, is not more than 2 years.
- (2) When an acting Associate Judge's term of appointment ends, the acting Associate Judge, if under the age of 75 years, may at any time be reappointed under **section 113** for a further 1 or more terms.
- (3) However, an acting Associate Judge may not be reappointed under **section 113** for a term that, when aggregated with all previous terms, exceeds 5 years.
- Compare: 1908 No 89 s 26H(2)–(4)

117 Jurisdiction, powers, protections, etc, of acting Judges

- (1) An acting Judge, while acting to the extent authorised as a member of a court, has the jurisdiction, powers, protections, privileges, and immunities of a Judge of that court.
- (2) An acting Associate Judge, while acting to the extent authorised as a member of the High Court, has the jurisdiction, powers, protections, privileges, and immunities of an Associate Judge of that court.
- Compare: 1908 No 89 ss 11A(4), 26Q; 2003 No 53 s 23(7)

118 Conclusive proof of authority to act

The fact that an acting Judge or acting Associate Judge does the following is conclusive proof of the Judge's authority to do so:

- (a) performs or exercises any function, duty, or power in reliance on **section 106(4), 107(4), or 108(4)**;
- (b) acts to the extent authorised under **section 109(1), 110(5), 111(5), 112(5), or 113(5)** as a member of a court.

Compare: 1908 No 89 s 4A(6); 2003 No 53 ss 19(4), 23(9)

Seniority of Judges

119 Chief Justice most senior Judge

The Chief Justice is senior to all other Judges.

Compare: 2003 No 53 s 18(1)

120 Seniority of Supreme Court Judges

- (1) Supreme Court Judges are senior to—
- (a) Court of Appeal Judges; and
 - (b) High Court Judges who are not Supreme Court Judges.
- (2) Supreme Court Judges (other than the Chief Justice) are senior to each other in order of date of appointment.

- (3) If 2 or more Supreme Court Judges (other than the Chief Justice) have the same date of appointment, then seniority among those Judges is determined as follows:
- (a) Judges who have been Court of Appeal Judges are senior to Judges who have not been Court of Appeal Judges:
 - (b) Judges who have been Court of Appeal Judges have among themselves the seniority they would have if still Court of Appeal Judges:
 - (c) Judges who have not been Court of Appeal Judges but have previously been High Court Judges have seniority among themselves according to their seniority as High Court Judges:
 - (d) Judges who have not previously been High Court Judges but have previously held other judicial office in New Zealand are senior to Judges who have not previously held judicial office in New Zealand.

Compare: 2003 No 53 s 18(2)–(4)

121 Seniority of Court of Appeal Judges

- (1) Court of Appeal Judges are senior to High Court Judges.
- (2) The President of the Court of Appeal is senior to all other Court of Appeal Judges.
- (3) Court of Appeal Judges (other than the President) are senior to each other in order of date of appointment.
- (4) If 2 or more Court of Appeal Judges (other than the President) have the same date of appointment, then seniority among those Judges is determined according to their seniority as High Court Judges.

Compare: 1908 No 89 s 57(6)–(6C)

122 Seniority of High Court Judges

- (1) High Court Judges are senior to—
 - (a) Associate Judges; and
 - (b) District Court Judges.
- (2) ~~As between~~ Among the High Court Judges who are not Supreme Court Judges or Court of Appeal Judges,—
 - (a) the Chief High Court Judge is senior to those Judges:
 - (b) the other Judges are senior to each other in order of date of appointment:
 - (c) 2 or more High Court Judges having the same date of appointment—
 - (i) have seniority according to the precedence assigned to them by the Governor-General on appointment; or
 - (ii) if no precedence was assigned to them, according to the order in which they took the judicial oath.

- (3) To avoid doubt, a Court of Appeal Judge who resigns from that office without resigning as a High Court Judge has, as a High Court Judge, the seniority that he or she would have had if he or she had not been appointed a Court of Appeal Judge.

Compare: 1908 No 89 ss 4(3), 57(6D)

123 Permanent Judges senior to acting Judges

A permanent Judge of a court is senior to an acting Judge of the same court.

Compare: 1908 No 89 s 4(3A); 2003 No 53 s 18(5)

124 Seniority of acting Judges

Acting Judges of a court have among themselves the seniority they would have if they were permanent Judges of that court.

125 Seniority of Associate Judges

- (1) Associate Judges are senior to each other in order of date of appointment.
- (2) If 2 or more Associate Judges have the same date of appointment, then seniority among those Judges is determined according to—
- (a) the precedence assigned to them by the Governor-General on appointment; or
 - (b) if no precedence was assigned to them, the order in which they took the judicial oath.

Tenure of office

126 Tenure of Chief Justice

The Chief Justice continues to hold the office of Chief Justice until the earliest of the following:

- (a) the Chief Justice resigns from that office;
- (b) the Chief Justice resigns from office as a High Court Judge;
- (c) the Chief Justice retires;
- (d) the Chief Justice is removed from that office.

127 Tenure of President of Court of Appeal

The President of the Court of Appeal continues to hold the office of President of the Court of Appeal until the earliest of the following:

- (a) the President is appointed a Supreme Court Judge;
- (b) the President resigns from that office;
- (c) the President resigns from office as a High Court Judge;
- (d) the President retires;
- (e) the President is removed from that office.

128 Tenure of Chief High Court Judge

The Chief High Court Judge continues to hold the office of Chief High Court Judge until the earliest of the following:

- (a) the Judge is appointed a Supreme Court Judge:
- (b) the Judge is appointed a Court of Appeal Judge:
- (c) the Judge resigns from that office:
- (d) the Judge resigns from office as a High Court Judge:
- (e) the Judge retires:
- (f) the Judge is removed from that office.

Compare: 1908 No 89 s 4A(2)

129 Tenure of Supreme Court Judges, Court of Appeal Judges, High Court Judges, and Associate Judges

- (1) A Supreme Court Judge (other than the Chief Justice) continues to hold the office of Supreme Court Judge until the earliest of the following:
 - (a) the Judge resigns from that office:
 - (ab) the Judge ceases to hold office as a Supreme Court Judge:
 - (b) the Judge resigns from office as a High Court Judge:
 - (c) the Judge retires:
 - (d) the Judge is removed from that office.
- (2) A Court of Appeal Judge (other than the President of the Court of Appeal) continues to hold the office of Court of Appeal Judge until the earliest of the following:
 - (a) the Judge resigns from that office:
 - (ab) the Judge ceases to hold office as a Court of Appeal Judge:
 - (b) the Judge resigns from office as a High Court Judge:
 - (c) the Judge retires:
 - (d) the Judge is removed from that office.
- (3) A High Court Judge (other than the Chief High Court Judge) continues to hold the office of High Court Judge until the earliest of the following:
 - (a) the Judge resigns from that office:
 - (b) the Judge retires:
 - (c) the Judge is removed from that office.
- (4) An Associate Judge continues to hold the office of Associate Judge until the earliest of the following:
 - (a) the Judge resigns from that office:
 - (b) the Judge retires:

(c) the Judge is removed from that office.

Compare: 1908 No 89 ss 26C(6), 57(5); 2003 No 53 s 22

130 Resignation

- (1) A Judge may at any time, by written notice to the Attorney-General,—
- (a) resign from office as a High Court Judge; or
 - (b) resign from any of the following offices without resigning from office as a High Court Judge:
 - (i) Chief Justice:
 - (ii) President of the Court of Appeal:
 - (iii) Court of Appeal Judge:
 - (iv) Chief High Court Judge.
- (2) In **subsection (1), Judge** includes—
- (a) an acting Judge; and
 - (b) an Associate Judge; and
 - (c) an acting Associate Judge.

Compare: 1908 No 89 s 26E(2); 2003 No 53 s 23(10)

131 Governor-General must approve certain resignations

Before written notice is given to the Attorney-General under **section 130(1)**, the approval of the Governor-General is required if—

- (a) the Chief Justice proposes to resign from that office without resigning from office as a Supreme Court Judge or High Court Judge:
- (b) the President of the Court of Appeal proposes to resign from that office without resigning from office as a Court of Appeal Judge or a High Court Judge:
- (c) a Court of Appeal Judge (other than the President of the Court of Appeal) proposes to resign from office without resigning from office as a High Court Judge:
- (d) the Chief High Court Judge proposes to resign from that office without resigning from office as a High Court Judge.

Compare: 1908 No 89 ss 4A(3), 57(5)

132 Judges to retire at 70 years

- (1) Every Judge must retire on attaining the age of 70 years, but may be appointed an acting Judge.
- (2) Every Associate Judge must retire on attaining the age of 70 years, but may be appointed an acting Associate Judge.

Compare: 1908 No 89 ss 13, 26E(3)

133 Removal from office

- (1) A High Court Judge may be removed from office only in accordance with section 23 of the Constitution Act 1986.
- (2) The Governor-General may, if the Governor-General thinks fit, remove an Associate Judge from office for inability or misbehaviour.

Compare: 1908 No 89 s 26E(1)

Salaries and allowances

134 Salaries and allowances of permanent Judges and Associate Judges

Permanent Judges and Associate Judges must be paid, out of public money, without further appropriation than this section,—

- (a) salaries at such rates as the Remuneration Authority from time to time determines; and
- (b) such allowances as the Remuneration Authority from time to time determines; and
- (c) such additional allowances, being travelling allowances or other incidental or minor allowances, as the Governor-General may from time to time determine.

Compare: 1908 No 89 ss 9A(1), 26F(1); 1947 No 16 s 6(1)

135 Salaries and allowances of part-time Judges

The salary and allowances payable for a period during which a Judge or an Associate Judge acts on a part-time basis must be calculated and paid as a pro rata proportion of the salary and allowances for a permanent Judge of that court (other than the head of that court) or an Associate Judge.

Compare: 1908 No 89 ss 9A(4), 26F(5)

136 Salaries and allowances of acting Judges

An acting Judge or acting Associate Judge, while acting as a member of a court to the extent authorised, but not otherwise, must be paid, out of public money, without further appropriation than this section,—

- (a) a salary at the rate for the time being payable to a permanent Judge of that court (other than the head of that court) or an Associate Judge; and
- (b) the allowances referred to in **section 134(c)** payable to a Judge of that court (other than the head of that court) or an Associate Judge.

Compare: 1908 No 89 ss 11(3), 11A(3); 2003 No 53 s 23(8)

136A Superannuation of acting Judges

- (1) A superannuation subsidy must not be paid to a person who is appointed as an acting Judge or acting Associate Judge under **section 110, 111, 112(2)(a),**

or 113(2)(c) (which relate to retired Judges and Judges who have resigned from office).

- (2) A person who is appointed as an acting Judge or acting Associate Judge under **section 109, 112(2)(b), or 113(2)(b)** (which relate to serving Judges) must not be paid a superannuation subsidy at a rate that is higher than the rate that would have been payable calculated only on the basis of the person's permanent appointment.
- (3) **Subsection (1)** does not apply to a compulsory employer contribution within the meaning of section 101A of the KiwiSaver Act 2006.

137 Superannuation or retiring allowances of Associate Judges

For the purpose of providing a superannuation fund or retiring allowance for persons appointed as Associate Judges, sums by way of subsidy or contribution may from time to time be paid under Part 5B of the Government Superannuation Fund Act 1956 or to any retirement scheme (within the meaning of section 6(1) of the Financial Markets Conduct Act 2013) in accordance with a determination of the Remuneration Authority.

Compare: 1908 No 89 s 26G

138 Higher duties allowance

- (1) In addition to the payments specified in **sections 134 to 137**, a higher duties allowance calculated in accordance with **subsection (2)** is—
- (a) payable to a High Court Judge who—
- (i) is, or has been, serving as a member of—
- (A) ~~a criminal or civil~~ a division of the Court of Appeal; or
- (B) the full Court of Appeal; but
- (ii) is not, or was not, a permanent Court of Appeal Judge; and
- (b) payable only in respect of the periods of the Judge's service as a member of the division or full Court of Appeal.
- (2) The higher duties allowance is calculated at a rate expressed per day of service as a member of the division or full court in accordance with the following formula:

$$(a - b) \times c/d$$

where—

- a is the applicable yearly rate of salary determined by the Remuneration Authority to be payable to a permanent Court of Appeal Judge
- b is the applicable yearly rate of salary determined by the Remuneration Authority to be payable to a Judge who is not a permanent Court of Appeal Judge

- c is 0.0383561 (the standard payroll factor, which represents the proportion of an annual salary that is paid per fortnight)
- d is 10 (the number of working days per fortnight).
- (3) In this section **permanent Court of Appeal Judge** means a Court of Appeal Judge holding office under **section 43(2)**.
Compare: 1908 No 89 s 9A(1A)

139 Salary of Judge not to be reduced

- (1) As provided in section 24 of the Constitution Act 1986, the salary of a Judge or an Associate Judge must not be reduced during the continuance of the Judge's appointment.
- (2) For the purpose of **subsection (1)**, neither of the following is a reduction of salary:
- (a) the payment of a salary on a pro rata basis under **section 135**;
- (b) the cessation of the payment of a higher duties allowance payable and calculated under **section 138**.

Compare: 1908 No 89 ss 9A(5), 26F(2), (6)

Restrictions

140 Judge not to undertake other employment or hold other office

- (1) A Judge or an Associate Judge must not undertake any other paid employment or hold any other office (whether paid or not) without the approval of the Chief Justice in consultation (in the case of an Associate Judge, a High Court Judge, or a Court of Appeal Judge) with the appropriate head of court.
- (2) An approval under **subsection (1)** may only be given if the appropriate head of court is satisfied that undertaking the employment or holding the office is consistent with the Judge's judicial office.
- (3) However, **subsection (1)** does not apply to another office if an enactment permits or requires the office to be held by a Judge.
- (4) In this section, **appropriate head of court** means—
- (a) the President of the Court of Appeal, if the Judge is a Court of Appeal Judge;
- (b) the Chief High Court Judge, if—
- (i) the Judge is a High Court Judge but not a Court of Appeal Judge;
or
- (ii) the Judge is an Associate Judge.

Compare: 1908 No 89 ss 4(2A), 26C(5)

141 Protocol relating to activities of Judges

- (1) The Chief Justice must develop and publish a protocol containing guidance on—
 - (a) the employment, or types of employment, that he or she considers may be undertaken consistent with being a Judge or an Associate Judge; and
 - (b) the offices, or types of offices, that he or she considers may be held consistent with being a Judge or an Associate Judge.
- (2) The Chief Justice may only develop and publish a protocol under **subsection (1)** after consultation with—
 - (a) the President of the Court of Appeal; and
 - (b) the Chief High Court Judge.

142 Judge not to practise as lawyer

- (1) A Judge must not practise as a lawyer.
- (2) In **subsection (1)**, **Judge** includes—
 - (a) an acting Judge; and
 - (b) an Associate Judge; and
 - (c) an acting Associate Judge.

Subpart 6—Rules of court and miscellaneous provisions

*Rules of practice and procedure***143 Purpose of rules of practice and procedure**

The purpose of rules of practice and procedure is to facilitate—

- (a) the just, speedy, and inexpensive dispatch of the business of the High Court, the Court of Appeal, and the Supreme Court; and
- (b) the administration of justice.

Compare: 1908 No 89 s 51C(1)

144 High Court Rules

- (1) The practice and procedure of the High Court in all civil proceedings is regulated by the High Court Rules.
- (2) The High Court Rules are subject to any other rules that are made under **section 145** that regulate the practice and procedure of any senior court in any class of civil proceedings.
- (3) If any provision of the High Court Rules or of any rules made under **section 145** restricts or excludes the application of any provisions of the High Court Rules, the provision giving effect to the restriction or exclusion has effect according to its terms.

- (4) If in any civil proceedings any question arises as to the application of any provision of the High Court Rules or of any rules made under **section 145**, the court may, either on the application of any party or ~~of its own motion~~ on its own initiative, determine the question and give any directions that it thinks fit.
- (5) **Subsection (1)** is subject to—
 - (a) **subsections (2) to (4)**; and
 - (b) **sections 9, 38 to 41, 145 to 152, 158, 161, 170, 172, ~~177~~, and 178**.

Compare: 1908 No 89 s 51

144A High Court Rules part of Act

- (1) The High Court Rules set out in Schedule 2 of the Judicature Act 1908 as at the date that this Act receives the Royal Assent continue in force and those rules, as altered, amended, added to, or revoked under **section 145**, are deemed to be part of this Act.
- (2) Despite **subsection (1)**, the High Court Rules do not need to be published as part of this Act.
- (3) See **section 151**, which provides for how the High Court Rules must be published.

145 Rules of practice and procedure generally

- (1) The Governor-General may, by Order in Council, make rules of practice and procedure for each of the senior courts relating to the purpose stated in **section 143**.
- (2) Rules may be made only with the concurrence of the Chief Justice and 2 or more members of the Rules Committee of whom at least 1 is a Judge of the High Court.
- (3) The power to make rules includes the power to—
 - (a) alter, amend, add to, or revoke existing High Court Rules, other rules of the High Court, rules of the Court of Appeal, or rules of the Supreme Court; and
 - (b) revoke existing High Court Rules, other rules of the High Court, rules of the Court of Appeal, or rules of the Supreme Court and replace them with new rules; and
 - (c) fix scales of costs.

Compare: 1908 No 89 s 51C

146 Rules of practice and procedure of High Court

Without limiting the matters on which rules may be made under **section 145**, rules may be made under that section in relation to the practice and procedure of the High Court—

- (a) providing for the enforcement of judgments or orders, including by any of the following:
 - (i) an attachment order:
 - (ii) a charging order:
 - (iii) a sale order:
 - (iv) a possession order:
 - (v) a freezing order:
 - (vi) an arrest order:
 - (vii) a search order:
 - (viii) a contempt order:
 - (ix) a sequestration order:
- (b) providing that the purchaser of personal property sold by order of the court by way of enforcement of a judgment obtains good title to the property free of all ownership interests and other proprietary interests held in the property before that sale.

147 Rules of practice and procedure of Court of Appeal and Supreme Court

Without limiting the matters on which rules may be made under **section 145**, rules may be made under that section in relation to the practice and procedure of the Court of Appeal and the Supreme Court—

- (a) providing for the appointment of technical advisers, including—
 - (i) the information to be given to a party to an appeal, before a technical adviser is appointed for the appeal,—
 - (A) about the persons who are considered suitable for appointment; and
 - (B) about the matters on which the assistance of the proposed technical adviser is to be sought:
 - (ii) the submissions that those parties may make to the court about the proposed appointment of a technical adviser and the assistance to be given by the technical adviser:
- (b) providing for the conduct of proceedings involving technical advisers.

Compare: 1908 No 89 s 99D

148 Rules conferring specified jurisdiction and powers of High Court Judge on Registrars and Deputy Registrars

- (1) Rules may be made under **section 145**—
 - (a) conferring on a Registrar or Deputy Registrar of the High Court or the Court of Appeal or the Supreme Court the jurisdiction and powers of a

Judge in chambers conferred by this **Part** or any other Act or by rules made under that section:

- (b) containing any provisions that may be necessary to enable a Registrar or Deputy Registrar to exercise the jurisdiction and powers of a Judge in chambers.
- (2) The jurisdiction and powers may be conferred on any of those specified offices or classes of those offices.
- (3) A Registrar or Deputy Registrar on whom jurisdiction and powers are conferred may refer a matter to a Judge of the same court if the Registrar or Deputy Registrar considers the matter to be of special difficulty. The Judge may—
 - (a) dispose of the matter; or
 - (b) refer the matter back to the Registrar or Deputy Registrar with any directions the Judge thinks fit.
- (4) A party to a proceeding or an intended proceeding who is dissatisfied with an order or a decision made by a Registrar or Deputy Registrar under rules made under **section 145** may apply to the same court to review the order or decision. The court may then make any order or decision the court thinks just.
- (5) The fact that a Registrar or Deputy Registrar has jurisdiction and powers under the rules does not prevent a Judge of the same court from exercising the jurisdiction and powers.

Compare: 1908 No 89 s 51F

149 Rules of practice and procedure under other Acts

The power to make rules of practice and procedure in relation to civil proceedings in the High Court, the Court of Appeal, or the Supreme Court under an Act other than this **Part** must be exercised in the manner prescribed by **section 145**.

Compare: 1908 No 89 s 51D

150 Power to prescribe procedure on applications to High Court, Court of Appeal, or Supreme Court

- (1) Despite anything to the contrary in any Act, rules may be made under **section 145** prescribing the form and manner in which any class or classes of applications to the High Court or a High Court Judge or to the Court of Appeal or to the Supreme Court are to be made.
- (2) To the extent that the provisions of any Act prescribing the form or manner in which any of those applications are to be made (whether by petition, motion, summons, or otherwise) are inconsistent with or repugnant to rules made or having effect under this **Part**, the Act prescribing that form or manner is deemed to be subject to the rules made or having effect under this **Part**.

Compare: 1908 No 89 s 51E

151 ~~Publication of High Court Rules under Legislation Act 2012~~

- (1) ~~The High Court Rules, and any reprint of the High Court Rules, may be published under the Legislation Act 2012 as if the rules were a legislative instrument within the meaning of that Act.~~
- (2) ~~The Legislation Act 2012 applies accordingly to rules published in that way.~~
- ~~Compare: 1908 No 89 s 51A~~

151 Publication of High Court Rules under Legislation Act 2012

- (1) The High Court Rules and reprints of those rules must be published under the Legislation Act 2012, as the High Court Rules **2016**, as if they were a legislative instrument within the meaning of the Legislation Act 2012.
- (2) The Legislation Act 2012 applies accordingly to the rules published in that way.
- (3) However, the Chief Parliamentary Counsel may add to the instrument, as published,—
- (a) the information specified in section 12(2)(a) to (d) of the Legislation Act 2012; and
- (b) any other information that the Chief Parliamentary Counsel considers to be necessary or appropriate for the purposes of arranging publication of the instrument and making it accessible for users.

152 Rules Committee

- (1) For the purposes of this **Part, Part 2**, the Criminal Procedure Act 2011, and any other relevant Act, there continues to be a Rules Committee consisting of—
- (a) the Chief Justice;
- (b) the Chief High Court Judge;
- (c) 2 other Judges of the High Court appointed by the Chief Justice;
- (d) the Chief District Court Judge;
- (e) 1 other District Court Judge appointed by the Chief Justice on the recommendation of the Chief District Court Judge;
- (f) the Attorney-General;
- (g) the Solicitor-General;
- (h) the chief executive of the ministry responsible for the administration of this **Part**;
- (i) 2 persons, who are barristers and solicitors of the High Court, nominated by the Council of the New Zealand Law Society and approved by the Chief Justice.

- (2) The Chief Justice may appoint any other person to be a member of the Rules Committee for a special purpose. That person holds office during the pleasure of the Chief Justice.
- (3) The members appointed under **subsection (1)(c), (e), and (i)**—
 - (a) must be appointed for terms not exceeding 3 years:
 - (b) may be reappointed:
 - (c) may resign office by notice in writing to the Chief Justice.
- (4) The Rules Committee is a statutory board within the meaning of the Fees and Travelling Allowances Act 1951.
- (5) The members of the Rules Committee referred to in **subsections (1)(i) and (2)** may be paid fees, salary, and allowances in accordance with the Fees and Travelling Allowances Act 1951.

Compare: 1908 No 89 s 51B

Regulations

153 Regulations

- (1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:
 - (a) prescribing the applications, matters, and proceedings for which fees are payable under this **Part**:
 - (b) prescribing scales of fees for the purposes of this **Part** and for the purposes of any applications, matters, and proceedings before a senior court under this **Part** or any other enactment:
 - (c) prescribing the fees, travelling allowances, and expenses payable to interpreters and to persons giving evidence in proceedings to which this **Part** applies:
 - (d) in relation to a service performed by a Registrar or Deputy Registrar under this **Part** and specified in regulations made under **paragraph (e)**, authorising a Registrar or Deputy Registrar to charge a reasonable fee calculated on the actual expense incurred in performing the service:
 - (e) specifying the services (other than services for which a fee is already prescribed under this **Part**) performed by a Registrar or Deputy Registrar under this **Part** for which that person may charge a fee:
 - (f) making provision in relation to the postponement, under the regulations, of the payment of any fee, which provision may (without limitation) include provision—
 - (i) for the recovery of the fee after the expiry of the period of postponement; and
 - (ii) for restrictions to apply (after the expiry of the period of postponement and so long as the fee remains unpaid) on the steps that

may be taken in the proceedings in respect of which the fee is payable:

- (g) altering or revoking any rules relating to fees contained in the High Court Rules, any rules made under **section 145**, or any other rules of court;
 - (h) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this **Part** and for its due administration.
- (2) Regulations made under this section may prescribe different fees in respect of proceedings in different courts.

Compare: 1908 No 89 s 100A

154 Regulations providing for waiver, etc, of fees

- (1) In order to promote access to justice, the Governor-General may, by Order in Council, make regulations authorising a Registrar or Deputy Registrar of a senior court to waive, reduce, or postpone the payment of a fee required in connection with a proceeding or an intended proceeding, or to refund in whole or in part a fee that has already been paid.
- (2) Regulations made under **subsection (1)** must provide that a Registrar or Deputy Registrar may only exercise a power under the regulations if he or she is satisfied on the basis of prescribed criteria that—
- (a) the person responsible for payment of the fee is unable to pay or absorb the fee in whole or in part; or
 - (b) unless 1 or more of those powers are exercised in respect of a proceeding that concerns a matter of genuine public interest, the proceeding is unlikely to be commenced or continued.
- (3) For the purposes of **subsection (2)**, regulations may prescribe criteria—
- (a) for assessing a person's ability to pay a fee; and
 - (b) for identifying proceedings that concern matters of genuine public interest.
- (4) No fee is payable for an application for the exercise of a power specified in **subsection (1)**.

Compare: 1908 No 89 s 100A(1)(d), (da)

155 Postponement of fees

- (1) The Governor-General may, by Order in Council, make regulations authorising a Registrar or Deputy Registrar to postpone the payment of a fee pending the determination of—
- (a) an application for the exercise of a power specified in **section 154(1)**; or
 - (b) an application for review under **section 157**.

- (2) No fee is payable for an application for the exercise of a power specified in **subsection (1)**.

Compare: 1908 No 89 s 100A(1)(db)

156 Manner in which section 154 or 155 applications to be made

Regulations made under **section 153** may provide for the manner in which an application for the exercise of a power specified in **section 154(1) or 155(1)** is to be made, including, without limitation, requiring an application to be in a form approved for the purpose by the chief executive of the Ministry of Justice.

Compare: 1908 No 89 s 100A(1)(dd)

157 Review of Registrar's decision concerning fees

- (1) A person who disagrees with a decision of a Registrar or Deputy Registrar under regulations made under **section 154(1)** may apply to a Judge or an Associate Judge of the relevant court to review the decision.
- (2) The application must be made within—
- (a) 20 working days after the date on which the applicant is notified of the decision; or
 - (b) any further time that the Judge or Associate Judge allows on application, which may be made either before or after the expiry of that period.
- (3) The application may be made informally.
- (4) A review is—
- (a) conducted by way of rehearing of the matter in respect of which the Registrar or Deputy Registrar made the decision; and
 - (b) dealt with on the papers, unless the Judge or Associate Judge directs otherwise.
- (5) The Judge or Associate Judge may confirm, modify, or reverse the decision of the Registrar or Deputy Registrar.
- (6) No fee is payable on the application.

Compare: 1908 No 89 s 100B

157A Judge or Registrar may waive certain fees

A Judge or Registrar of a senior court may, subject to any terms or conditions that the Judge or Registrar thinks fit, waive the payment of a fee prescribed under **section 153** for accessing documents (in whole or in part) if the Judge or Registrar is satisfied that the person is unable, or should not be required, to pay the fee.

*Costs***158 Jurisdiction of court to award costs in all cases**

- (1) If any Act confers jurisdiction on the High Court or a Judge of the High Court for the purpose of any civil proceedings or any criminal proceedings or any appeal, without expressly conferring jurisdiction to award or otherwise deal with the costs of the proceedings or appeal, jurisdiction to award and deal with those costs and to make and enforce orders relating to costs must be treated as also having been conferred on the court or Judge.
- (2) Costs may be awarded or otherwise dealt with under **subsection (1)** at the discretion of the court or Judge, and may, if the court or Judge thinks fit, be ordered to be charged on or paid out of any fund or estate before the court.

Compare: 1908 No 89 s 51G

*Appointment of technical advisers***159 Court of Appeal and Supreme Court may appoint technical advisers**

- (1) The Court of Appeal or the Supreme Court may appoint a suitably qualified person (a **technical adviser**) to assist it by giving advice in an appeal in a proceeding involving a question arising from evidence relating to scientific, technical, or economic matters, or from other expert evidence, if the court is of the opinion that it is desirable to have expert assistance.
- (2) The technical adviser must give the advice in the manner directed by the court during the course of the proceeding on any question referred to the technical adviser.
- (3) Advice given by a technical adviser—
 - (a) is information provided to the court; and
 - (b) may be given the weight the court thinks fit.

Compare: 1908 No 89 s 99B

160 Appointment and other matters

- (1) A technical adviser may be appointed by the court under **section 159** on—
 - (a) its own initiative; or
 - (b) the application of a party to the proceeding.
- (2) A technical adviser may be removed from office by the court for disability affecting the performance of duty, neglect of duty, bankruptcy, or misconduct proved to the satisfaction of the court.
- (3) A technical adviser may resign office by notice in writing to the court.
- (4) The remuneration of a technical adviser must—
 - (a) be fixed by the court; and

- (b) include a daily fee for each day on which the technical adviser is required to assist the court.
- (5) Civil or criminal proceedings may not be commenced against a technical adviser in relation to advice given to the court in good faith.

Compare: 1908 No 89 s 99C

Contempt

161 Contempt of court

- (1) This section applies if any person—
 - (a) wilfully insults a judicial officer, ~~or any Registrar, or any~~ officer of the court, or any juror, or any witness, during his or her sitting or attendance in court, or in going to or returning from the court; or
 - (b) wilfully interrupts the proceedings of a court or otherwise misbehaves in court; or
 - (c) wilfully and without lawful excuse disobeys any order or direction of the court in the course of the hearing of any proceedings.
- (2) If this section applies,—
 - (a) any constable or officer of the court, with or without the assistance of any other person, may, by order of a ~~judicial officer~~ Judge or an Associate Judge, take the person into custody and detain him or her until the rising of the court; and
 - (b) the ~~judicial officer~~ Judge or an Associate Judge may, if he or she thinks fit, sentence the person to—
 - (i) imprisonment for a period not exceeding 3 months; or
 - (ii) a fine not exceeding \$1,000 for each offence.
- (3) Nothing in this section limits or affects any power or authority of a court to punish any person for contempt of court in any case to which this section does not apply.

Compare: 2011 No 81 s 365

Restriction on commencing or continuing proceeding

162 Judge may make order restricting commencement or continuation of proceeding

- (1) A Judge of the High Court may make an order ~~(a section 162 order)~~ restricting a person from commencing or continuing a civil proceeding.
- (2) The order may have—
 - (a) a limited effect (a **limited order**); or
 - (b) an extended effect (an **extended order**); or
 - (c) a general effect (a **general order**).

- (3) A limited order restrains a party from ~~continuing or~~ commencing or continuing civil proceedings on a particular matter in a senior court, another court, or a tribunal.
- (4) An extended order restrains a party from ~~continuing or~~ commencing or continuing civil proceedings on a particular or related matter in a senior court, another court, or a tribunal.
- (5) A general order restrains a party from ~~continuing or~~ commencing or continuing civil proceedings in a senior court, another court, or a tribunal.
- (6) Nothing in this section limits the court's inherent power to control its own proceedings.

163 Grounds for making section 162 order

- (1) A Judge may make a limited order under **section 162** if, ~~in at least 2~~ civil proceedings about the same matter in any court or tribunal, the Judge considers that at least 2 or more of the proceedings are or were totally without merit.
- (2) A Judge may make an extended order under **section 162** if, in at least 2 proceedings about any matter in any court or tribunal, the Judge considers that the proceedings are or were totally without merit.
- (3) A Judge may make a general order if, in at least 2 proceedings about any matter in any court or tribunal, the Judge considers that the proceedings are or were totally without merit.
- (4) In determining whether proceedings are or were totally without merit, the Judge may take into account the nature of any interlocutory applications, appeals, or criminal prosecutions involving the party to be restrained, but is not limited to those considerations.
- (5) The proceedings concerned must be ~~proceedings instituted or conducted~~ commenced or continued by the party to be restrained, whether against the same person or different persons.
- (6) For the purpose of this section and **sections 164 and 165**, an appeal in a civil proceeding must be treated as part of that proceeding and not as a distinct proceeding.

164 Terms of section 162 order

- (1) ~~A~~ An order made under **section 162** ~~order~~ may restrain a party from commencing or continuing any proceeding (whether generally or against any particular person or persons) of any type specified in the order without first obtaining the leave of the High Court.
- (2) ~~A~~ An order made under **section 162** ~~order~~, whether limited, extended, or general, has effect for a period of up to 3 years as specified by the Judge, but the Judge making it may specify a longer period (which must not exceed 5 years) if he or she is satisfied that there are exceptional circumstances justifying the longer period.

165 Procedure and appeals relating to section 162 orders

- (1) A party to any proceeding may apply for a limited order or an extended order.
- (2) Only the Attorney-General may apply for a general order.
- (2A) A Judge of the High Court may make a limited order, an extended order, or a general order either on application (under **subsection (1) or (2)**, as applicable) or on his or her own initiative.
- (3) An application for leave to continue or ~~issue~~ commence a civil proceeding by a party subject to a **section 162** order may be made without notice, but the court may direct that the application for leave be served on any specified person.
- (3A) An application for leave must be determined on the papers, unless the Judge considers that an oral hearing should be conducted because there are exceptional circumstances and it is appropriate to do so in the interests of justice. ~~The Judge's determination of the application for leave is final.~~
- (3B) The Judge's determination of an application for leave is final.
- (4) A **section 162** order does not prevent or affect the commencement of a private criminal prosecution in any case.
- (5) The party against whom a **section 162** order is made may appeal against the order to—
 - (a) the Court of Appeal;
 - (b) the Supreme Court, with the leave of that court, in any case.
- (6) The appellant in an appeal to the Court of Appeal under **subsection (5)** or the applicant for the **section 162** order concerned may, with the leave of the Supreme Court, appeal to the Supreme Court against the determination of that appeal by the Court of Appeal.
- (7) A court determining an appeal under this section has the same powers as the court appealed from has to determine an application or appeal, as the case may be.
- (8) In this section, a **section 162 order** means an order made under **section 162**.

Compare: 1908 No 89 s 88B

Reserved judgments and publication of final judgments

166 Reserved judgments

- (1) The Chief High Court Judge must, in consultation with the Chief Justice,—
 - (a) publish information about the process by which parties to proceedings before the High Court may obtain information about the status of any reserved judgment in those proceedings; and

- (b) periodically publish information about the number of judgments of the court that he or she considers ~~is~~ are outstanding beyond a reasonable time for delivery; and
 - (c) publish any other information about reserved judgments that he or she considers is useful.
- (2) The President of the Court of Appeal must, in consultation with the Chief Justice,—
- (a) publish information about the process by which parties to proceedings before the Court of Appeal may obtain information about the status of any reserved judgment in those proceedings; and
 - (b) periodically publish information about the number of judgments of the court that he or she considers is outstanding beyond a reasonable time for delivery; and
 - (c) publish any other information about reserved judgments that he or she considers is useful.
- (3) The Chief Justice must—
- (a) publish information about the process by which parties to proceedings before the Supreme Court may obtain information about the status of any reserved judgment in those proceedings; and
 - (b) periodically publish information about the number of judgments of the court that he or she considers ~~is~~ are outstanding beyond a reasonable time for delivery; and
 - (c) publish any other information about reserved judgments that he or she considers is useful.

167 ~~Final written judgments to be published on Internet~~

- (1) ~~Every final written judgment of a senior court must be published on the Internet as soon as practicable unless there is good reason not to publish the complete judgment.~~
- (2) ~~A final written judgment may be published on the Internet in part if there are good reasons for not publishing the other parts of the judgment.~~
- (3) ~~Good reason not to publish a judgment or part of it includes the following:~~
 - (a) ~~non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication;~~
 - (b) ~~the judgment falls into a category of judgments that are of limited public value;~~
 - (c) ~~taking into account the presumption in **subsection (1)** in favour of publication, a Judge nevertheless determines that the judgment or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice.~~

- (4) In this section, ~~final written judgment~~ means a written decision that determines or substantially determines the outcome of any proceedings and that is either—
- (a) a written reserved judgment; or
 - (b) an oral judgment transcribed by an official transcription service.

Recusal

168 Recusal guidelines

- (1) The Chief High Court Judge and the President of the Court of Appeal must, in consultation with the Chief Justice, develop and publish guidelines for their respective courts to assist Judges to decide if they should recuse themselves from a proceeding.
- (2) The Chief Justice must develop and publish guidelines to assist Supreme Court Judges to decide if they should recuse themselves from a proceeding.

Foreign creditors

170 Memorials of judgments obtained out of New Zealand may be registered

- (1) This section applies to any judgment, decree, rule, or order (the **judgment**) obtained in any court of any Commonwealth country (the **overseas court**) for the payment of money.
- (2) A person in whose favour the judgment was obtained may file in the High Court a memorial containing the specified particulars that is authenticated by the seal of that court. Once filed, the memorial becomes a record of the judgment and execution may issue upon it in accordance with this section.
- (3) The memorial must be signed by a party in whose favour the judgment was obtained or by the party's lawyer, and must contain—
 - (a) the names and additions of the parties; and
 - (b) the form or nature of the action or other proceeding; and
 - (c) when commenced, the date of the signing or entering-up of the judgment, the passing of the decree, or the making of the rule or order; and
 - (d) the amount recovered, or the decree pronounced, or rule or order made; and
 - (e) if there was a trial, the date of the trial and amount of verdict given.
- (4) A seal purporting to be the seal of an overseas court is deemed and taken to be the seal of the court until the contrary is proved, and the onus of proving that the seal is not the seal of the court lies on the party denying or objecting to the seal.
- (5) A party in whose favour the judgment was obtained, or the party's lawyer, may apply to the High Court or any Judge of the court for the making of a rule or

the issue of a summons calling on the person against whom the judgment was obtained to show cause, within the time after personal or other service of the rule or summons as the court or Judge directs, why execution should not issue upon the judgment.

- (6) The rule or summons must give notice that, in default of appearance, execution may issue accordingly, and if the person served with the rule or summons does not appear, or does not show sufficient cause against such rule or summons, the court or Judge, on due proof of service under **subsection (5)**, may make the rule absolute or make an order for issuing execution, subject to any terms and conditions (if any) that the court or Judge thinks fit.
- (7) The judgment may be enforced in the same manner as a judgment of the High Court.
- (8) This section is subject to section 13 of the Reciprocal Enforcement of Judgments Act 1934.

Compare: 1908 No 89 s 56

Access to information

171 Access to court ~~records~~ information, judicial information, or ~~ministry~~ Ministry of Justice information

- (1) Any person may have access to court ~~records~~ information of a senior court to the extent provided by, and in accordance with, rules of court.
- (2) Access to judicial information is not subject to any enactment that applies to the provision of, or access to, any other information.
- (3) Any person may have access to any ~~ministry~~ Ministry of Justice information to the extent provided by, and in accordance with, the Official Information Act 1982, the Privacy Act 1993, the Public Records Act 2005, or any other enactment providing for or regulating access to the information.
- (4) In this section, **court ~~records~~ information, judicial information, and ~~ministry~~ Ministry of Justice information** respectively mean the documents and information described as such in **Schedule 2**.

171A Sharing of permitted information with other departments

- (1) This section applies to permitted information specified in **Part B** of the items ~~about the court record~~ relating to court information in **Schedule 2**, regardless of whether ~~it~~ the information is controlled by the judiciary.
- (2) In response to a request from an agency for information to which this section applies, the Ministry of Justice may, by way of an approved information sharing agreement under the Privacy Act 1993, share any permitted information with the agency.
- (3) The Ministry of Justice holds permitted information solely for the purpose of entering into approved information sharing agreements under the Privacy Act

1993, and that information is not otherwise subject to the Privacy Act 1993 and is not subject to the Official Information Act 1982 or the Public Records Act 2005.

- (4) Nothing in this section or an approved information sharing agreement under the Privacy Act 1993 requires the Ministry of Justice to disclose any matter suppressed by or under a court order or any enactment.
- (5) The Governor-General may, by Order in Council made on the recommendation of the Minister of Justice, amend or replace **Part B** of the items ~~about the court record~~ relating to court information in **Schedule 2**.
- (6) The Minister of Justice may make a recommendation under **subsection (5)** only after consultation with the Attorney-General and with the consent of the Chief Justice.

171B Requirements that Registrars disclose information

- (1) If any enactment requires a Registrar to notify a registration authority of certain information about any court proceedings, that requirement is not affected by any suppression order imposed by the court or by operation of law.
- (2) Even if the enactment provides that the court may order otherwise in any case, the requirement is not affected by any suppression order imposed by the court unless the court specifically orders otherwise in that case.

Payment of fees collected

172 Fees to be paid into Crown Bank Account

All fees taken or received under this **Part** must be paid into a Crown Bank Account.

Compare: 1908 No 89 ss 42, 53

Provisions and rules of general application

173 Judicial officers to continue in office to complete proceedings

- (1) This section applies to proceedings in a senior court, another court, or a tribunal.
- (2) A judicial officer whose term of office has expired or who has retired may continue in office for the purpose of completing the hearing of a matter, or determining or giving judgment in proceedings, that the judicial officer has heard either alone or with others.
- (3) A judicial officer must not continue in office under **subsection (1)** for longer than 3 months without the consent of the nominating Minister.
- (4) The fact that a judicial officer continues in office does not affect the power to appoint another person to that office.

- (5) A judicial officer who continues in office is entitled to be paid the appropriate rate for the days or half-days worked in completing the proceedings, and that rate is the rate of the remuneration and allowances to which the officer would have been entitled for those days or half-days if the term of office had not expired or the officer had not retired.
- (6) In this section, **judicial officer** means a person who has in New Zealand authority under an enactment to hear, receive, and examine evidence.

Compare: 1908 No 89 s 88A

174 Costs where intervener or counsel assisting court appears

- (1) This section applies to proceedings in any senior court or other court.
- (2) If the Attorney-General or the Solicitor-General or any other person appears as an intervener or counsel to assist the court in any civil proceedings or in any proceedings on any appeal and argues any question of law or of fact arising in the proceedings, the court may, subject to the provisions of any other Act, make any order it thinks just—
- (a) as to the payment by any party to the proceedings of the costs incurred by the Attorney-General or the Solicitor-General in so doing; or
 - (b) as to the payment by any party to the proceedings or out of public funds of the costs incurred by any other person in so doing; or
 - (c) as to the payment by the Attorney-General or the Solicitor-General or that other person of any costs incurred by any of those parties by reason of his or her so doing.
- (3) If the court makes an order under **subsection (2)(b)**, the Registrar of the court must forward a copy of the order to the chief executive of the Ministry of Justice who must make the payment out of money appropriated by Parliament for the purpose.

Compare: 1908 No 89 s 99A

175 Judgment against one of several persons jointly liable not a bar to action against others

- (1) This section applies to proceedings in any senior court or other court.
- (2) A judgment against 1 or more of several persons jointly liable does not operate as a bar or defence to civil proceedings against any of the persons against whom judgment has not been recovered, except to the extent to which the judgment has been satisfied.
- (3) This section does not apply to any action or other proceeding to which Part 5 of the Law Reform Act 1936 applies.

Compare: 1908 No 89 s 94

176 Rules of equity prevail over rules of common law

- (1) This section applies to proceedings in a senior court, another court, or a tribunal where equitable jurisdiction may be exercised.
- (2) If there is any conflict or variance between the rules of equity and the rules of the common law in relation to the same matter, the rules of equity prevail.

Compare: 1908 No 89 s 99

Discharge of jurors

178 Discharge of juror or jury

Nothing in this Act affects the powers of a court or Judge to discharge a juror or jury for a civil case under section 22 of the Juries Act 1981.

Compare: 1908 No 89 s 54B

Repeals, revocations, consequential amendments, and savings and transitional provisions

179 Repeals

(1AA) Sections 51A to 51F and 99D of the Judicature Act 1908 are repealed.

- (1) The rest of the Judicature Act 1908 (1908 No 89), except section 87 of that Act, is repealed.
- (2) The Supreme Court Act 2003 (2003 No 53) is repealed.
- (3) Section 87 of the Judicature Act 1908 is repealed.

180 Consequential amendments

The enactments specified in ~~Schedule 3~~ each of the following Schedules are consequentially amended in the manner indicated in that schedule:

- (a) Schedule 1A:
- (b) Schedule 3:
- (c) Schedule 3A.

181 Regulations continued

- (1) The following regulations continue in force and are deemed to have been made under **section 153**:
 - (a) the Court of Appeal Fees Regulations 2001:
 - (b) the High Court Fees Regulations 2013:
 - (c) the Supreme Court Fees Regulations 2003:
 - (d) the Witnesses and Interpreters Fees Regulations 1974.
- (2) The regulations continued in force by this section may be amended, revoked, or replaced under **section 153**.

182 Rules continued

- (1) The following rules continue in force and are deemed to have been made under **section 145**:
 - (a) the Court of Appeal (Access to Court Documents) Rules 2009:
 - (b) the Court of Appeal (Civil) Rules 2005:
 - (c) the Court of Appeal (Criminal) Rules 2001:
 - (d) the Court of Appeal (List Election Petitions) Rules 1998:
 - (e) the Evidence (Trans-Tasman Service of, and Compliance with, New Zealand Subpoenas and Australian Subpoenas Issued in Criminal Proceedings) Rules 2013:
 - (f) the Supreme Court Rules 2004:
 - (g) the Trans-Tasman Proceedings Regulations and Rules 2013.
- (2) The rules continued in force by this section may be amended, revoked, or replaced under **section 145**.
- (3) The repeal of sections 51A to 51D of the Judicature Act 1908 by **section 179(1AA)** does not affect—
 - (a) the Constituency Election Petition Rules 2008:
 - (b) the Court Martial Appeal Court Rules 2008:
 - (c) the Criminal Procedure Rules 2012:
 - (d) the Criminal Proceedings (Enforcement of Fines) Rules 2011:
 - (e) the Lawyers and Conveyancers Act (Lawyers: Admission) Rules 2008.

183 Transitional provisions

The transitional provisions set out in **Schedule 4** apply.

Part 2
District Court*Preliminary provisions***184 Purposes**

The purposes of this **Part** are—

- (a) to reconstitute District Courts as a single court with divisions for a Family Court, a Youth Court, and a Disputes Tribunal; and
- (b) to provide for—
 - (i) the constitution and jurisdiction of the court; and
 - (ii) the practice and procedure of the court; and

- (iii) the selection, appointment, removal, and conditions of the judicial and other officers of the court; and
- (c) to make provision for any other related matters; and
- (d) to improve the transparency of court arrangements in a manner consistent with judicial independence.

185 Interpretation

In this **Part**, unless the context otherwise requires,—

acting Judge means a Judge appointed as an acting Judge under **section 214(1)**

authenticate means,—

- (a) in relation to a document other than a document under **subpart 10**,—
 - (i) ~~signing sign~~ and ~~dating date~~ the document; or
 - (ii) in the case of a document in electronic form, ~~using use~~ any electronic means that adequately identifies the person responsible for its content and the date of authentication; or
- (b) in relation to a document under **subpart 10**, ~~using use~~ any means that adequately identifies the person responsible for its content and the date of authentication; or
- (c) in relation to a warrant, authenticate in the manner provided in **paragraph (a) or (b)** or by a Registrar entering the particulars of the warrant into a computer system accessible to a constable or a bailiff

bailiff means a bailiff appointed under **section 248**, and includes any deputy bailiff and any person acting as a bailiff under **section 248(2)**

Chief District Court Judge means the Chief District Court Judge appointed under **section 207(1)**

chief executive means the chief executive of the Ministry of Justice

Community Magistrate means a person appointed under **section 221(1)**

constable has the same meaning as in section 4 of the Policing Act 2008

court means the District Court ~~constituted~~ established under **section 188**

District Court Judge ~~or Judge or Judge~~ means a Judge appointed under **section 192(1)**

document—

- (a) means a document in any form (including, without limitation, a document in an electronic form); and
- (b) includes, without limitation, any of the following:
 - (i) any writing on any material:

- (ii) information recorded or stored by means of a tape recorder, computer, or other device:
- (iii) material subsequently derived from information recorded or stored in the manner described in **subparagraph (ii)**:
- (iv) a label, a marking, or any other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means:
- (v) a book, map, plan, graph, or drawing:
- (vi) a photograph, film, negative, tape, or ~~any other~~ device in which 1 or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced

electronic includes electrical, digital, magnetic, optical, electromagnetic, biometric, and photonic

financial assessment hearing means a hearing under **section 330 or 331**

financial statement has the meaning given to it in **section 327(1)**

freezing order means an order restraining a person from removing any assets located in or outside New Zealand or from disposing of, dealing with, or diminishing the value of those assets

judicial officer means a Judge, a Community Magistrate, or a Justice

Justice has the same meaning as in section 2 of the Justices of the Peace Act 1957

landlord, in relation to any land, means the person entitled to the immediate reversion of that land ~~or~~ and, if the land is held in joint tenancy or tenancy in common, includes any one of the persons entitled to the immediate reversion

lawyer has the same meaning as in section 6 of the Lawyers and Conveyancers Act 2006

Minister means the Minister of the Crown who under any warrant or with the authority of the Prime Minister is responsible for the administration of this

Part

officer of the court means any Registrar, Deputy Registrar, or other employee appointed under the State Sector Act 1988 for the conduct of the business of the court

part-time Judge means a Judge who is authorised under **section 213(1)** to ~~act~~ sit on a part-time basis

permanent Judge does not include an acting District Court Judge

Police employee has the meaning given by section 4 of the Policing Act 2008

prescribed means prescribed by regulations made under **section 413**

~~prescribed rate~~, in relation to a rate of interest, means the interest rate as defined in ~~Part 4 of the Judicature Modernisation Act 2013~~ has the meaning given to it by section 87 of the Judicature Act 1908

principal Judge means a Judge who is appointed the principal Judge of a division of the court

proceeding means any application to the court for the exercise of the civil jurisdiction of the court other than an interlocutory application

Registrar means a District Court Registrar appointed under **section 244**

rules means the rules of the practice and procedure of the court made under **section 411**

search order means an order in a proceeding, or before a proceeding commences, with or without notice to the respondent, to secure or preserve evidence and to require the respondent to permit persons to enter premises for the purpose of securing the preservation of evidence

working day, in relation to the court, means a day other than—

- (a) a Saturday, a Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, or Waitangi Day; or
- (b) the day observed as the anniversary day of the former province in which the relevant office of the court is located; or
- (ba) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; or
- (c) a day in the period commencing on 25 December in a year and ending on 15 January in the following year.

Compare: 1947 No 16 s 2

186 Part binds the Crown

This **Part** binds the Crown.

187 Application of this Part

Schedule 7 contains application, savings, and transitional provisions that affect other provisions of this **Part** as from time to time amended, repealed, or repealed and replaced.

Subpart 1—Establishment of District Court

188 District Court

- (1) This **Part** establishes a the District Court of New Zealand (the **court**).
- (2) The court consists of—
 - (a) the Chief District Court Judge; and
 - (aa) the Principal Family Court Judge and the Principal Youth Court Judge; and

- (b) the other District Court Judges.
- (3) The court has civil and criminal jurisdiction and is a court of record.
- (4) The court is a single court that replaces the District Courts that were continued by the District Courts Act 1947.
- (5) On and after the coming into force of this **Part**,—
 - (a) a District Court in existence immediately before the coming into force of this **Part** is part of the court:
 - (b) any act or thing that was done in relation to a proceeding commenced in a District Court before the coming into force of this **Part** is to be treated as having been done in the court sitting in the same place as that District Court:
 - (c) any act or thing that could have been done in relation to a proceeding commenced in a District Court before the coming into force of this **Part** must be done in relation to the proceeding in the court sitting in the same place as that District Court.
- (6) In **subsection (5)**, **District Court** includes a Family Court or a Youth Court that was a division of the particular District Court.

Compare: 1947 No 16 s 3(1)

189 Seal

The court must have a seal, and each Registrar of the court is responsible for the seal.

Compare: 1947 No 16 s 3(2)

Divisions of court

190 Divisions of court

The court has the following divisions:

- (a) a general division, to exercise the ordinary civil and criminal jurisdiction of the court, including common law and equitable jurisdiction and admiralty jurisdiction:
- (b) a division known as the Family Court, to exercise the jurisdiction conferred ~~under~~ by section 11 of the Family Courts Act 1980:
- (c) a division known as the Youth Court, to exercise the jurisdiction conferred ~~under~~ by section 272 of the Children, Young Persons, and Their Families Act 1989:
- (d) a division known as the Disputes Tribunal, to exercise the jurisdiction conferred ~~under~~ by section 10 of the Disputes Tribunal Act 1988 and a provision of any other enactment.

Compare: 1947 No 16 s 9(4)

Court offices

191 Court offices

- (1) The Governor-General may, by notice in the *Gazette*,—
 - (a) declare that an office of the court is established at or for a place; and
 - (b) specify the date on and after which the office of the court is established.
- (2) An office of the court may be housed in more than 1 building and, if it is established for a place, need not be physically established at that place or at all.
- (3) The Governor-General may, by notice in the *Gazette*, abolish an office of the court.
- (4) The following provisions apply on the abolition of an office of the court (the **abolished office**):
 - (a) the Minister may direct that the documents and records in the abolished office must be transferred to another office of the court (the **substituted office**):
 - (b) when delivered to the Registrar of the substituted office, the documents and records become subject to the custody of that Registrar:
 - (c) the Registrar of the substituted office may do anything that could under an enactment or a rule have been done by the Registrar of the abolished office:
 - (d) a step in a proceeding that could, under an enactment or a rule, have been taken in the abolished office may be taken in the substituted office:
 - (e) an act or a thing required or authorised by an enactment or a rule to be done by a person at the abolished office in relation to a proceeding or transaction or document may be done by a person at the substituted office:
 - (f) an address for service given by a party in relation to a proceeding in the abolished office continues to be the address for service of the party, but, if the address does not comply with any enactment or rule, the party must give a new address for service on first filing a document in the proceeding in the substituted office:
 - (g) a Judge may—
 - (i) decide a question as to the application of this section or the procedure to be followed; and
 - (ii) make an order that the Judge thinks fit.
- (5) The Governor-General may from time to time appoint cities, towns, or other places in which courts may be held for the exercise of jurisdiction to conduct jury trials in accordance with the Criminal Procedure Act 2011.
- (6) ~~The Governor-General may at any time in like manner amend or revoke any appointment made under **subsection (5)**.~~

- (7) ~~The appointment under section 4(2A) of the District Courts Act 1947 of a city, borough, or other place that is in force immediately before the commencement of this section continues in force as if it were an appointment made under **subsection (5)**.~~

Subpart 2—Judges

Appointment of Judges

192 Appointment of Judge

- (1) The Governor-General may, on the advice of the Attorney-General, appoint a Judge.
- (2) The Governor-General appoints a Judge by a signed warrant of appointment.
- (3) The Attorney-General must publish information explaining his or her process for—
 - (a) seeking expressions of interest for the appointment of Judges; and
 - (b) nominating persons for appointment as a Judge.

193 Maximum number of Judges

- (1) The maximum number of Judges is 156.
- (2) For the purposes of **subsection (1)**,—
 - (a) a Judge who is acting on a full-time basis counts as 1;
 - (b) a Judge who is acting on a part-time basis counts as an appropriate fraction of 1;
 - (c) the aggregate number (for example, 155.5) must not exceed the maximum number of Judges that is for the time being permitted.

Compare: 1947 No 16 s 5(2), (2A)

194 Appointment of Judge to sit in other jurisdiction or division of court

- (1) A Judge may be appointed to sit in another jurisdiction or division of the court by—
 - (a) warrant of the Governor-General; or
 - (b) designation by the Chief District Court Judge; or
 - (c) other prescribed means.
- (2) An appointment under **subsection (1)(a) or (b)** is subject to the procedure prescribed (if any) in any enactment for the issue of the warrant or the making of the designation.

195 Appointment of jury trial Judges

- (1) The Governor-General must by warrant appoint sufficient Judges to exercise the criminal jurisdiction of the court in relation to jury trials under the Criminal Procedure Act 2011.
- (2) The fact that a Judge is appointed under this section does not limit or affect the power of that Judge to exercise any other jurisdiction of the court or the powers of a Judge.

Compare: 1947 No 16 s 5B

197 Who is eligible for appointment as Judge

A person may be appointed as a Judge if—

- (a) that person has for at least 7 years held a New Zealand practising certificate as a barrister or as a barrister and solicitor; or
- (b) that person—
 - (i) holds a degree in law granted or issued by any university within New Zealand; and
 - (ii) has been admitted as a barrister and solicitor of the High Court; and
 - (iii) has held a practising certificate in a jurisdiction specified by Order in Council—
 - (A) for at least 7 years; or
 - (B) for a lesser number of years, but, when that number of years is added to the number of years that the person has held a New Zealand practising certificate, the total number of years is at least 7 years.

Compare: 1947 No 16 s 5

198 Tenure of Judges

- (1) A Judge is appointed as a permanent Judge and holds office until he or she resigns, retires, or is removed.
- (2) The terms and conditions of the appointment of a Judge may be changed only with the consent of the Judge.

Compare: 1947 No 16 s 5AA(7)

200 Restrictions on Judges

- (1) A Judge must not practise as a lawyer.
- (2) A Judge must not undertake any other paid employment or hold any other office (whether paid or not) without the approval of the Chief District Court Judge.
- (3) However, **subsection (1)** does not apply to another office if an enactment permits or requires the office to be held by a Judge.

- (4) The Chief District Court Judge may approve other employment or any other office only if he or she is satisfied that the other employment or office is consistent with judicial office.

Compare: 1947 No 16 s 5(4), (5)

201 Protocol relating to activities of Judges

- (1) The Chief Justice must develop and publish a protocol containing guidance on—
- (a) the employment, or types of employment, that he or she considers may be undertaken consistent with being a Judge; and
 - (b) the offices, or types of offices, that he or she considers may be held consistent with being a Judge.
- (2) The protocol required by **subsection (1)** must be prepared in consultation with the Chief District Court Judge.

Powers of Judges

202 Powers of Judges

- (1) A Judge has the power—
- (a) to exercise the civil and criminal jurisdiction of the court in accordance with his or her warrant of appointment; and
 - (b) if applicable, to exercise the jurisdiction conferred by a warrant to sit in the Family Court or to conduct jury trials, or conferred by a designation to sit in the Youth Court.
- (2) A Judge exercises the jurisdiction of the court by—
- (a) hearing and determining proceedings in the court; and
 - (b) exercising the powers conferred by this **Part** or any other enactment on the court or Judges of the court.
- (3) Nothing in **subsection (1)** limits section 436 of the Children, Young Persons, and Their Families Act 1989.

Compare: 1947 No 16 s 58

203 Exercise of jurisdiction

The jurisdiction of the court may be exercised by—

- (a) a Judge; or
- (b) if authorised by this **Part** or any other Act or by the rules, a Registrar or any person authorised to carry out the functions of a Registrar.

Compare: 1947 No 16 s 40

204 Additional powers of Judges

- (1) A Judge has the same powers and may make the same orders in relation to a proceeding pending before the court as a Judge of the High Court in chambers in a similar proceeding.
- (2) Despite **subsection (1)**, an interim injunction restraining a party to a proceeding (whether domiciled, resident, or present in New Zealand) from removing from New Zealand, or otherwise dealing with, assets in New Zealand is the only interlocutory injunction in the nature of a freezing order that a Judge may grant.
- (3) A Judge has no power to make a search order.
- (4) **Subsection (3)** does not limit the power of a Judge to make an order for the detention, custody, or preservation of property.

Compare: 1947 No 16 s 42

205 Other functions of Judges

A Judge, by virtue of his or her appointment as a Judge,—

- (a) is also a coroner for New Zealand; and
- (b) is also a Justice of the Peace for New Zealand; and
- (c) although sitting alone, has the powers, functions, and discretions that must be exercised by 2 Justices sitting together; and
- (d) has the power to do alone whatever is authorised by any enactment to be done by 2 Justices together.

Compare: 1947 No 16 s 8

206 Immunity of Judges

A Judge has the same immunities as a High Court Judge.

Compare: 1947 No 16 s 119

Chief District Court Judge

207 Chief District Court Judge

- (1) There must be a Chief District Court Judge appointed by the Governor-General on the advice of the Attorney-General.
- (2) The Chief District Court Judge is head of the court.
- (3) The Chief District Court Judge must ensure the orderly and efficient conduct of the court's business; and, for that purpose, may, among other things,—
 - (a) determine the sessions of the court; and
 - (b) assign Judges to those sessions; and
 - (c) assign Judges to particular divisions or jurisdictions; and
 - (ca) assign Judges to the hearing of cases and other duties; and

- (d) determine the places and schedules of sessions for individual Judges (including varying the places and schedules of sessions for Judges from time to time); and
 - (e) manage the workload of individual Judges; and
 - (f) delegate administrative duties to individual Judges; and
 - (g) oversee and promote the professional development, continuing education, and training of Judges; and
 - (h) make directions and set standards for best practice and procedure in the court.
- (4) The Chief District Court Judge, in assigning a Judge to the Family Court or the Youth Court, may give directions in relation to the Family Court or the Youth Court, as the case may be, but must first consult the Principal Judge of the court in question.
- (5) The fact that a Judge sits in any particular court is conclusive evidence of his or her authority so to do, and no exercise of any jurisdiction or power by a Judge may be questioned on the ground that he or she was not authorised to sit in the court where the jurisdiction or power was so exercised.
- (6) The reference in **subsections (3), (4), and (5) to jurisdictions** means—
- (a) the ordinary civil and criminal jurisdiction of the District Court, including common law and equitable jurisdiction and admiralty jurisdiction;
 - (b) the specialist jurisdiction of the District Court by virtue of the constitution of the Family Court and the Youth Court as divisions of the District Court.
- (7) The power conferred by this section on the Chief District Court Judge does not include the power to give directions in relation to any District Court Judge who for the time being presides over, or holds office as a member of, or holds office as, a tribunal.

Compare: 1947 No 16 ss 5A, 9

208 Tenure of Chief District Court Judge

The Chief District Court Judge holds office until he or she—

- (a) resigns from that office; or
- (b) ceases to hold office as a Judge.

Compare: 1947 No 16 s 5A(2)

209 Acting Chief District Court Judge

- (1) The Chief District Court Judge may, with the concurrence of the Chief Justice, nominate a Judge to act in place of the Chief District Court Judge for any period during which—
- (a) the office of the Chief District Court Judge is vacant; or

- (b) the Chief District Court Judge is absent from New Zealand; or
 - (c) the Chief District Court Judge is unable for any reason (including illness) to perform the duties of the office.
- (2) The Chief Justice may nominate a Judge to act in place of the Chief District Court Judge for any period during which the Chief District Court Judge is unable for any reason (including illness) to perform the duties of the office.
- (3) For the period of his or her appointment, the Acting Chief District Court Judge is empowered to perform the functions and duties, and to exercise all the powers, of the office of Chief District Court Judge.

Compare: 1947 No 16 s 5A(4)

Resignation, retirement, and removal

210 Resignation

A Judge may resign from office at any time by written notice to the Attorney-General.

211 Retirement

- (1) A Judge must retire from office on reaching the age of 70 years.
- (2) This section does not apply to an acting Judge.

212 Removal

- (1) The Governor-General may, on the advice of the Attorney-General, remove a Judge from office on the grounds of inability or misbehaviour.
- (2) To avoid doubt, a Judge may be removed under **subsection (1)** for inability or misbehaviour related to the exercise, contemplated by **section 205(a)**, of the judicial authority conferred on a coroner by the Coroners Act 2006.
- (3) The removal of a Judge may be initiated in accordance with sections 33 and 34 of the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004.
- (4) A Judge may not be removed from office except under this section.

Compare: 1947 No 16 s 7(1), (1A)

Part-time Judges

213 Attorney-General may authorise permanent Judge to sit part-time

- (1) The Attorney-General may, on application by a permanent Judge, authorise the Judge to sit on a part-time basis for a specified period.
- (2) The Attorney-General must not authorise a Judge to sit part-time unless the Chief District Court Judge agrees and, in considering whether to agree, the Chief District Court Judge must have regard to the need to ensure the orderly and efficient conduct of the court's business.

- (3) In the case of an Environment Judge, the Chief District Court Judge must first consult the Principal Environment Judge before agreeing to the Judge sitting part-time.
- (4) The Attorney-General may authorise a Judge to sit part-time with effect from—
 - (a) the date on which the Judge takes up office; or
 - (b) any other date.
- (5) The Attorney-General may authorise a Judge to sit part-time for a specified period on more than 1 occasion.

Acting Judges

214 Appointment of acting Judges

- (1) The Governor-General may, on the advice of the Attorney-General, appoint 1 or more acting Judges.
- (2) Only a former Judge under the age of 75 years is eligible for appointment as an acting Judge.
- (3) Before advising the Governor-General to make an appointment under **subsection (1)**, the Attorney-General must have received a certificate signed by the Chief District Court Judge certifying that the appointment is necessary for the proper conduct of the court.
- (4) Despite section 435 of the Children, Young Persons, and Their Families Act 1989, any person appointed under **subsection (1)** may at the same time or at any subsequent time during the term of that person's appointment be designated as a Youth Court Judge, and the designation takes effect during any period when and in any place where that person is entitled to act as a Judge.
- (5) In this section, **former Judge** means a person who has retired or resigned from holding office as a District Court Judge.

215 Term of appointment of acting Judge

- (1) An acting Judge may be appointed for a term of not more than 2 years and may be reappointed for 1 or more terms.
- (2) However, an acting Judge must not be appointed—
 - (a) for a term that extends beyond the date on which the Judge reaches the age of 75 years; or
 - (b) for multiple terms collectively totalling more than 5 years.

216 Acting Judge must be authorised to act

- (1) An acting Judge may ~~only act~~ act only to the extent that he or she is authorised to do so by the Chief District Court Judge under **subsection (2)**.
- (2) The Chief District Court Judge may authorise an acting Judge to act—
 - (a) during 1 or more specified periods; and

- (b) in 1 or more specified places.
- (3) An acting Judge, while acting as authorised by the Chief District Court Judge, has the jurisdiction, powers, protections, privileges, and immunities of a Judge.
- Compare: 1947 No 16 s 10A(4~~3~~), (5~~4~~)

Remuneration

217 Remuneration of Chief District Court Judge, principal Judges, and permanent Judges

The Chief District Court Judge, each principal Judge, and each permanent Judge must be paid, out of public money, without further appropriation than this section,—

- (a) a salary at the rate determined by the Remuneration Authority; and
- (b) allowances (if any) as determined by the Remuneration Authority; and
- (c) any additional allowances, such as travelling allowances or other incidental or minor allowances, as the Government determines.

Compare: 1947 No 16 s 6(1)

218 Remuneration of part-time or acting Judge

- (1) The salary and allowances of a part-time Judge must be calculated and paid as a pro rata proportion of the salary and allowances of a full-time Judge.
- (2) For the period that an acting Judge acts as authorised under **section 216**, the acting Judge must be paid a salary and allowances calculated as a pro rata proportion of the salary and allowances of a full-time Judge under **section 217(a) and (c)**.

Compare: 1947 No 16 s 6(2A)

218A Superannuation of acting Judges

- (1) A superannuation subsidy must not be paid to a person who is appointed as an acting Judge under **section 214**.
- (2) **Subsection (1)** does not apply to a compulsory employer contribution within the meaning of section 101A of the KiwiSaver Act 2006.

219 Reduction in remuneration of Chief District Court Judge or principal Judge

- (1) This section applies if the Chief District Court Judge or a principal Judge ceases to hold the position of Chief District Court Judge or principal Judge but continues to hold office as a Judge.
- (2) The salary and allowances of the Judge must be reduced by the amount of any salary and allowances that the Judge received solely by virtue of being the Chief District Court Judge or a principal Judge.

Compare: 1947 No 16 s 6(2B)

220 Judge's remuneration must not be reduced

- (1) The remuneration payable to a Judge must not be reduced while the Judge holds office.
- (2) For the purposes of **subsection (1)**, none of the following is a diminution of remuneration:
 - (a) the payment of salary on a pro rata basis under **section 218**;
 - (b) the payment of reduced salary and allowances under **section 219**.

Compare: 1947 No 16 s 6(2), (2C)

Subpart 3—Community Magistrates

*Community Magistrates***221 Appointment of Community Magistrate**

- (1) The Governor-General may, on the advice of the Minister, appoint a Community Magistrate.
- (2) Before advising the Governor-General, the Minister may consult ~~with~~ any persons that the Minister considers appropriate.

Compare: 1947 No 16 s 11A(1), (3)

222 Who is eligible for appointment as Community Magistrate

A person may be appointed as a Community Magistrate if he or she—

- (a) is capable, ~~through~~ because of his or her personal qualities, experience, and skills, of performing the functions of a Community Magistrate; and
- (b) has been designated under the prescribed selection process as a person eligible for appointment as a Community Magistrate.

Compare: 1947 No 16 s 11A(2)

223 Functions and powers of Community Magistrate

- (1) A Community Magistrate must carry out the functions of, and may exercise the powers conferred on, Community Magistrates by the Criminal Procedure Act 2011, the Summary Offences Act 1981, or any other enactment.
- (2) Each Community Magistrate must sit in the court and at the times that the Chief District Court Judge directs after consulting—
 - (a) the Chief Community Magistrate; or
 - (b) if there is no Chief Community Magistrate, any other Community Magistrate as the Chief District Court Judge thinks fit.
- (3) The fact that a Community Magistrate sits in the court is conclusive evidence of his or her authority to do so.

Compare: 1947 No 16 s 11C

224 Tenure of Community Magistrate

A Community Magistrate holds office until he or she resigns, retires, or is removed.

225 Retirement, resignation, and removal

- (1) A Community Magistrate must retire from office on reaching the age of 70 years.
- (2) A Community Magistrate may resign from office at any time by written notice to the Minister.
- (3) The Governor-General may, on the advice of the Minister, remove a Community Magistrate from office if any of the following grounds for removal is proved to the satisfaction of the Governor-General:
 - (a) neglect of duty:
 - (b) inability:
 - (c) disability affecting performance of duty:
 - (d) bankruptcy:
 - (e) misconduct.

Compare: 1947 No 16 s 11F

226 Remuneration of Community Magistrate must not be reduced

The remuneration payable to a Community Magistrate must not be reduced while the Community Magistrate holds office.

Compare: 1947 No 16 s 11G(3)

227 Restrictions on Community Magistrates

A Community Magistrate must not—

- (a) hold any office or engage in any employment or occupation that will, in the opinion of the Governor-General, impair the proper discharge of his or her functions as a Community Magistrate; or
- (b) be a lawyer; or
- (c) be a Police employee; or
- (d) be employed by the Ministry of Justice or the Department of Corrections; or
- (e) be an officer of the High Court or of the District Court; or
- (f) be a party to a prison management contract entered into under section 198(1) of the Corrections Act 2004 or to a security contract entered into under section 166 of the Corrections Act 2004; or
- (g) be a security officer as defined in section 3(1) of the Corrections Act 2004; or

- (h) be a social worker as defined in section 2(1) of the Children, Young Persons, and Their Families Act 1989.

Compare: 1947 No 16 s 11B

Immunity for Community Magistrates

228 No proceeding against Community Magistrate unless he or she acted without jurisdiction

- (1) No proceeding may be commenced against any Community Magistrate for any act done by him or her; unless he or she has exceeded his or her jurisdiction or has acted without jurisdiction.
- (2) If a warrant to seize property or a warrant of commitment is granted by a Community Magistrate in good faith in reliance on a conviction or an order entered or made by a Justice or Community Magistrate, no proceeding may be commenced against the Community Magistrate who granted the warrant by reason of any defect in the conviction or order, or by reason of any want of jurisdiction in the Justice or Community Magistrate who entered or made it.

Compare: 1947 No 16 s 11CA

229 No proceeding against Community Magistrate to be commenced in District Court

No proceeding against any Community Magistrate by any person claiming to have been injured by an act done by the Community Magistrate in excess of jurisdiction or without jurisdiction may be commenced in the District Court.

Compare: 1947 No 16 s 11CB

230 Onus of proof

In any proceeding commenced against a Community Magistrate by a person claiming to have been injured by an act done by the Community Magistrate in excess of jurisdiction or without jurisdiction, the onus of proving the excess or want of jurisdiction lies on the person alleging it.

Compare: 1947 No 16 s 11CC

231 Plaintiff may be ordered to give security for costs

- (1) This section applies to any proceeding commenced against a Community Magistrate by a person claiming to have been injured by an act done by the Community Magistrate in excess of jurisdiction or without jurisdiction.
- (2) The High Court or any Judge of that court, on application by the Community Magistrate at any time before the day fixed for the trial of the proceeding, may order the plaintiff to give security for the costs of the proceeding to the satisfaction of the Registrar of the High Court in an amount not exceeding \$2,000.

- (3) If security is ordered to be given, the High Court or Judge may direct that in the meantime all proceedings are stayed.

Compare: 1947 No 16 s 11CD

232 Indemnity to Community Magistrate

- (1) **Subsection (2)** applies to any Community Magistrate against whom a judgment has been entered to pay damages or costs to any person injured as a result of any act done by the Community Magistrate in excess of jurisdiction or without jurisdiction.
- (2) The Community Magistrate must be indemnified by the Crown to the full amount of the judgment if he or she produces a certificate authenticated by a Judge of the High Court stating that, in the Judge's opinion,—
- (a) the Community Magistrate acted in good faith under the belief that he or she had in fact jurisdiction; and
- (b) in all the circumstances the Community Magistrate ought fairly and reasonably to be excused.
- (3) **Subsections (4) and (5)** apply if a Community Magistrate settles a claim against him or her by paying or agreeing to pay an agreed amount of damages or costs before proceedings are commenced, or before or during the trial of the proceeding.
- (4) The Community Magistrate must be indemnified by the Crown to the full amount of the amount paid or agreed to be paid if he or she produces a certificate authenticated by a Judge of the High Court stating that, in the Judge's opinion,—
- (a) the Community Magistrate acted in good faith under the belief that he or she had in fact jurisdiction; and
- (b) in all the circumstances the Community Magistrate ought fairly and reasonably to be excused; and
- (c) the amount paid or agreed to be paid was fair and reasonable.
- (5) If the High Court Judge is not satisfied of the matter in **subsection (4)(c)**, the Judge may issue the certificate in respect of any lesser amount that in the Judge's opinion is adequate to settle the plaintiff's claim, and in that case the Community Magistrate must be indemnified by the Crown to the amount specified in the certificate.
- (6) Application for a certificate under any of **subsections (2), (4), and (5)** may be made by a Community Magistrate at any time to a Judge in chambers, and the Judge has power to grant the certificate after considering all evidence that is given before him or her either orally or in the form of affidavits.
- (7) A copy of the application must be served by the Community Magistrate on the Attorney-General, who is entitled to appear and oppose it.

Compare: 1947 No 16 s 11CE

*Chief Community Magistrate***233 Chief Community Magistrate**

There may be a Chief Community Magistrate.

234 Appointment of Chief Community Magistrate

- (1) The Governor-General may, on the advice of the Minister, appoint the Chief Community Magistrate.
- (2) Regulations made under this **Part** may prescribe the criteria and procedure for the appointment of the Chief Community Magistrate, but the absence of those regulations does not preclude an appointment.

Compare: 1947 No 16 s 11D(1), (3)

235 Who is eligible for appointment as Chief Community Magistrate

A person may be appointed as Chief Community Magistrate if he or she has held a practising certificate as a lawyer for at least 5 years.

Compare: 1947 No 16 s 11D(2)

236 Tenure of Chief Community Magistrate

- (1) The Chief Community Magistrate holds office for as long as he or she holds office as a Community Magistrate.
- (2) The Chief Community Magistrate may resign from that office without resigning from the office of Community Magistrate, but only with the approval of the Governor-General.

Compare: 1947 No 16 s 11D(4), (5)

237 Functions of Chief Community Magistrate

- (1) The functions of the Chief Community Magistrate include—
 - (a) taking appropriate steps to ensure that the integrity of the office of Community Magistrate is maintained and that Community Magistrates operate effectively and efficiently within the framework of the District Court;
 - (b) the other functions conferred on the Chief Community Magistrate by regulations made under this **Part** or by any other enactment.
- (2) Without limiting **subsection (1)**, the Chief Community Magistrate—
 - (a) may sit as a Community Magistrate and exercise the jurisdiction of a Community Magistrate;
 - (b) must be consulted by the Chief District Court Judge, in accordance with **section 223(2)**, with regard to the rostering of Community Magistrates;
 - (c) may be involved in the design and implementation of training programmes for Community Magistrates in consultation with the Ministry of Justice and the Chief District Court Judge;

- (d) may, where appropriate, liaise with interested persons on matters affecting the office of Community Magistrate.

Compare: 1947 No 16 s 11E

238 Acting Chief Community Magistrate

- (1) The Governor-General may, on the advice of the Minister, appoint a Community Magistrate to act in place of the Chief Community Magistrate for any period during which—
- (a) the office of the Chief Community Magistrate is vacant; or
 - (b) the Chief Community Magistrate is absent from New Zealand; or
 - (c) the Chief Community Magistrate is unable for any reason (including illness) to perform the duties of the office.
- (2) For the period of his or her appointment, the Acting Chief Community Magistrate is empowered to perform the functions and duties, and to exercise all the powers, of the office of Chief Community Magistrate.

Compare: 1947 No 16 s 11D(6)

Acting Community Magistrates

239 Appointment of acting Community Magistrates

- (1) The Governor-General, on the advice of the Minister, may appoint an acting Community Magistrate.
- (2) Only a former Community Magistrate is eligible for appointment as an acting Community Magistrate.
- (3) In this section, **former Community Magistrate** means a person who has retired or resigned from holding office as a Community Magistrate.

Compare: 1947 No 16 s 11H(1)

240 Term of appointment of acting Community Magistrate

- (1) An acting Community Magistrate may be appointed for a term of not more than 2 years and may be reappointed for 1 or more further terms.
- (2) However, an acting Community Magistrate must not be appointed for a term that extends beyond the date on which the acting Community Magistrate reaches the age of 73 years.

Compare: 1947 No 16 s 11H(2)

241 Acting Community Magistrate must be authorised to act

- (1) An acting Community Magistrate may ~~only act~~ act only to the extent that he or she is authorised to do so by the Chief District Court Judge.
- (2) Before authorising an acting Community Magistrate, the Chief District Court Judge must consult ~~with~~ the Chief Community Magistrate or, if there is no

Chief Community Magistrate, any other Community Magistrate that the Chief District Court Judge thinks appropriate.

- (3) The Chief District Court Judge may authorise an acting Community Magistrate to act—
 - (a) during 1 or more specified periods; and
 - (b) in 1 or more specified places.
- (4) An acting Community Magistrate, while acting as authorised by the Chief District Court Judge, has the jurisdiction, powers, protections, privileges, and immunities of a Community Magistrate.

Compare: 1947 No 16 s 11H(3), (5)

Remuneration

242 Remuneration of Chief Community Magistrate and Community Magistrates

- (1) The Chief Community Magistrate must be paid, out of public money, without further appropriation than this section,—
 - (a) a salary or a fee, or an allowance, at the rate determined by the Remuneration Authority; and
 - (b) any additional allowances, such as travelling allowances or other incidental or minor allowances, as determined by the Governor-General by Order in Council.
- (2) Each Community Magistrate must be paid, out of public money, without further appropriation than this section,—
 - (a) a salary, or a fee, or an allowance at the rate determined by the Governor-General by Order in Council; and
 - (b) any additional allowances, such as travelling allowances or other incidental or minor allowances, as determined by the Governor-General by Order in Council.
- (3) An Order in Council made under **subsection (1)(b) or (2)** is a legislative instrument, but not a disallowable instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Compare: 1947 No 16 s 11G(2)

243 Remuneration of acting Community Magistrate

For the period that an acting Community Magistrate acts as authorised under **section 241**, the acting Community Magistrate must be paid the salary, fee, and allowances determined for a Community Magistrate under **section 242**.

Compare: 1947 No 16 s 11H(4)

Registrars, bailiffs, and other officers of court

244 Appointment of Registrars, Deputy Registrars, and other officers of court

- (1) Registrars, Deputy Registrars, and other officers of the court (other than bailiffs) may be appointed under the State Sector Act 1988 for the conduct of the business of the court.
- (2) In any case where a Registrar or Deputy Registrar has died or is prevented by illness or other cause from acting in his or her office, a Judge may appoint a Deputy Registrar to act for such period as the Judge thinks fit, and a Judge may at any time terminate that person's appointment.

Compare: 1947 No 16 ss 12(1), 14(1), (2)

245 Powers of Registrars and Deputy Registrars

- (1) A Registrar has the duties and powers—
 - (a) conferred by this **Part**, any other enactment, or the rules:
 - (b) necessary or desirable to ensure the efficient and effective administration of the operations of the court.
- (2) A Deputy Registrar has and may perform and exercise the same duties and powers as a Registrar.
- (3) **Subsection (2)** is subject to any provision to the contrary in the rules.

Compare: 1947 No 16 ss 12, 14(1A)

246 Registrar must hold record of proceedings

- (1) The Registrar must hold such records of, and in relation to, proceedings as the chief executive requires.
- (2) If the existence of the record of the court is in dispute, the existence of the record must be determined by the court.

Compare: 1947 No 16 s 13(1), (3)

247 Admissibility of document required to be held by Registrar

- (1) This section applies to—
 - (a) a document or part of a document required by the rules to be held by a Registrar; ~~or~~ and
 - (b) a copy of or an extract from the document or part of the document that has been sealed with the seal of the court and authenticated and certified by a Registrar as a true copy or correct extract.
- (2) A document or part of a document, or a copy of or an extract from it, referred to in **subsection (1)** is admissible without further proof as evidence of—
 - (a) the document or part of it; and
 - (b) the proceeding to which it relates; and

(c) the regularity of that proceeding.

Compare: 1947 No 16 s 13(2)

248 Appointment of bailiffs

- (1) Bailiffs and deputy bailiffs may be appointed under the State Sector Act 1988 for the exercise of the powers and performance of duties of bailiffs set out in **section 250**.
- (2) A Judge may authorise a constable or other person to act on a particular occasion as a bailiff.
- (3) A bailiff must take an oath of office in the following form (or make an affirmation as provided by section 4 of the Oaths and Declarations Act 1957):

English form

“I, [name], swear that I will faithfully and diligently serve Her (or His) Majesty [specify the name of the reigning Sovereign, as in: Queen Elizabeth the Second], Queen (or King) of New Zealand, her (or his) heirs and successors, as a bailiff at [place], without favour or affection, malice or ill-will. While I hold this office I will, to the best of my power, keep the peace and prevent offences against the peace and will, to the best of my skill and knowledge, perform all the duties of the office of bailiff according to law. So help me God.”

Māori form

“Tēnei au, a [ingoa], e kī taurangi nei, ka rato piri honga, urupū hoki ahau i Ia Arikinui [tohua te ingoa o te Arikinui kei runga i te torona, pērā ki a Kuini Ira-hāpeti te Tuarua], Kuini (Kīngi rānei) o Niu Tīreni, me ōna uri whakaheke, hei kaituku hāmene ki [wāhi] i roto i te kore tautoko, kore aroha rānei, kore mahi kino, kore whakaaro kino rānei. I te wā ke tēnei tūranga ahau ka pōkaikaha ahau ki te hohou i te rongo me te kaupare atu i nga mahi kotikoti i te rongo, ā, i roto i ōku tino pūkenga me ōku mōhio, ka whakatutuki i ngā mahi kua whakaritea hei mahi mā te kaituku hāmene, e ai ki te ture. Nō reira, āwhina mai i ahau e te Atua.”

Compare: 1947 No 16 s 15(1), (2), 17(1)(a), (3)

249 Appointment of deputy bailiffs

- (1) A Judge may—
 - (a) appoint a deputy to act for a bailiff who is prevented ~~from~~ by illness or other cause from acting as bailiff; and
 - (b) in the case of the death of a bailiff, ~~may~~ appoint a deputy to act as bailiff until another appointment is made.
- (2) A Judge may at any time terminate the appointment of a deputy bailiff appointed under **subsection (1)**.

Compare: 1947 No 16 s 16(1)

250 Powers and duties of bailiffs

- (1) A bailiff has—
 - (a) the powers of a constable:
 - (b) the power to serve a court document or an order:
 - (c) the power to enforce an order of the court:
 - (d) the power to execute a warrant:
 - (e) any other powers conferred by this **Part**, any other enactment, or the rules.
- (2) A bailiff must—
 - (a) attend each session of the court to which he or she is appointed for such time as is required, unless his or her presence is excused by the court:
 - (b) as required, serve the summonses and orders, and execute the warrants, issued by the court, but may authorise any person to act for him or her in effecting the service or execution:
 - (c) conform to the rules and regulations governing the execution of the office of bailiff, and in other respects be subject to the directions of a Judge or Registrar.
- (3) In enforcing an order of the court, a bailiff has the same powers and is subject to the same liabilities as a Sheriff of the High Court.
- (4) Sections 121, 128, and 129 of the Search and Surveillance Act 2012 (which relate to a general power to stop vehicles) do not apply to a bailiff.

Compare: 1947 No 16 ss 17(1), (2), 17A

251 Powers, etc, of deputy bailiffs

A deputy bailiff, under this **Part** and any other Act, has the same powers and privileges, must perform the same duties, and is subject to the same penalties and provisions as if he or she were a bailiff.

Compare: 1947 No 16 s 16(2)

252 Misconduct of officers

- (1) This section applies if an officer of the court is charged with—
 - (a) extortion or misconduct while acting on court business; or
 - (b) failing to account for or pay money received by him or her under the authority of this **Part**.
- (2) A Judge may inquire into the matter and may require the attendance of all necessary persons as if those persons were witnesses in a proceeding.
- (3) After inquiry, the Judge may—
 - (a) make orders for the repayment of money extorted or received and for the payment of damages and costs; and

(b) impose a fine on the officer not exceeding \$2,000 for each offence.

Compare: 1947 No 16 s 19

253 Officer of court must not act as lawyer in court proceedings

- (1) Except as provided by this **Part** or the rules or by any other enactment, an officer of the court must not directly or indirectly act as a lawyer or an agent for any party in any proceedings in any court.
- (2) A person who contravenes **subsection (1)** commits an offence and is liable on conviction to a fine not exceeding \$1,000.

Compare: 1947 No 16 s 20

Court business

254 Sessions of court and adjournments

- (1) Subject to a direction by the Chief District Court Judge, a Judge may hold a session of the court at a time and place the Judge thinks fit.
- (2) Subject to the power of a Judge under **subsection (1)**, a Registrar may hold a session of the court at a time and place the Registrar thinks fit if—
 - (a) the Registrar is satisfied that the session could more conveniently or fairly be held at that time and place; and
 - (b) all the parties to the proceeding consent.
- (3) A Judge may adjourn a session of the court to a time and place the Judge thinks fit.
- (4) A Registrar must adjourn a session of the court if a Judge is not present at the time appointed for that session, and the Registrar may adjourn it to the time and place that the Registrar determines.
- (5) Nothing in **section 191** affects the power of a Judge under **subsection (1)**.

Compare: 1947 No 16, ss 4A, 22, and 23

Subpart 4—Jurisdiction

Criminal jurisdiction of District Court

255 Criminal jurisdiction of court

The court has the jurisdiction in relation to criminal proceedings conferred by—

- (a) the Criminal Procedure Act 2011; and
- (b) any other enactment.

Civil jurisdiction of District Court

256 General civil jurisdiction

- (1) The court has jurisdiction to hear and determine a proceeding—
 - (a) in which the amount claimed or the value of the property in dispute does not exceed \$350,000;
 - (b) that, under any enactment other than this **Part**, may be heard and determined in the court.
- (2) The amount claimed in a proceeding under **subsection (1)** may be for the balance, not exceeding \$350,000, of an amount owing after a set-off of any claim by the defendant that is admitted by the claimant.

Compare: 1947 No 16 s 29

257 Money recoverable by statute

- (1) The court has jurisdiction to hear and determine a proceeding—
 - (a) for the recovery of any penalty, expenses, costs, contribution, or similar monetary liability that is recoverable under any enactment; and
 - (b) in which the amount claimed does not exceed \$350,000 excluding interest under the ~~Judicature Modernisation Act 2013~~ that may be payable under section 87 of the Judicature Act 1908.
- (2) **Subsection (1)** does not apply if an enactment expressly provides that the proceeding ~~can~~ may only be brought in another court.
- (3) In **subsection (1)(a)**, **penalty** does not include a fine to which a person is liable on conviction of an offence.

Compare: 1947 No 16 s 30

258 Jurisdiction in equity

- (1) Subject to other provisions in this **Part**, the court has the same equitable jurisdiction as the High Court.
- (2) However, the court does not have jurisdiction under **subsection (1)** to hear and determine a proceeding in which the amount claimed or the value of the property that is the subject of the proceeding exceeds \$350,000.
- (3) **Subsection (1)** does not apply if an enactment (other than **section 11 of the Judicature Modernisation Act 2013**) expressly provides that the proceeding is a proceeding or class of proceeding that another court has jurisdiction to hear and determine.
- (4) Despite **subsection (3)**, the court may make orders under section 49 of the Administration Act 1969.

Compare: 1947 No 16 s 34(1)(a), (2), (2A); ~~(3)~~

259 Jurisdiction in relation to partnerships

- (1) The court has jurisdiction to hear and determine any proceeding for the dissolution or winding up of any partnership (whether or not the existence of the partnership is in dispute); if the total assets of the partnership do not exceed \$350,000 in amount or value.
- (2) No proceeding in the court for the dissolution or winding up of a partnership, nor any order made in the proceeding, prevents a creditor from applying for the adjudication of a member of the partnership as a bankrupt.

Compare: 1947 No 16 s 34(1)(b), (3)

260 Exceptions

- (1) The court does not have jurisdiction to hear and determine the following classes of proceedings:
 - (a) proceedings for the recovery of land (but *see* section **261(1)(a)**):
 - (b) proceedings relating to the title to a royal privilege or other grant of a Crown prerogative:
 - (c) proceedings relating to the validity or interpretation of a will:
 - (d) proceedings or applications that under any enactment must be heard and determined by a court other than the District Court.
- (2) However, despite **subsection (1)(c)**, the court does have jurisdiction to hear and determine any proceedings in which title to inheritable property is in issue if the proceedings are otherwise within its jurisdiction.

Compare: 1947 No 16 ss 29(1), 35

261 Jurisdiction to recover land in certain cases

- (1) Despite **section 260(1)(a)**, the court has jurisdiction to hear and determine a proceeding for the recovery of land in the situations specified in **subsection (2)** if—
 - (a) the annual rent does not exceed \$62,500; or
 - (b) the value of the land does not exceed \$500,000.
- (2) The situations are—
 - (a) a lessee or other person occupying premises has failed to vacate the whole or part of the premises after—
 - (i) the lease has ended or been terminated by the lessor or the lessee; and
 - (ii) the lessor or the lessee (in the case of another person occupying the whole or part of the premises) has given notice to vacate the premises or has demanded possession of the premises, as the case may be:

- (b) a lessor is entitled to exercise a right to re-enter premises for non-payment of rent:
- (c) a person without right, title, or licence is in possession of the land.
- (3) For the purposes of **subsection (1)(b)**, if the capital value of the land appears in a district valuation roll under the Rating Valuations Act 1998, that value is the value of the land.

Compare: 1947 No 16 s 31

262 Abandonment of part of claim to give court jurisdiction

- (1) This section applies to a proceeding that, apart from this section, the court would not have jurisdiction to hear and determine because the amount of the claim or the value of the property or relief claimed or in issue exceeds the monetary limit of the court's jurisdiction.
- (2) If the claimant abandons the excess,—
 - (a) the court has jurisdiction to hear and determine the proceeding; and
 - (b) the claimant cannot recover an amount exceeding the monetary limit of jurisdiction plus costs.
- (3) The judgment of the court in the proceeding operates as a full discharge of the cause of action.

Compare: 1947 No 16 s 36

263 Extension of jurisdiction by consent

- (1) This section applies to a proceeding (including a proceeding in admiralty) that, apart from this section, the court would not have jurisdiction to hear and determine because the amount of the claim or the value of the property or relief claimed or in issue exceeds the monetary limit of the court's jurisdiction.
- (2) If the parties to the proceeding or to a counterclaim in the proceeding consent,—
 - (a) the monetary limit of the court's jurisdiction is extended, for the purposes of the proceeding, to the limit of the amount of the claim or the value of the property or relief claimed; and
 - (b) the court may hear and determine the proceeding on that basis.

Compare: 1947 No 16 s 37

264 Jurisdiction exclusive of interest

~~Interest included in the amount for which a judgment is given under the **Judicature Modernisation Act 2013** payable under **Part 4 of the Judicature Modernisation Act 2013** included in the amount for which a judgment is given~~ is not to be taken into account for the purposes of determining the jurisdiction of the court.

Compare: 1947 No 16 s 42A

265 Causes of action not to be divided

- (1) A cause of action may not be divided for the purpose of bringing 2 or more proceedings or a counterclaim.
- (2) Nothing in **subsection (1)** prevents a party from including in a single proceeding multiple causes of action that in the aggregate, but not individually, exceed the jurisdiction of the court.

Compare: 1947 No 16 s 38

266 Remedies

Subject to **section 291**, in a proceeding a Judge may, in the same way as a Judge of the High Court in the same or a similar proceeding,—

- (a) grant ~~the same~~ remedies, redress, or relief;
- (b) dispose of the proceeding;
- (c) give ~~the same~~ effect to every ground of defence or counterclaim, whether legal or equitable.

Compare: 1947 No 16 s 41

267 Proceedings against absent defendant

The court must not determine any proceeding against a defendant who is absent from New Zealand unless the court is satisfied that—

- (a) service has been effected in any of the ways provided by the rules; or
- (b) service has been effected in accordance with the rules on an agent of the defendant who is authorised to accept service.

Compare: 1947 No 16 s 39

Subpart 5—Transfer of proceedings

268 Transfer of proceeding in which amount or value of claim exceeds \$90,000

- (1) This section applies to a proceeding in which the amount of the claim or the value of the property or relief claimed or in issue exceeds \$90,000.
- (2) A defendant in the proceeding may by notice require that the proceeding be transferred to the High Court.
- (3) On receipt of the notice, a Judge must order that the proceeding ~~is~~ be transferred to the High Court.
- (4) This section does not apply to a proceeding for the recovery of land, unless a Judge certifies that, in the Judge's opinion,—
 - (a) an important question of law is likely to arise; or
 - (b) a question of title to an hereditament is likely to arise other than incidentally.

Compare: 1947 No 16 s 43(1), (5)

269 Transfer of proceeding in which amount or value of claim does not exceed \$90,000

- (1) This section applies to a proceeding in which the amount of the claim or the value of the property or relief claimed or in issue does not exceed \$90,000.
- (2) A Judge may, on application by a defendant in the proceeding, transfer the proceeding to the High Court if the Judge is satisfied that—
 - (a) an important question of law or fact is likely to arise; or
 - (b) a question of title to an hereditament is likely to arise other than incidentally.

Compare: 1947 No 16 s 43(2), (5)

270 Procedure for transfer of proceeding

- (1) A notice or an application for the transfer of a proceeding under **section 268 or 269** must be given or made within the prescribed period or, with the leave of a Judge, within any further time specified by the Judge.
- (2) An order transferring the proceeding may be made on such conditions as the Judge thinks fit including requiring the defendant to give security for the costs of the proceeding in the High Court.
- (3) **Sections 268 and 269** apply to a counterclaim as if—
 - (a) the counterclaim were a proceeding; and
 - (b) the defendant in the counterclaim were the defendant in the proceeding.
- (4) On the transfer of a proceeding in which there is a counterclaim or on the transfer of a counterclaim, the whole proceeding, including the claim and the counterclaim, must be transferred to the High Court.
- (5) For the purposes of **subsection (4)**, the Registrar of the relevant office of the District Court must send to the Registrar of the relevant registry of the High Court—
 - (a) a sealed copy of the order transferring the proceeding; and
 - (b) a copy of the documents by which the proceeding was commenced and of all other documents filed in the District Court in the proceeding; and
 - (c) a copy of such other documents as the Judge of the District Court directs.

Compare: 1947 No 16 s 43(3), (4)

271 High Court Judge may order removal of proceeding into High Court

- (1) A High Court Judge may, on application by a party to a proceeding, order the removal of the proceeding into the High Court if the Judge is satisfied that it is desirable to do so.
- (1A) In deciding whether to make an order under **subsection (1)**, the Judge must have regard to the following factors:

- (a) the nature of the case:
 - (b) the complexity of the case:
 - (c) the general or public importance of the case:
 - (d) the amount in issue:
 - (e) the likely length of the hearing:
 - (f) the financial resources of the parties:
 - (g) whether it is otherwise in the interests of justice to make the order.
- (2) The order may be made on such conditions, including conditions as to costs or giving security for costs, ~~that~~ as the Judge thinks fit.
- (3) This section overrides **sections 268 to 270**.
Compare: 1947 No 16 s 43(6)

272 Transfer of proceeding if no jurisdiction

- (1) A Judge may order the transfer of a proceeding for which the court does not have jurisdiction to the High Court or to another court that has jurisdiction. This subsection is subject to **subsection (2)**.
- (2) A Judge may strike out a proceeding if satisfied that the claimant knew or ought to have known that the court did not have jurisdiction to hear and determine the proceeding.
- (3) A Judge who strikes out a proceeding under **subsection (2)** may award costs as if the court did have jurisdiction and the claim failed.
Compare: 1947 No 16 s 44

273 Transfer of proceeding to High Court if counterclaim exceeds jurisdiction

- (1) This section applies to a proceeding in the court in which a counterclaim or set-off and counterclaim involves a matter that is outside the jurisdiction of the court.
- (2) A party to the proceeding may apply, within the time prescribed by the High Court Rules 2016, to the High Court for an order transferring the proceeding, or the proceeding on the counterclaim or set-off and counterclaim, to the High Court.
- (3) A Judge of the High Court may order that—
- (a) the proceeding ~~is~~ be transferred to the High Court; or
 - (b) the proceeding ~~is~~ be heard and determined in the District Court; or
 - (c) only the proceeding on the counterclaim or set-off and counterclaim ~~is~~ be heard in the High Court and that the rest of the proceeding ~~is~~ be heard and determined in the District Court.
- (4) Execution of a judgment of the court in favour of a claimant in a proceeding to which **subsection (3)(c)** applies must, unless the High Court orders other-

wise, be stayed until the proceeding transferred to the High Court is heard and determined.

- (5) The court has jurisdiction to hear and determine a proceeding to which this section applies if—
- (a) no application is made under **subsection (2)** within the time prescribed by the High Court Rules 2016; or
 - (b) the High Court orders that the proceeding ~~is~~ be heard and determined in the District Court.
- (6) **Subsection (5)** overrides anything to the contrary in any other enactment.
- (7) Where the High Court makes an order under this section, the Registrar of the relevant registry of the High Court must send a copy of the order to the Registrar of the relevant office of the District Court.

Compare: 1947 No 16 s 45

274 Transfer of summary judgment applications to High Court

- (1) Subject to **subsection (1A)**, a Judge may, on the application of a party to a summary judgment application made in the court or on the Judge's own initiative, order that the summary judgment application or a matter arising in the summary judgment application ~~is~~ be transferred to the High Court.
- (1A) A Judge may make the order if the Judge is satisfied that an important question of law is likely to arise.
- (2) The High Court may—
- (a) hear and determine the summary judgment application or a matter arising in it; or
 - (b) refer the summary judgment application or a matter arising in it back to the District Court with any directions that the High Court thinks fit.

Compare: 1947 No 16 s 45A

275 Determination of question of law by High Court

- (1) A Judge may order that a question of law in a proceeding in the court must be determined by the High Court.
- (2) The High Court has the same power to determine the question as the District Court.

Compare: 1947 No 16 s 45B

276 Transfer of proceeding from High Court to District Court

- (1) A Judge of the High Court may, on the application of a party to a proceeding commenced in the High Court, transfer the proceeding to the District Court if—
- (a) an agreement under **section 263** applies to the proceeding; or

- (b) the subject matter of the proceeding is within the jurisdiction of the District Court.
- (2) A Judge of the High Court may, on the Judge's own initiative, order the transfer to the District Court of a proceeding commenced in the High Court if—
 - (a) the subject matter of the proceeding is within the jurisdiction of the District Court; and
 - (b) the Judge is satisfied that no important question of law or fact is likely to arise in the proceeding.

Compare: 1947 No 16 s 46

277 Procedure on transfer of proceeding to District Court

- (1) If an order is made under **section 276** to transfer a proceeding to the District Court, the Registrar of the relevant registry of the High Court must send to the Registrar of the relevant office of the District Court—
 - (a) a sealed copy of the order transferring the proceeding; and
 - (b) a copy of the documents by which the proceeding was commenced and of all other documents filed in the High Court in the proceeding; and
 - (c) a copy of such other documents as the Judge of the High Court directs.
- (2) Subject to the rules, the District Court has jurisdiction to hear and determine the proceeding on the transfer to the court of the documents, despite anything contained in any other enactment, and must do so as if the proceeding ~~had~~ was originally commenced in the District Court.
- (3) The transfer of the proceeding to the District Court does not affect—
 - (a) any right of appeal or the right to apply for leave to appeal against any decision of the High Court in the proceeding or against the order transferring the proceeding; or
 - (b) the right to enforce a judgment or an order of the High Court made in the proceeding.

Compare: 1947 No 16 s 47

278 Costs in cases transferred

- (1) This section applies to a proceeding or counterclaim or set-off and counterclaim (a **transferred proceeding**) that is transferred—
 - (a) from the District Court to the High Court; or
 - (b) from the High Court to the District Court.
- (2) Any order for costs in a transferred proceeding must be made by the court to which the proceeding is transferred.
- (3) **Subsection (2)** is subject to an order of the court that made the order to transfer the proceeding.

- (4) An order for costs in relation to part of a proceeding transferred to the District Court that takes place in the High Court—
 - (a) must be made in accordance with the High Court Rules 2016; and
 - (b) subject to any order by a High Court Judge, may be made by a District Court Judge.
- (5) **Subsection (6)** applies to—
 - (a) a summary judgment application or a matter arising on a summary judgment application that has, after having been transferred to the High Court under **section 274**, been referred back to the District Court:
 - (b) a proceeding continued in the District Court after a question of law in the proceeding has, under **section 275**, been determined in the High Court.
- (6) An order for costs in the proceeding or matter in relation to the proceeding in the District Court both before and after transfer to the High Court must be made by a District Court Judge.
- (7) Despite **subsection (6)**, an order for costs incurred in the High Court may be made only by a High Court Judge in accordance with the High Court Rules 2016, but may be included in a judgment or an order made by the District Court.

Compare: 1947 No 16 s 48

Subpart 6—Procedure

Parties

279 Trustees, executors, and administrators

- (1) Any trustee, executor, or administrator may be a party to a proceeding as if he or she were a party in his or her own right, without joining any of the persons beneficially interested in the trust or estate, and is taken to represent those persons in the proceeding.
- (2) The court may at any stage of the proceeding make an order joining any of the persons beneficially interested as parties to the proceeding, whether as an additional party or in substitution for an existing party.

Compare: 1947 No 16 s 49

280 Minors

- (1) Any minor who is or has been married or in a civil union may be a party to a proceeding in contract or tort in his or her own name.
- (2) A judgment in a proceeding under **subsection (1)** may be given and enforced in the minor's own name.
- (3) In this section, **minor** means a person who is under the age of 18 years.

- (4) Any minor who is or has been married or in a civil union and any person over the age of 18 years but under the age of 21 years may make or be a party to an application under section 8 of the Domestic Actions Act 1975 without a next friend or guardian *ad litem*.
- (5) The court may make orders on an application referred to in **subsection (4)**, and proceedings to enforce an order may be taken, in the minor's own name.
- Compare: 1947 No 16 s 50(1)–(3)

281 Persons jointly liable

In a claim against 2 or more persons who are jointly liable,—

- (a) it is sufficient to serve any 1 or more of those persons; and
- (b) judgment may be obtained, and execution issued, against a person served, whether or not the others who are jointly liable have been served or sued or are within the jurisdiction of the court; and
- (c) a person against whom judgment is obtained and who has satisfied the amount of the judgment in full or in part may recover contribution from any other person who is jointly liable.

Compare: 1947 No 16 s 51

282 Bankruptcy of plaintiff

- (1) The bankruptcy of a plaintiff in a proceeding that the Official Assignee might continue for the benefit of creditors does not bring the proceeding to an end if, within a reasonable time as ordered by the court, the Official Assignee elects to continue it.
- (2) The court may adjourn the proceeding to enable an election to be made.
- (3) If the Official Assignee does not elect to continue the proceeding within the time allowed by the court, the defendant may rely on the bankruptcy as a defence to the proceeding.

Compare: 1947 No 16 s 52

Witnesses

283 Witness expenses

- (1) The following persons are entitled, in the prescribed amount, to witness expenses and compensation for loss of time:
 - (a) a person who comes to the court on a witness summons;
 - (b) a person who gives evidence in a proceeding.
- (2) Despite **subsection (1)**, the court may disallow the whole or part of any witness expenses or compensation for loss of time.

- (3) The person who calls the witness is liable to pay the amount of witness expenses and compensation for loss of time.

Compare: 1947 No 16 s 53

284 Offence to disobey witness summons

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who, having been served with a witness summons,—
- (a) ~~having been served with a witness summons,~~ fails without reasonable excuse to appear or to produce any documents required to be produced in accordance with the summons; or
- (b) refuses to be sworn or to give evidence.
- (2) It is a defence to a charge under **subsection (1)** that the person's witness expenses in the prescribed amount have not been paid or tendered to him or her at the time the witness summons is served or within a reasonable time before the hearing.
- (3) The conviction of a person for an offence against this section does not prevent a civil claim against the person for failing to comply with a witness summons or for refusing to be sworn or to give evidence.

Compare: 1947 No 16 s 54

285 Examination of witnesses and service of process overseas

On an application made in accordance with the rules, the court may—

- (a) issue a commission, request, or order for the examination of witnesses overseas for the purpose of any proceeding:
- (b) direct and supervise the service overseas of any process of the court.

Compare: 1947 No 16 s 55

286 Who may take affidavit

- (1) Any of the following persons may take an affidavit or an affirmation to be used in the court:
- (a) a Judge:
- (b) a Registrar:
- (c) a Justice of the Peace:
- (d) a Community Magistrate:
- (e) a lawyer.
- (2) However, a lawyer may not take an affidavit or an affirmation for use in a proceeding in which the lawyer is engaged, unless the affidavit or affirmation is for use in an *ex parte* application in a non-contentious proceeding.

Compare: 1947 No 16 s 56

*Discovery***287 Pre- discovery**

- (1) The court may, in the circumstances set out in the rules, make the orders set out in **subsection (2)** if—
 - (a) a person (**A**) has made an application for those orders in accordance with the rules; and
 - (b) it appears to the court that A is or may be entitled to bring a proceeding in the court; and
 - (c) it appears to the court that another person (**B**) is likely to have or have had in B's possession, custody, or power a document or class of documents that is relevant to an issue arising or likely to arise in A's proceeding.
- (2) The court may order B—
 - (a) to disclose to the court and to any other prescribed person whether the document or documents are in B's possession, custody, or power; and
 - (b) if a document has been but is no longer in B's possession, custody, or power, to disclose to the court and to any other prescribed person when B parted with it and what has become of it; and
 - (c) to produce such of those documents as are in B's possession, custody, or power to the court or to any other prescribed person.

Compare: 1947 No 16 s 56A

288 Discovery against non-party after proceeding commenced

- (1) This section applies if it appears to the court, at any stage of a proceeding and in such circumstances as may be prescribed, that a document or class of documents may be or may have been in the possession, custody, or power of a person (**C**) who is not a party to the proceeding.
- (2) The court may order C—
 - (a) to disclose to the court and to any other prescribed person whether the document or documents are in C's possession, custody, or power; and
 - (b) if a document has been but is no longer in C's possession, custody, or power, to disclose to the court and to any other prescribed person when C parted with it and what has become of it; and
 - (c) to produce such of those documents as are in C's possession, custody, or power to the court or to any other prescribed person.

Compare: 1947 No 16 s 56B

Subpart 7—Hearing

289 Right to appear

- (1) A natural person who is a party to a proceeding in the court may—
 - (a) appear and act for himself or herself; or
 - (b) be represented by a lawyer.
- (3) A corporation may—
 - (a) appear and act through any officer or attorney of the corporation; or
 - (b) be represented by a lawyer.
- (3A) In special circumstances and with the permission of the court, a person (**P**), whether a natural person or a corporation, may be represented—
 - (a) by an agent authorised in writing by P, if P is in New Zealand or carries on business in New Zealand; or
 - (b) if P is not in New Zealand or does not carry on business in New Zealand, by an agent authorised by a person holding P's power of attorney to become a party to the proceeding in P's name.
- (4) An agent who represents a person under **subsection (2) or (3A)** is not entitled to receive any fee or reward for doing so.

Compare: 1947 No 16 s 57

290 Trial by Judge

- (1) In all proceedings brought in the court, the Judge is the sole judge and must determine all questions of fact and law.
- (2) However, nothing in this section affects the power to make rules authorising the Registrar to exercise jurisdiction and powers conferred on the court by this or any other enactment.

Compare: 1947 No 16 s 58

291 Equity and good conscience

In a proceeding in which the amount claimed or the value of the property in issue does not exceed \$5,000, the court may—

- (a) receive any evidence the court thinks fit, even though the evidence may not be admissible under the Evidence Act 2006; and
- (b) determine the proceeding according to equity and good conscience.

Compare: 1947 No 16 s 59; 1988 No 110 s 18(6)

292 Judge must record various matters

- (1) The Judge at a hearing in a proceeding in which there is a right of appeal without leave must record or cause to be recorded, whether by way of transcript or otherwise, the following matters:

- (a) the facts in evidence; and
 - (b) any question of law or equity raised at the hearing; and
 - (c) the Judge's decision and of his or her determination of the proceeding.
- (2) On the application of a party to the proceeding, and on payment of the prescribed fee (if any), the Judge must ensure that a copy of the records, whether in hard copy or electronic form, is provided to that party.
- (3) **Subsection (2)** applies whether or not a notice of appeal has been served.
- Compare: 1947 No 16 s 60

293 Reference to arbitration

- (1) The court may, with the consent of the parties to a proceeding, order the proceeding or any issue in dispute in the proceeding to be referred to arbitration under the Arbitration Act 1996.
- (2) The Judge may, on the application of a party to the proceeding, revoke the reference.
- (3) Without limiting **subsection (2)**, a reference may be revoked if the arbitral tribunal does not make an award within 20 working days after the date of the order of reference.
- (4) An award has the same effect as a judgment of the court and must be entered as a judgment in the proceeding.
- Compare: 1947 No 16 s 61(1)–(4)

294 Application to set arbitral award aside

- (1) Despite **section 293(4)**, the court may, on the application of a party to the proceeding,—
- (a) set aside an arbitral award made on a reference under **section 293**; or
 - (b) set the award aside and, with the consent of the parties, order the proceeding or the issue in dispute to be referred to arbitration again.
- (2) An application under **subsection (1)** must be made within 10 working days after the entry of the award as a judgment or within any further time as a Judge may allow.
- (3) A judgment may not be enforced until an application under **subsection (1)** is determined.
- (4) On hearing an application under **subsection (1)**, the court—
- (a) may consider any evidence that is placed before it; or
 - (b) may call for evidence to be placed before it.
- (5) The decision of the court after hearing the application must be entered as a judgment of the court.
- Compare: 1947 No 16 s 61(4)–(6)

295 Judge may refer matter to Registrar or referee

- (1) Subject to the rules, a Judge may refer the following to a Registrar or a referee to make an inquiry and a report:
 - (a) any proceedings that require the prolonged examination of documents or any scientific or local examination that the Judge considers cannot conveniently be made before him or her:
 - (b) any proceedings where the question in dispute consists wholly or partly of matters of account:
 - (c) with the consent of the parties, any other proceedings:
 - (d) any question arising in any proceedings.
- (2) When a reference is made under **subsection (1)**, the Judge may—
 - (a) give directions to the Registrar or referee for the conduct of the reference:
 - (b) remit a report for a further inquiry and report:
 - (c) on consideration of the report or further report, make a judgment or an order in the proceedings that the Judge thinks fit.

Compare: 1947 No 16 s 62

296 Judge may refer matter of account to Registrar, etc

- (1) A Judge may, after deciding or reserving any question of liability, refer to a Registrar or a Registrar and an accountant only any matter of account ~~only~~ that is disputed between the parties.
- (2) After deciding the question of liability, the Judge may give judgment on the Registrar's report.

Compare: 1947 No 16 s 62(3)

297 Reference by consent

- (1) With the consent of the parties, a Judge may refer any question in any proceedings that requires any scientific, technical, business, or professional investigation to a Registrar or a referee for an inquiry and a report.
- (2) Where a reference is made under **subsection (1)**, the Judge may—
 - (a) give directions to the Registrar or referee for the conduct of the reference:
 - (b) with the consent of the parties, direct that the Registrar or referee make the inquiry and report without any requirement to hear the parties or to act judicially.
- (3) The report of a Registrar or referee on any question referred under this section is binding on the parties, unless the Judge has directed otherwise.

Compare: 1947 No 16 s 62A

Subpart 8—Judgments, orders, and removal of judgments

*Judgments and orders***298 Finality of judgments and orders**

- (1) A judgment or an order of the court is final and conclusive between the parties.
- (2) **Subsection (1)** is subject to this **Part**, any other enactment, and the rules.

Compare: 1947 No 16 s 63

299 Technical defects do not invalidate judgment, order, or proceeding

A technical defect or an irregularity does not invalidate a judgment, an order, or a proceeding.

Compare: 1947 No 16 s 64

300 Payment of judgments or orders

- (1) When giving a judgment or making an order for the payment of an amount of money (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise), the court may order the amount of money to be paid—
 - (a) in 1 amount, whether immediately or within the time that the court determines; or
 - (b) in instalments, as determined by the court.
- (2) Except when the court makes an express order for payment in instalments, every judgment or order for the payment of an amount of money is taken to include an order for the payment immediately of the whole amount.

Compare: 1947 No 16 s 65(1), (2)

301 Stay if party unable to pay judgment amount

- (1) The court may suspend or stay or vary any judgment or order for the payment of an amount of money if the court considers that the party who must pay the money is unable to do so.
- (2) The court may suspend or stay or vary the judgment or order for the period and on the terms that the court thinks fit, and may extend the suspension or stay or variation for as long as the cause of the inability continues.

Compare: 1947 No 16 s 65(3)

*Removal of judgments***302 Removal of judgment of District Court into High Court**

- (1) A judgment creditor or a person on the judgment creditor's behalf may apply to the court to remove into the High Court a final judgment or an order of the District Court (the **judgment**) for the payment of an amount of money.

- (2) The Registrar must issue a certificate of removal in the prescribed form, which may be filed by the judgment creditor in the High Court.
- (3) The Registrar must not issue a certificate of removal—
 - (a) before the expiry of the time for giving notice of an appeal against the judgment:
 - (b) if an enforcement proceeding has been issued in relation to the judgment, until the enforcement proceeding has been withdrawn or completed.
- (4) No further steps may be taken in relation to the proceeding in which the judgment was given after the Registrar's certificate has been filed in the High Court.
- (5) On the removal of the judgment,—
 - (a) the judgment may be enforced as a judgment of the High Court, with such fees and costs as may be paid or allowed in connection with the removal and entry of judgment:
 - (b) no appeal may be brought against the judgment.
- (6) A Judge of the High Court may, on the application of the judgment creditor or judgment debtor, set the removal aside on such terms as to costs or otherwise that the Judge thinks fit.

Compare: 1947 No 16 s 66

303 Proceeding in High Court on judgment or order of District Court

- (1) A proceeding may be brought in the High Court on a judgment or an order of the District Court.
- (2) Costs may be awarded to the plaintiff in the proceeding only if a Judge of the High Court is satisfied that the proceeding was necessary and proper to enforce the judgment or order against the person or property of the defendant.

Compare: 1947 No 16 s 67

304 Removal of judgment or order of High Court into District Court

- (1) A judgment creditor or a person on behalf of the judgment creditor may apply to the High Court to remove into the District Court a judgment or an order or a decree ~~(the judgment)~~ of the High Court ~~(the judgment)~~ for payment of an amount of money.
- (2) The Registrar of the High Court must issue a certificate of removal in the prescribed form, which may be filed by the judgment creditor in the District Court.
- (3) No further steps may be taken in relation to the proceeding in which the judgment was given in the High Court after the Registrar of the High Court has issued the certificate.
- (4) On the filing of the certificate,—

- (a) if the District Court has jurisdiction in relation to the amount of the judgment, the judgment plus interest may be enforced in the District Court; or
 - (b) if the District Court has jurisdiction in relation to the unpaid balance of the judgment, the unpaid balance of the judgment plus interest may be enforced in the District Court; or
 - (c) if the District Court has jurisdiction in relation to the amount of part of the judgment and the judgment creditor abandons any amount in excess of that amount, the part of the judgment or of the unpaid balance of that part plus interest may be enforced in the District Court.
- (5) A judgment may also be enforced for any fees and costs awarded in connection with removing it into the District Court.
- (6) Except as provided by this section, no proceeding on a judgment of the High Court may be brought in the District Court.

Compare: 1947 No 16 s 68

Subpart 9—Appeals

Appeals to High Court

305 Interpretation

In this **subpart**,—

appeal means an appeal under **section 306**

decision includes a judgment and an interim or a final order, but does not include an order under **section 394** (which relates to an order for contempt of court)

make includes give.

Compare: 1947 No 16 s 71

306 General right of appeal

- (1) This **subpart** applies to a decision of the court, other than a decision of a kind in respect of which an enactment other than this **Part**—
- (a) expressly confers a right of appeal; or
 - (b) expressly provides that there is no right of appeal.
- (2) A party to a proceeding in the District Court may appeal to the High Court against the whole or a part of a decision made by the District Court in or in relation to the proceeding.

Compare: 1947 No 16 s 72

307 No appeal if agreement that decision would be binding

- (1) An appeal may not be brought if, before the decision of the court, all the parties to the proceeding agree in writing that the decision will be binding on them.

- (2) This section overrides **section 306**.

Compare: 1947 No 16 s 73

308 Security for appeal

- (1) An appellant under **section 306** may be required under the High Court Rules 2016 to give the Registrar of the High Court security for costs.
- (2) **Subsection (1)** does not apply if the appellant has been granted legal aid for the proceeding under the Legal Services Act 2011.
- (3) If security for costs is not given within the time required by the High Court Rules 2016, the appeal is abandoned.

Compare: 1947 No 16 s 74

309 Appeals to be by way of rehearing

Appeals must be by way of rehearing.

Compare: 1947 No 16 s 75

310 Powers of High Court on appeal

- (1) The High Court may, after hearing an appeal,—
- (a) make any decision it thinks should have been made;
 - (b) direct the District Court—
 - (i) to rehear the proceeding; or
 - (ii) to consider or determine, whether for the first time or again, any matters the High Court directs; or
 - (iii) to enter judgment for a specified party to the proceeding ~~the High Court directs~~;
 - (c) make any further or other orders the High Court thinks fit;
 - (d) make an order as to costs.
- (2) The High Court must state its reasons for giving a direction under **subsection (1)(b)**.
- (3) The High Court may give the District Court any direction it thinks fit relating to—
- (a) rehearing the proceeding; or
 - (b) considering and determining any particular matter.
- (4) The High Court may act under **subsection (1)** in respect of the whole decision even ~~though~~ if the appeal is against only part of it.
- (5) Even ~~though~~ if an interlocutory decision made in a proceeding has not been appealed against, the High Court may—
- (a) act under **subsection (1)**; and
 - (b) set the interlocutory decision aside; and

- (c) if it sets the interlocutory decision aside, make in its place any interlocutory decision or decisions the District Court could have made.
- (6) The powers under this section may be exercised in favour of a respondent or party to the proceeding ~~even though~~ if the respondent or party did not appeal against the decision.

Compare: 1947 No 16 s 76

311 Repayment of judgment amount and interest

- (1) This subsection applies if—
- (a) a party to a proceeding in the District Court (**A**) has, in accordance with a judgment or an order of the court, paid an amount to another party to the proceeding (**B**); and
 - (b) on appeal, the effect of the High Court's determination is that some or all of the amount did not need to be paid.
- (2) The High Court—
- (a) may order B to repay to A some or all of the amount paid by A; and
 - (b) may also order B to pay to A interest at a rate not greater than the prescribed rate (within the meaning of section 87(3) of the Judicature Act 1908) on the amount ordered to be repaid.

Compare: 1947 No 16 s 77

312 Enforcement proceedings

For the purposes of enforcement proceedings, a judgment or an order of the High Court under **section 310(1)(a) or (b)** or under **section 311(2)** must be treated as if it were a judgment or order of the District Court in which the decision appealed against was made.

Compare: 1947 No 16 s 78

Subpart 10—Enforcement of judgments

Enforcement proceedings

313 Types of enforcement proceeding

The types of enforcement proceeding in the court are—

- (a) a proceeding to enforce a judgment or an order for the payment of money (*see* **section 315**):
- (b) a proceeding to enforce a judgment or an order ~~in the nature of an injunction~~ (*see* **section 316**):
- (c) a proceeding to enforce a discovery order made under **section 287 or 288** (*see* **section 317**):
- (d) a proceeding to enforce a judgment or an order for the recovery of land (*see* **section 318**):

- (e) a proceeding to enforce a judgment or an order for the delivery of specific chattels (*see* **section 319**).

314 Judgment may be enforced in any office of District Court

- (1) A judgment or an order of the District Court or of a District Court Judge may be enforced in any court comprising the District Court in its general division and need not be enforced in the court in which the judgment was entered or the order made.
- (2) Two or more proceedings for the enforcement of a judgment or an order may be taken concurrently, but the judgment creditor is not entitled to recover a greater amount than the total of the amount owing under the judgment or order and the costs and fees of any proceeding for enforcement.
- (3) Enforcement proceedings may be taken concurrently in accordance with **subsection (2)** in more than 1 court comprising the District Court in its general division.

Compare: 1947 No 16, ss 79(6), 79A

315 Judgment or order for payment of money

Any judgment or order of any court or of any Judge for the payment of an amount of money may be enforced in the District Court by any 1 or more of the following proceedings:

- (a) execution against the goods and chattels of the judgment debtor under a warrant to seize property;
- (b) garnishee proceedings for the attachment of money due to the judgment debtor;
- (c) proceedings for a charging order in respect of any property held by the judgment debtor and specified in **section 366(2)**;
- (d) proceedings for an attachment order against the salary or wages of the judgment debtor.

Compare: 1947 No 16 s 79(1)

316 Judgment or order in nature of injunction, etc

- (1) This section—
- (a) applies to a judgment or an order in the nature of an injunction; and
- (b) applies to a judgment or an order within the competence of the court that, if it were given or made in the High Court, could be enforced in the High Court by a writ of arrest; but
- (c) does not apply to an order for the recovery of land.
- (2) A judgment or an order to which this section applies may be enforced, by order or warrant of a Judge, by detention for a term not exceeding 3 months.

Compare: 1947 No 16 s 79(2)

317 Discovery order

An order of the court made under **section 287** (which relates to pre-commencement discovery) or **section 288** (which relates to discovery against a non-party) may be enforced, by order or warrant of a Judge,—

- (a) by detention for a term not exceeding 3 months; or
- (b) by a fine not exceeding \$1,000.

Compare: 1947 No 16 s 79(2A)

318 Judgment or order for recovery of land

A judgment or an order for the recovery of land may be enforced under a warrant for the recovery of land.

Compare: 1947 No 16 s 79(3)

319 Judgment or order for delivery of specific chattels

A judgment or an order for the delivery of specific chattels may be enforced, by order of a Judge,—

- (a) under a warrant for the recovery of chattels; or
- (b) by detention for a term not exceeding 3 months; or
- (c) by a fine not exceeding \$1,000.

Compare: 1947 No 16 s 79(4)

Time when enforcement proceedings may commence

320 Time when enforcement proceedings may commence: general rule

- (1) Except as provided in **section 321**, proceedings to enforce a judgment or an order may not be commenced unless—
 - (a) at least 48 hours have expired after the judgment was entered or the order was made; or
 - (b) a Judge grants leave.
- (2) However, if a judgment or an order may be appealed against without the leave of the court, a Judge may—
 - (a) order a stay of any proceedings to enforce the judgment or order; or
 - (b) order that an attachment order to enforce the judgment or order not take effect until after the time allowed for giving notice of an appeal has expired.

Compare: 1947 No 16 s 79(5A), (5B)

321 Exception to general rule: attachment orders

- (1) An attachment order to enforce a judgment or an order for the payment of money may be made, and proceedings for such an attachment order may be commenced, at any time after the judgment is entered or the order is made.

- (2) An attachment order may be made, and proceedings for such an attachment order may be commenced, immediately after a judgment or an order for the payment of money is filed if,—
- (a) in the case of a money order (as defined in section 19(1A) of the Disputes Tribunals Act 1988 or, as the case may be, section 78(2AB) of the Residential Tenancies Act 1986),—
 - (i) the money order records that the parties have agreed to enforce the payment of money specified in the money order by way of an attachment order made under this **Part**; and
 - (ii) section 19(1B) of the Disputes Tribunals Act 1988 or, as the case may be, section 78(2AC) of the Residential Tenancies Act 1986 is complied with; or
 - (b) in the case of a judgment or an order made by a court,—
 - (i) the judgment or order records that the parties have agreed to enforce the payment of money specified in the judgment or order by way of an attachment order made under this **Part**; and
 - (ii) **subsection (3)** is complied with.
- (3) **Subsection (2)** ~~The subsection~~ is complied with if—
- (a) the judgment or order was given or made at or following a hearing at which both parties were present; and
 - (b) the party ordered to pay money consented to the payment of the money being enforced by way of an attachment order; and
 - (c) both parties agreed on the terms of the attachment order, including the details specified in **section 338**; and
 - (d) the judgment or order includes the details specified in **section 338**.
- (4) Nothing in **subsection (3)(c)** allows the parties to agree on a net amount to be paid for an earnings period that would otherwise derogate from **section 339(3)**.
- (5) For the purposes of **subsection (3)**, **hearing** includes a judicial settlement conference held under the rules.
- Compare: 1947 No 16 s 79(5), (5C)–(5F)

Restrictions on enforcement proceeding

322 Restriction on enforcement of judgment that is more than 6 years old

- (1) A judgment or an order of the court that is more than 6 years old must not be enforced unless—
- (a) a Judge grants leave; or
 - (b) there has been a payment into court or to the judgment creditor ~~by the judgment debtor~~ made by or on behalf of the party liable within the

period of 12 months immediately before the issue of the enforcement proceeding.

- (2) For the purposes of **subsection (1)**, a judgment that is an arbitral award entered as a judgment is more than 6 years old if 6 years have elapsed since the date on which the award became enforceable by action in New Zealand.
- (3) A Judge may grant leave on an application without notice.
Compare: 1947 No 16 s 80

323 No enforcement of order for payment by instalments without default

- (1) An order for the payment of an amount of money by instalments must not be enforced unless there has occurred a default in the payment of an instalment according to the order.
- (2) If there is a default, an enforcement proceeding or successive enforcement proceedings may be taken for the whole of the amount owing, including any unpaid costs, unless the court on the application of the liable party orders otherwise.
Compare: 1947 No 16 s 81

324 Proceeding on cross-judgment

- (1) This section applies if there are cross-judgments between the parties.
- (2) An enforcement proceeding can be taken only by the party who has obtained judgment for the larger amount, and then only for so much of ~~the~~ that larger amount that remains owing after deducting the ~~smaller~~ amount ~~(the remainder)~~ ~~owed to the other party~~.
Compare: 1947 No 16 s 82

Stay of enforcement proceeding

325 Stay of enforcement proceeding for inability to pay

- (1) A Judge may stay an enforcement proceeding against a party if satisfied that the party is unable from any cause to pay any amount that is recoverable against that party (whether by way of meeting the claim or counterclaim in the proceedings or by way of costs or otherwise) or any instalment of that amount.
- (2) The Judge may stay the enforcement proceeding for the period and on the terms that the Judge thinks fit, and may renew the stay from time to time until the liable party is able to pay.
Compare: 1947 No 16 s 83

326 Stay of proceeding on appeal

A notice of appeal operates as a stay of proceedings under the decision appealed from only if—

- (a) a Judge orders that the proceedings are stayed; or

- (b) the appellant has deposited with the Registrar the amount of the judgment or order under appeal and the costs, pending determination of the appeal; or
- (c) the appellant has given security to the satisfaction of the Registrar for the amount of the judgment or order and costs.

Compare: 1947 No 16 s 84

Information about judgment debtor's means

327 Filing of financial statement

- (1) In this **Part**, **financial statement** means a statement, in a form approved by the chief executive, of a judgment debtor's—
 - (a) assets and liabilities; and
 - (b) income and expenditure for the preceding 52 weeks.
- (2) A financial statement may be completed by the judgment creditor or the judgment debtor.
- (3) If the financial statement is completed by the judgment creditor, the statement must include details of the source of the information contained in the statement and the date to which the information relates.
- (4) A completed financial statement may be filed in the court at any time after a judgment or an order for the payment of money is entered or made.
- (5) The party who files a completed financial statement must serve a copy of the statement on the other party.

Compare: 1947 No 16 s 84A

328 Notice to complete financial statement

- (1) If a judgment creditor serves a notice to complete a financial statement on the judgment debtor, the judgment debtor must, within 10 working days after the date of service,—
 - (a) complete a financial statement; and
 - (b) return it to the judgment creditor.
- (2) The notice to complete a financial statement must be—
 - (a) in a form approved by the chief executive; and
 - (b) accompanied by 2 copies of the approved form for a financial statement (1 for the judgment debtor to complete and return, the other for the judgment debtor's use).

Compare: 1947 No 16 s 84B

329 Court to request information about judgment debtor's means

- (1) If a judgment creditor makes an application in a form approved by the chief executive, the court must request the judgment debtor to provide the court with

information about the judgment debtor's means for satisfying the judgment debt.

- (2) The request may be made by any means of communication that the court considers appropriate.
- (3) The information may be provided at any place and using any means of communication that the court considers appropriate, and the court may request the person providing the information to verify it on oath.

Compare: 1947 No 16 s 84C

330 Court may order hearing if information about judgment debtor's means not provided, etc

- (1) This section applies if—
 - (a) no information about the judgment debtor's means for satisfying the judgment debt is provided to the court following a request under **section 329**; or
 - (b) the court wishes to obtain information about the judgment debtor's means for satisfying the judgment debt in addition to information provided under **section 329** before exercising its powers under **section 335**; or
 - (c) a person providing information to the court under **section 329** refuses to verify it on oath.
- (2) The court may issue a summons, in a form approved by the chief executive, requiring the judgment debtor or, if the judgment debtor is a body corporate, an officer of the judgment debtor to attend a hearing and be questioned by the court about the judgment debtor's means for satisfying the judgment debt.
- (3) If the court issues a summons, the court may also—
 - (a) order any of the judgment debtor's books or other documents to be produced at the hearing;
 - (b) order that the hearing be held at a place other than in a court;
 - (c) impose such other terms and conditions as the court thinks proper in respect of the hearing.
- (4) The summons must be served on the judgment debtor by a person referred to in **section 390(3)(a)**, and, at the same time as the summons is served, the judgment debtor must be notified of the court's power to cancel the hearing in the circumstances referred to in **subsection (5)**.
- (4A) ~~The hearing must not be held until at least 3 working days or any shorter period agreed by the judgment debtor has passed after the date on which the summons was served or any shorter period agreed by the judgment debtor.~~
- (5) The court may cancel a hearing if, before the date of the hearing,—

- ~~(a) such information about the judgment debtor's means for satisfying the judgment debt is provided that, in the opinion of the court, it is unnecessary for the hearing to take place; and~~
 - (a) the court considers that a hearing is not needed because the judgment debtor has provided enough information about the judgment debtor's means for satisfying the debt; and
 - (b) if the court so requests, the person providing the information verifies it on oath.
- (6) If a hearing takes place,—
- (a) the judgment debtor or, if the judgment debtor is a body corporate, an officer of the judgment debtor must appear in person:
 - (b) the court may require the judgment debtor or officer and any witness to take an oath before giving evidence:
 - (c) the judgment debtor may be represented by a lawyer who may question the judgment debtor or officer and be heard on the matter of the judgment debtor's means for satisfying the judgment debt:
 - (d) the judgment debtor or officer may be questioned by the court:
 - (e) any witness may be questioned by or on behalf of the judgment debtor or by the court.
- (7) A hearing may from time to time be adjourned by the court to a time and place to be appointed.

Compare: 1947 No 16 s 84D

331 Application for financial assessment hearing

- (1) This section applies if a judgment creditor applies, in a form approved by the chief executive, for a hearing (a **financial assessment hearing**) for the judgment debtor or, if the judgment debtor is a body corporate, an officer of the judgment debtor to be questioned about the judgment debtor's means for satisfying the judgment debt.
- (2) The court must issue a summons, in a form approved by the chief executive, requiring the judgment debtor or an officer of the judgment debtor to attend the hearing.
- (3) The court may also—
 - (a) order any of the judgment debtor's books or other documents to be produced at the hearing:
 - (b) order that the hearing be held at a place other than in a court:
 - (c) impose such other terms and conditions as the court thinks proper in respect of the hearing.
- (4) The summons must be served on the judgment debtor by a person referred to in **section 390(3)(b)**.

- (5) The court may cancel a hearing at the request of the judgment creditor.

Compare: 1947 No 16 s 84E

332 Power to arrest judgment debtor or officer

- (1) This section applies if a summons issued under **section 330 or 331** cannot be served on a judgment debtor.
- (2) This section also applies if—
- (a) a summons was served on a judgment debtor at least 3 working days, or any shorter period agreed under **section 330(4A) or 333(1)**, before the date of the hearing to which the summons relates; and
 - (b) the judgment debtor fails to appear in person at the hearing or at any subsequent adjournment of the hearing.
- (3) This section applies in relation to a judgment debtor that is a body corporate if—
- (a) a summons was served on an officer of the judgment debtor (the **relevant officer**) at least 3 working days, or any shorter period agreed under **section 330(4A) or 333(1)**, before the date of the hearing to which the summons relates; and
 - (b) an officer of the judgment debtor (whether or not the relevant officer) fails to appear in person at the hearing or at any subsequent adjournment of the hearing.
- (4) The summons must not be enforced by detention, but a Judge or Registrar may issue a warrant to arrest the judgment debtor or the relevant officer.
- (5) If the judgment debtor or the relevant officer is arrested under this section, the following provisions apply:
- (a) the judgment debtor or the relevant officer must be brought before a Judge or Registrar as soon as possible for the purpose of commencing or continuing the hearing;
 - (b) the judgment debtor or relevant officer is bailable as of right;
 - (c) section 168 of the Criminal Procedure Act 2011 and Parts 1 to 3 of the Bail Act 2000 apply, with any necessary modifications, as if an appearance at the hearing before a Judge or Registrar constituted part of the hearing of a charge, and as if references in those provisions to a court included references to a Judge or Registrar;
 - (d) if the judgment debtor or relevant officer cannot practicably be brought before a Judge or Registrar, then a Police employee or bailiff may grant bail to the judgment debtor or relevant officer, and Parts 1 to 3 of the Bail Act 2000 apply, with any necessary modifications, as if the bail were granted by a Police employee under section 21(1) of that Act.
- (6) In this section, **summons** means—

- (a) a summons to attend a hearing under **section 330**;
- (b) a summons to attend a financial assessment hearing.

Compare: 1947 No 16 s 84EA

333 Financial assessment hearing

- (1) A financial assessment hearing must not be held until at least 3 working days; ~~or any shorter period agreed by the judgment debtor, has passed~~ after the date on which the summons was served or any shorter period agreed by the judgment debtor.
- (2) The judgment debtor or, if the judgment debtor is a body corporate, an officer of the judgment debtor must appear in person at a financial assessment hearing.
- (3) The court may require the judgment debtor or the officer and any witness to take an oath before giving evidence.
- (4) The judgment debtor may be represented at the hearing by a lawyer, who may question the judgment debtor or the officer and be heard on the matter of the judgment debtor's means for satisfying the judgment debt.
- (5) The judgment debtor or the officer may be questioned by or on behalf of the judgment creditor or by the court.
- (6) Any witness may be questioned by or on behalf of the judgment creditor or the judgment debtor or by the court.
- (7) A financial assessment hearing may from time to time be adjourned by the court to a time and place to be appointed.

Compare: 1947 No 16 s 84EB

334 Registrar may exercise jurisdiction of court under sections 329, 330, 331, 333, 335, 337, and 343

~~The exercise of the~~ jurisdiction of the court under **sections 329, 330, 331, 333, 335, 337, and 343** may be exercised by a Registrar.

335 Orders by court following filing of financial statement, etc

- (1) This section applies if, after a judgment has been entered or an order made for the payment of money ~~has been entered or made~~,—
 - (a) a financial statement is filed in the court; or
 - (b) the judgment debtor provides the court with information about the judgment debtor's means for satisfying the judgment debt under **section 329**; or
 - (c) a hearing under **section 330** or a financial assessment hearing takes place.
- (2) The court may do any 1 or more of the following:
 - (a) direct that 1 or more of the proceedings referred to in **section 315** be commenced or continued (as the case may be), ~~and~~ direct that any steps

- be taken in such proceedings, and, for any such purpose, issue any warrant or summons or make any order:
- (c) order that the money owing under the judgment or order be paid in instalments:
 - (d) stay any proceedings to enforce the judgment or order:
 - (e) vary any order made under this **Part** relating to the enforcement of the judgment or order.
- (3) The court may do any of the things referred to in **subsection (2)** even though ~~if—~~
- (a) no application is made for the direction, order, stay, or variation in question; or
 - (b) an application is made for a different direction, order, stay, or variation; or
 - (c) no hearing takes place; or
 - (d) in a case where a financial statement is filed in the court by 1 party, the other party has not had the opportunity to make representations to the court about the financial statement.

Compare: 1947 No 16 s 84EC

Attachment orders

336 Interpretation

In **sections 337 to 343**, unless the context otherwise requires,—

earnings period has the meaning given by **section 338(b)**

employer, in relation to a judgment debtor, includes—

- (a) a person by whom a retiring allowance or pension or other payment of a similar nature is payable to the judgment debtor:
- (b) the Accident Compensation Corporation in respect of weekly compensation payable to the judgment debtor under the Accident Compensation Act 2001:
- (c) the chief executive of the department for the time being responsible for the administration of the Social Security Act 1964 in respect of a benefit payable to the judgment debtor

salary or wages includes—

- (a) a retiring allowance or other payment of a similar nature:
- (b) a bonus or an incentive payment:
- (c) a payment of commission:
- (d) a payment in consideration of work performed under a contract for services:

- (e) all payments of weekly compensation made under the Accident Compensation Act 2001 by the Accident Compensation Corporation;
- (f) a benefit within the meaning of the Social Security Act 1964.

Compare: 1947 No 16 s 84F

337 Attachment orders

- (1) The court may make an attachment order to enforce a judgment or an order for the payment of money—
 - (a) in the circumstances referred to in **section 321(2)**; or
 - (b) in the circumstances referred to in **section 335(1)**; or
 - (c) on the application of the judgment creditor or judgment debtor.
- (2) If an application is made under **subsection (1)(c)**,—
 - (a) the party who makes the application must serve a copy of it on the other party; and
 - (b) the court may make the attachment order even though the other party has not had the opportunity to make representations to the court about the application.
- (3) If an attachment order is made, it must be served on the employer to whom the order relates, the judgment creditor, and the judgment debtor.
- (4) Except as otherwise ordered by the court, an attachment order takes effect when a copy of the order is served on the employer.

Compare: 1947 No 16 s 84G

338 Content of attachment orders

An attachment order must be in a form approved by the chief executive and must specify—

- (a) the employer to whom the order relates; and
- (b) whether deductions are to be made every week, fortnight, or month or by reference to some other period (the **earnings period**); and
- (c) the amount or percentage to be deducted from the judgment debtor's salary or wages for the earnings period; and
- (d) the amount or percentage below which the net amount paid to the judgment debtor for the earnings period must not fall; and
- (e) the name and the address or bank account number of the person to whom the amounts deducted are to be paid; and
- (f) that the order is to remain in force until the judgment debt has been paid in full or, if the order is to remain in force for a fixed period, that period.

Compare: 1947 No 16 s 84H

339 Effect of attachment orders

- (1) An attachment order must direct that the money due and payable under the judgment or order being enforced is, by way of such amounts; and ~~payable by reference~~ in relation to such earnings period; as are specified in the attachment order, a charge on any salary or wages that from time to time while the attachment order is in force become due and payable by the employer to the judgment debtor.
- (2) The charge created—
 - (a) accrues from earnings period to earnings period, and on the day of the earnings period specified in the order; and
 - (b) attaches to all salary or wages that become due by the employer to the judgment debtor at any time while the attachment order is in force, whether or not the contract of employment in respect of which the salary or wages so become due existed at the date of the attachment order; and
 - (c) is subject to any charge created by an attachment order under the Family Proceedings Act 1980 or the Summary Proceedings Act 1957 and to any item referred to in **subsection (5)(a) and (b)** (whether created, issued, or authorised before or after the date on which the order referred to in **subsection (1)** was made); but
 - (d) prevails over and has priority to any assignment or charge created by the judgment debtor (whether before or after the making of the attachment order under this **Part**) ~~and~~ so that the attachment order has the same effect as if no such assignment or charge had been made or created by the judgment debtor.
- (3) Despite **subsections (1) and (2)**, no attachment order is to operate so that, when its effect is considered either alone or with the effect of any item referred to in **subsection (5)**, the net amount paid to a judgment debtor for an earnings period is below the protected earnings rate for the earnings period and, where necessary, the amount to be deducted from the judgment debtor's salary or wages for the earnings period is treated as being reduced or cancelled accordingly.
- (4) Nothing in section 84 of the Social Security Act 1964 applies to an attachment order.
- (5) The items are—
 - (a) a deduction notice under the Child Support Act 1991, the Family Proceedings Act 1980, the Social Security Act 1964, or the Tax Administration Act 1994:
 - (b) a deduction for the recovery of payments under section 86 of the Social Security Act 1964:
 - (c) a charge created by an attachment order under this or any other Act.
- (6) In this section,—

net earnings, in relation to an earnings period, means the balance left after deducting from the judgment debtor's salary or wages for the earnings period the amount of tax required to be withheld or deducted in accordance with the PAYE rules of the Income Tax Act 2007 if the salary or wages ~~were~~ are the only salary or wages paid to the judgment debtor by the employer for the earnings period

protected earnings rate, in relation to an earnings period, means the higher of—

- (a) 60% of net earnings for the earnings period; and
- (b) the amount or percentage referred to in **section 338(d)**.

Compare: 1947 No 16 s 84I

340 Liability of employer

- (1) Subject to **section 339(3)**, as long as an attachment order remains in force, the employer to whom it relates must from time to time, whenever any salary and wages are due and payable by the employer to the judgment debtor,—
 - (a) deduct from that money a sufficient amount to satisfy the charge on the money so far as the ~~same~~ charge has accrued before the day on which the salary or wages becomes due and payable; and
 - (b) not later than the 20th day of the next month after the month in which the deduction is made, pay the amount so deducted to the person specified in the attachment order.
- (2) All amounts so deducted and paid must be taken to have been paid by the employer in satisfaction of the salary or wages payable by the employer to the judgment debtor.
- (3) All amounts so deducted must be taken to have been paid by the judgment debtor in satisfaction of the judgment debtor's liability to pay the judgment debt.
- (4) If the judgment debtor gives notice of resignation, or is given notice of dismissal, from the employment of the employer to whom the attachment order relates, the employer must, within 5 working days after receiving or giving the notice, notify the person referred to in **section 338(e)** of the date of the last day of the judgment debtor's employment.
- (5) If the employer to whom the attachment order relates ceases to pay salary or wages to the judgment debtor for a reason other than the judgment debtor's dismissal or resignation from the employment of the employer, the employer must, within 5 working days after ceasing to pay the salary or wages, notify the person referred to in **section 338(e)** of the day on which the salary or wages ceased to be paid.
- (6) Where the employer makes default in the payment of any money in satisfaction of a charge created by an attachment order, that money becomes a debt due by

the employer to the judgment creditor and may be recovered by the judgment creditor by action in any court of competent jurisdiction.

- (7) An employer who fails without reasonable excuse to comply with **subsection (1)(a) or (b)** commits an offence and is liable on conviction to a fine not exceeding \$1,000.

Compare: 1947 No 16 s 84J

341 Wrongful treatment of employee

An employer commits an offence, and is liable on conviction to a fine not exceeding \$1,000, who dismisses any employee or alters any employee's position in the employer's business or undertaking to the employee's prejudice by reason of—

- (a) the employee having been ordered to pay money owing under 1 or more judgments or orders imposed by the District Court or the High Court for the payment of an amount of money; or
- (b) an attachment order having been served on the employer; or
- (c) the employer becoming aware that an attachment order is being made or has been made in respect of the employee.

Compare: 1947 No 16 s 84K

342 Extent to which attachment orders bind the Crown

- (1) In this section,—

employing department means—

- (a) a department of State in which a person is employed; and
- (b) in relation to a person to whom any retiring allowance or pension or other payment of a similar nature is payable—
 - (i) out of the Government Superannuation Fund, the Government Superannuation Fund Authority;
 - (ii) out of the National Provident Fund, the Board of Trustees of the National Provident Fund

servant of the Crown—

- (a) means a person in the service of Her Majesty in respect of the Government of New Zealand;
- (b) includes a person in temporary or casual service;
- (c) does not include a person in honorary service;
- (d) includes any person serving in any of the New Zealand Armed Forces;
- (e) includes a person to whom any retiring allowance or pension or other payment of a similar nature is payable out of the Government Superannuation Fund or the National Provident Fund.

- (2) **Sections 337 to 341 and 343** bind the Crown to the extent of and subject to **subsections (3) and (4)**.
- (3) If the judgment debtor is a servant of the Crown, an attachment order may be made against the Crown as employer.
- (4) Where the judgment debtor is entitled to a benefit within the meaning of the Social Security Act 1964, an attachment order may be made against the chief executive of the department for the time being responsible for the administration of that Act, and—
 - (a) service of the order must be effected—
 - (i) by leaving a copy of the order at, or sending a copy of the order by post to, either the district office of the department nearest to the judgment debtor's place of residence or an address notified by the chief executive of the department to the chief executive; or
 - (ii) by sending the order by email or other electronic means to an email address notified by the chief executive of the department to the chief executive of the Ministry of Justice; and
 - (b) **section 341** does not apply.

Compare: 1947 No 16 s 84L

343 Variation, suspension, and discharge of attachment orders

- (1) A judgment creditor or judgment debtor may apply to the court at any time for an attachment order to be varied, suspended, or discharged.
- (2) The party who makes an application under **subsection (1)** must serve a copy of the application on the other party.
- (3) If an application under **subsection (1)** is made, the court may vary, suspend, or discharge the attachment order if good cause is shown to the satisfaction of the court why the order should be so varied, suspended, or discharged.
- (4) The court may vary, suspend, or discharge the attachment order even ~~though~~ if the other party has not had the opportunity to make representations to the court about the application.
- (5) If an attachment order is varied, suspended, or discharged under **subsection (3)**, notice of the variation, suspension, or discharge must be served on the employer to whom the order relates, the judgment creditor, and the judgment debtor.
- (6) A variation, suspension, or discharge of an attachment order takes effect when the notice referred to in **subsection (5)** is served on the employer, unless (in the case of a discharge) **subsection (7)** applies.
- (7) An attachment order may also be discharged at any time by written notice (which may be given by email or other electronic means) from the judgment

creditor to the employer to whom the order relates, and the discharge takes effect when the notice is given to the employer.

Compare: 1947 No 16 s 84M

344 Review of Registrar's decision

- (1) Any person affected by any order or direction made by a Registrar under **section 332, 335, 337, 343, or 347** may apply to a Judge for a review of the order or direction.
- (2) However, a judgment creditor may apply for a review of an order or a direction made by a Registrar under **section 335 or section 337** only if a financial assessment hearing that was attended by the judgment creditor or his or her representative has taken place.
- (3) An application under **subsection (1)** must be made within 15 working days of the making of the order or direction, or within the further time that the Judge, on application, may allow.
- (4) On receiving an application under **subsection (1)**, the Judge may order that the order or direction under review is suspended pending the review.
- (5) On review, the Judge may confirm, rescind, or vary the Registrar's order or direction, and the order or direction has effect, or ceases to have effect, as the case may be.

Compare: 1947 No 16 s 84N

Contempt of enforcement proceedings

345 Contempt of enforcement proceedings

- (1) No order may be made under **subsection (3)** unless any of the circumstances described in **subsection (2)** apply and the court is satisfied beyond reasonable doubt that—
 - (a) the judgment debtor has sufficient means to pay the judgment debt but refuses to do so; and
 - (b) all other methods of enforcing the judgment have been considered or tried and are inappropriate or have been unsuccessful.
- (2) The circumstances referred to in **subsection (1)** are as follows:
 - (a) a financial statement has been filed in court;
 - (b) the court has been provided with information about the judgment debtor's means for satisfying the judgment debt under **section 329**;
 - (c) a hearing under **section 330** or a financial assessment hearing has taken place.
- (3) The court may, on the application of a judgment creditor, ~~order the judgment debtor to do community work, not exceeding 200 hours, as the court thinks fit.~~ do either or both of the following:

- (a) order the judgment debtor to do community work, not exceeding 200 hours, as the court thinks fit:
- (b) impose any of the orders referred to in **section 315, 318, or 319**, or do any of the things referred to in **section 335(2)**.
- (4) ~~Alternatively, the court may impose any of the orders referred to in **section 315, 318, or 319** or do any of the things referred to in **section 335(2)** instead of or in addition to ordering the judgment debtor to do community work under **subsection (3)**:~~
- (5) An order made under **subsection (3)** has effect as if it were a sentence of community work, and the relevant provisions of Part 2 of the Sentencing Act 2002, with any necessary modifications, apply accordingly.
- (6) If the District Court, acting under this section, orders a judgment debtor to do community work, the judgment debtor has the same right of appeal to the High Court against the order as the judgment debtor would have had if the judgment debtor had been convicted and sentenced by the District Court before a Judge alone in relation to a charge.
- (7) An order made under **subsection (3)** does not operate to extinguish or affect the liability of the judgment debtor to pay the judgment debt.
- (8) A proceeding under this section may from time to time be adjourned by the court to a time and place to be appointed.

Compare: 1947 No 16 s 84O

346 Process for dealing with application for contempt of enforcement proceedings

- (1) On receipt of an application under **section 345(3)**, the Registrar must—
 - (a) appoint a time and place for the hearing of the application if satisfied, on the basis of information provided with the application, that the judgment debtor has sufficient means to pay the judgment debt but refuses to do so; or
 - (b) if not so satisfied, refer the application to a Judge.
- (2) On the referral of an application under **subsection (1)(b)**, the Judge must—
 - (a) deal with the application on the papers; and
 - (b) consider whether he or she is satisfied, on the basis of information provided with the application, that the judgment debtor has sufficient means to pay the judgment debt but refuses to do so.
- (3) If the Judge is so satisfied, he or she must direct the Registrar to appoint a time and place for the hearing of the application.
- (4) If the Judge is not so satisfied, he or she must decline the application.
- (5) If the Registrar appoints a time and place for the hearing of the application under **subsection (1)(a) or (3)**, the judgment debtor must be served with a

copy of the application, and a notice of the time and place so appointed, by a person referred to in **section 390(3)(c)**.

- (6) The Registrar must notify the judgment creditor of the time and place so appointed.
- (7) If the application is declined under **subsection (4)**, the Registrar must notify the judgment creditor that the application has been declined.

Compare: 1947 No 16 s 84OA

347 Warrant to arrest may be issued if judgment debtor cannot be served or fails to appear at hearing

- (1) If a copy of the application cannot be served on the judgment debtor under **section 346(5)**, or if the judgment debtor fails to appear at the hearing of the application (or the resumption of the hearing, in the case of an adjourned hearing), a Judge or Registrar may issue a warrant to arrest the judgment debtor and bring the judgment debtor before the court as soon as possible.
- (2) A warrant under **subsection (1)** ceases to have effect if the judgment debtor pays, or causes to be paid, the amount due under the judgment debt.
- (3) If a judgment debtor is arrested under a warrant issued under **subsection (1)**, the following provisions apply:
 - (a) the judgment debtor must be brought before a Judge or, if a Judge is not available, the Registrar:
 - (b) if the judgment debtor is brought before the Registrar, the Registrar must appoint a time and place for the judgment debtor to appear before a Judge for the purpose of commencing or continuing the hearing:
 - (c) the judgment debtor is bailable as of right:
 - (d) section 168 of the Criminal Procedure Act 2011 and Parts 1 to 3 of the Bail Act 2000 apply, with any necessary modifications ~~that may be necessary~~, as if the hearing of the application referred to in **subsection (1)** were the hearing of a charge:
 - (e) if the judgment debtor cannot practicably be brought immediately before a Judge or Registrar, then any Police employee or any bailiff may grant bail to the judgment debtor, and Parts 1 to 3 of the Bail Act 2000 apply, with any necessary modifications, as if the bail were granted by a Police employee under section 21(1) of that Act.

Compare: 1947 No 16 s 84OB

348 Judgment debtor doing community work is discharged on payment

- (1) If a judgment debtor doing community work under an order made under **section 345** pays, or causes to be paid, the amount due in respect of the judgment debt,—

- (a) the Registrar must notify a probation officer that the payment has been made; and
 - (b) the probation officer, on notification from the Registrar, must notify the judgment debtor that he or she is no longer required to report for community work.
- (2) **Subsection (1)(b)** does not apply if there is some other reason for the judgment debtor being required to report for community work.

Compare: 1947 No 16 s 84Q

Warrants to seize property

349 Warrant to seize property

- (1) A warrant to seize property is a warrant that requires the bailiff or constable to whom it is directed to seize and sell goods of a judgment debtor for payment of the following debts:
- (a) the judgment debt, or so much of it that remains unpaid; and
 - (b) the costs of executing the warrant; and
 - (c) the costs of previous proceedings (if any) for enforcement of the judgment debt.
- (2) By the warrant, the bailiff or constable is authorised to seize—
- (a) the goods of the judgment debtor, except—
 - (i) his or her tools of trade to a value not exceeding \$5,000; and
 - (ii) his or her necessary household furniture and effects, including clothing for the judgment debtor and his or her family, to a value not exceeding \$10,000; and
 - (b) money, bank notes, and securities (that is, bills of exchange, promissory notes, bonds, specialties, or other securities for money).
- (3) The warrant must be in a form approved by the chief executive.
- (4) The Governor-General may from time to time, by Order in Council, amend **subsection (2)** by increasing any amount specified in that subsection.

Compare: 1947 No 16 s 85

350 Immobilisation of motor vehicles

- (1) A bailiff or constable executing a warrant to seize property may, while seizing, or instead of seizing, a motor vehicle, immobilise the vehicle by attaching to it any device designed for the purpose, pending payment of the unpaid amount.
- (2) A vehicle may not be immobilised under **subsection (1)** unless, at the time of its immobilisation, the vehicle—
- (a) is on private property; or

- (b) is in a public place and the bailiff or constable is satisfied that immobilising the vehicle will not cause undue inconvenience to other persons.
- (3) If a motor vehicle is immobilised under this section, a bailiff or constable—
 - (a) may seize the vehicle at any time;
 - (b) on the direction of the Registrar, must seize the vehicle.
- (4) A person commits an offence if, without reasonable excuse, the person—
 - (a) tampers with, removes, or attempts to remove a device attached to a motor vehicle under **subsection (1)**; or
 - (b) removes, or attempts to remove,—
 - (i) a motor vehicle to which a device is, or has been, attached under **subsection (1)**; or
 - (ii) any part of that vehicle; or
 - (iii) any other property from that vehicle.
- (5) A person who commits an offence under **subsection (4)** is liable on conviction to a fine not exceeding \$1,000.

Compare: 1947 No 16 s 85A

351 Disposal of securities seized

- (1) The bailiff who seizes securities referred to in **section 349(2)(b)** must deliver them to the Registrar.
- (2) The Registrar must hold the securities for the benefit of the enforcement creditor as security for the enforcement debtor's debts ~~under referred to in~~ **section 349(1)**.
- (3) The execution creditor may sue for the money secured by or payable under the securities on their due date and may sue—
 - (a) in the name of the enforcement debtor; or
 - (b) in the name of any person in whose name the person against whom execution has issued might have sued.

Compare: 1947 No 16 s 86

352 Offence of rescuing goods seized

- (1) A person who rescues or attempts to rescue goods seized in execution under a warrant to seize property commits an offence and is liable on conviction to a fine not exceeding \$300.
- (2) A bailiff or a constable may arrest ~~that the~~ the person referred to in **subsection (1)** with or without a warrant.

Compare: 1947 No 16 s 87

Sale of goods seized under warrant to seize property

353 Period to elapse before sale

- (1) Goods seized under a warrant to seize property must not be sold before 5 working days after the date of seizure have elapsed.
- (2) **Subsection (1)** does not apply if—
 - (a) the goods are perishable; or
 - (b) the owner of the goods makes a written request (which may be by email or other electronic means) for earlier sale.

Compare: 1947 No 16 s 88

354 Goods must be sold by public auction unless court orders otherwise

- (1) Goods seized under a warrant to seize property must be sold by public auction unless a court orders otherwise.
- (2) A bailiff who is authorised to execute a warrant to seize property may, if he or she first obtains the Registrar's written approval (which may be given by email or other electronic means), sell goods seized under the warrant without the necessity of taking out an auctioneer's licence.
- (3) **Subsection (2)** overrides any enactment or rule of law to the contrary.
- (4) The jurisdiction of a court under this section may be exercised by the Registrar.

Compare: 1947 No 16 s 89

355 Purchaser from bailiff acquires goods free of all ownership and other proprietary interests

- (1) A person who purchases from a bailiff goods seized under a warrant to seize property, and who purchases without a claimant to the goods having paid a deposit or provided security in accordance with **section 360(2)**, acquires good title to the goods free of all ownership interests and other proprietary interests held in them before the sale.
- (2) This section is subject to—
 - (a) sections 108 to 112 of the Insolvency Act 2006; and
 - (b) sections 251 and 252 of the Companies Act 1993.

Compare: 1947 No 16 s 90(1)(a), (3)

356 Immunity of bailiff who sells without notice of claim to goods

- (1) Except under **subsection (2)**, no person has any claim against a bailiff or any person acting under a bailiff's authority (an **agent**) for the sale of goods seized under a warrant to seize property or for the payment of the proceeds of the sale.
- (2) The immunity of a bailiff or agent set out in **subsection (1)** does not apply if the bailiff or agent, before the goods were sold or the proceeds paid, knew or

ought reasonably to have known that the goods were not the property of the judgment debtor.

- (3) Nothing in this section affects the right of a person who proves that the person had an ownership or other proprietary interest in the goods at the time of sale to a remedy against any person other than the bailiff.

Compare: 1947 No 16 s 90(1)(b), (2)

357 Goods seized under warrant to seize property that are subject to security interest

- (1) This section applies if a third person claims a security interest in goods that have been seized under a warrant to seize property.
- (2) The court may order the sale of all or part of the goods on terms as to the application of the proceeds of sale to all or part of the secured debt or otherwise as the court thinks fit.
- (3) The purchaser of goods sold under this section obtains good title to the property free of all ownership interests and other proprietary interests held in the property before that sale.

Compare: 1947 No 16 s 91

358 Personal property securities register to be checked

- (1) If goods are seized under a warrant to seize property, the Registrar must, on the next working day after the goods are seized, check whether a financing statement that relates to the goods has been registered on the personal property securities register kept under the Personal Property Securities Act 1999.
- (2) If a financing statement has been registered, the bailiff must promptly notify the person named as the secured party in the financing statement of the following:
- (a) that the court may, under **section 354**, sell the goods after the expiration of 5 working days from the date of seizure if the judgment debt remains unpaid and no claim has been made in respect of the goods by a person other than the judgment debtor:
 - (b) the rights that may be available to the person under **sections 360 and 361**.

Compare: 1947 No 16 s 91A

Claims in respect of goods seized under warrant to seize property

359 Priority of High Court and District Court executions

- (1) This section determines priority as between a sale order issued from the High Court and a warrant to seize property against the goods of the same person issued under this **Part**.

- (2) The right to the goods seized must be determined according to which of the following occurred first:
 - (a) delivery to the Sheriff of the sale order to be executed:
 - (b) delivery to the Registrar of the application for the warrant to seize property.
- (3) On request by the bailiff to whom the warrant to seize property is directed, the Sheriff must inform the bailiff in a notice, authenticated by the Sheriff, of the precise time of delivery of the sale order.
- (4) On request by the Sheriff, the bailiff to whom the warrant to seize property is directed must produce the warrant to any Sheriff's officer.
- (5) The time recorded in a notice given under **subsection (3)**, and the time endorsed on the warrant as the time of application to the Registrar, are conclusive for any Sheriff or bailiff to act in reliance on the priority so determined.

Compare: 1947 No 16 s 92

360 Sale of goods subject to third party claim

- (1) Unless a claimant to or in respect of goods seized under a warrant to seize property complies with **subsection (2)**, the bailiff must—
 - (a) sell the goods as if no claim had been made; and
 - (b) pay the proceeds into court pending a decision on the claim.
- (2) To halt the sale of the goods under **subsection (1)**, a claimant may—
 - (a) deposit with the bailiff—
 - (i) the amount of the value of the goods; or
 - (ii) the amount that the bailiff may charge for the custody of the goods pending a decision on the claim; or
 - (b) give the bailiff, in the manner prescribed in the rules, security for the value of the goods.
- (3) The bailiff must pay the amount of the value of the goods deposited under **subsection (2)(a)(i)** into court pending a decision on the claim.
- (4) If the amount of the value of the goods is disputed, that amount must be fixed by appraisal in the prescribed manner.
- (5) The purchaser of goods sold under this section obtains good title to the property free of all ownership interests and other proprietary interests held in the property before that sale.

Compare: 1947 No 16 s 93

361 Third party claim process

- (1) If a claim is made under **section 360** to or in respect of goods seized under a warrant to seize property, the bailiff may obtain a summons from the Registrar requiring the execution creditor and the claimant to appear before the court.

- (2) If a claim is made under **section 360** in respect of property that is the subject of a financing statement registered on the personal property securities register kept under the Personal Property Securities Act 1999, the bailiff must obtain from the Registrar a summons requiring the claimant to appear before the court.
- (3) The bailiff may obtain the summons, either before or after the return of the warrant, ~~and~~ whether or not a proceeding has been brought against the bailiff in respect of the seizure.
- (4) On the issue of the summons, any proceeding brought in the District Court or other court in respect of the claim of any damage arising out of the execution of the warrant is stayed.
- (5) On hearing the summons, the court must—
 - (a) decide the claim; and
 - (b) decide any claim by 1 or more of the parties against the bailiff for damages arising out of the execution of the warrant; and
 - (c) make an order as to costs as the court thinks fit.

Compare: 1947 No 16 s 94

Garnishee proceedings

362 Garnishee proceedings

A person (**A**) who has obtained a judgment or an order for the payment of money may take a proceeding (a **garnishee proceeding**) under the rules to obtain—

- (a) the payment to A of a debt owing or accruing to the judgment debtor from another person (**B**) and the costs of bringing the garnishee proceeding; or
- (b) the payment to A of so much of the debt as will meet the amount of the judgment or order and the costs of bringing the garnishee proceeding.

Compare: 1947 No 16 s 96(1)

363 Money held on deposit or in account

For the purposes of a garnishee proceeding, a debt owing or accruing to a judgment debtor (**D**) and, subject to **section 364** and the rules, accordingly attachable, includes money that—

- (a) stands to D's credit with any person (including a bank); and
- (b) is held on deposit with that person or held by that person in a current or other account (including a deposit account).

Compare: 1947 No 16 s 96(2)

364 Application of section 363

- (1) **Section 363** applies whether or not any of the following conditions of the deposit or account has been satisfied:
 - (a) a condition that notice must be given before any money can be withdrawn;~~or~~
 - (b) a condition that a demand for payment must be made;~~or~~
 - (c) a condition that a personal application must be made before any money can be withdrawn;~~or~~
 - (d) subject to **subsection (2)**, any other condition.
- (2) **Section 363** does not apply if it is a condition of the deposit or account that a deposit book, deposit receipt, or other similar document must be produced before any money can be withdrawn and that condition has not been satisfied.

365 Liability to deliver or disclose deposit book, deposit receipt, etc

The rules may—

- (a) require a person who is in possession of a deposit book, a deposit receipt, or any other similar document relating to a deposit or an account of a judgment debtor to deliver it to the court:
- (b) require a person who knows the location of a deposit book, a deposit receipt, or any other similar document relating to a deposit or an account of a judgment debtor to disclose it to the court.

Compare: 1947 No 16 s 96(3)

Charging orders

366 Charging orders

- (1) A person who has obtained a judgment or an order for the payment of money may apply to the court in accordance with the rules for a charging order.
- (2) The court may make a charging order in respect of any of the following property:
 - (a) any estate, right, title, or interest in possession, remainder, reversion, or expectancy, ~~and~~ whether vested or contingent, in any land held by the judgment debtor in the judgment debtor's own name:
 - (b) any right or interest of the judgment debtor in any partnership:
 - (c) any shares held by the judgment debtor in any company incorporated in New Zealand or having an office in New Zealand in which transfers of shares may be registered:
 - (d) any estate, right, or interest in possession, remainder, reversion, or expectancy, ~~and~~ whether vested or contingent, in any land, or in any money, shares, or other chattels held under or by virtue of any express or implied trust for the judgment debtor.

- (3) A charging order must specify the property charged with sufficient detail to identify it.

Compare: 1947 No 16 s 96A(1), (1A), (3)

367 Variation or discharge of charging order

- (1) The court may vary or discharge a charging order at any time.
- (2) An order discharging or varying a charging order may be registered or recorded in the same manner as the charging order.
- (3) There must be no ~~charge fee~~ for the registration or recording of the discharge or variation of a charging order.

Compare: 1947 No 16 s 96A(4), (7)

368 Effect of charging order

A charging order has the following effect (subject, in the case of a charging order over a registered estate or interest in any land, to registration under **section 370**):

- (a) it charges the estate, right, title, or interest of the judgment debtor in the property described in the order with payment of the amount for which the judgment creditor has obtained judgment:
- (b) except with the leave of the court or in accordance with the rules, it restrains the person served with it—
- (i) from making, or concurring in making, or permitting any conveyance, transfer, assignment, or disposition of any estate, right, or interest, or of any share in a partnership or company, of the judgment debtor; or
- (ii) from paying over any income, interest, dividends, bonus, profits, or other money due or accruing due to the judgment debtor.

Compare: 1947 No 16 s 96A(2)(a), (b)

369 Charging order in respect of land expires after 2 years

- (1) A charging order in respect of land expires ~~after 2 years from the date of the order.~~
- (2) ~~However, the order expires earlier than 2 years from the date of the order if, within that 2-year period, an instrument of transfer or a deed of conveyance or assignment is registered following the execution of a sale order.~~
- (2) A charging order expires on the earlier of the following dates:
- (a) the date that is the end of the period that is 2 years after the date on which the order was made;
- (b) when an instrument of transfer or deed of conveyance or assignment is registered following the execution of a sale order.

- (3) Despite **subsection (1)**, the court may extend the period for which a charging order is in force beyond the 2-year period.

Compare: 1947 No 16 s 96A(2)(d)

370 Registration of charging order over land or mining privilege

- (1) This section applies when a charging order is made in respect of the registered estate or interest of the judgment debtor in land.
- (2) The order may, on receipt of a duplicate or copy of the order under the seal of the court,—
- (a) be registered by the Registrar-General of Land, if the title to the land is under the Land Transfer Act 1952; or
 - (b) be registered by the appropriate Registrar of Deeds, if the title to the land is not under the Land Transfer Act 1952; or
 - (c) be recorded, in the case of a mining privilege under the Mining Act 1971, by the Registrar-General of Land.
- (3) There must be no charge for the registration or recording of the charging order.

Compare: 1947 No 16 s 96A(5), (6)

371 Removal of charging order into High Court

- (1) A charging order may be removed into the High Court in accordance with **section 302**, which applies with any necessary modifications.
- (2) A charging order removed into the High Court is enforceable in the same way as if it had been issued by that court.

Compare: 1947 No 16 s 96A(2)(c), (8)

Order or warrant to detain person in prison

372 Issue and execution of order or warrant to detain in prison

- (1) This section applies when, under this **Part** or the rules, the court makes an order or issues a warrant for the detention of a person in prison.
- (2) The order or warrant must be directed to a bailiff or a constable.
- (3) On the making of the order or the issue of the warrant,—
- (a) the person to whom it is directed is authorised to detain the person to be detained; and
 - (b) it is the duty of every constable to assist in the detention of that person.

Compare: 1947 No 16 s 97(1)

373 Form of warrant to detain

A warrant to detain a person in prison must contain the information required by the rules.

374 Person to be detained in prison

- (1) A person detained in prison under an order made or a warrant issued under **section 372** must be detained in a prison established under, or deemed to be established under, the Corrections Act 2004.
- (2) The prison manager of the prison specified in the order or warrant must detain the person in question in the prison until that person is lawfully discharged.

Compare: 1947 No 16 s 97(2)

375 Power of Judge to order discharge

- (1) A Judge may at any time order the discharge of a person detained under **section 374** if the Judge considers for any reason that the person should be discharged.
- (2) The order may be made on the terms, if any, that the Judge thinks fit, including a term that the person may be further detained if the terms of discharge are not complied with.

Compare: 1947 No 16 s 98

*Warrant for recovery of land***376 Warrant for recovery of land**

- (1) The court may issue a warrant (a **warrant for the recovery of land**) authorising the bailiff or the constable to whom it is directed to give possession of the land to the person named in the warrant.
- (2) In executing the warrant, the bailiff or constable—
 - (a) may take possession of the land; and
 - (b) may use force if necessary in obtaining entry; and
 - (c) may be assisted by others as the bailiff or constable thinks necessary; and
 - (d) may give possession to the person named in the warrant; but
 - (e) is not required to remove goods or chattels from premises on the land.

Compare: 1947 No 16 s 99

377 Time for executing warrant ~~of~~ for recovery of land

A bailiff or a constable to whom a warrant for the recovery of land is directed may execute the warrant only at a time that is between 9 am and 4 pm.

Compare: 1947 No 16 s 99(1)

378 Effect of possession given under warrant for recovery of land

- (1) The person to whom possession is given in accordance with a warrant for the recovery of land holds the land free of any tenancy.

- (2) The person (A) from whom possession is taken in accordance with a warrant for the recovery of land, and any person claiming through A, is not entitled to any relief for so long as the judgment or order under which the warrant was issued has not been reversed.

Compare: 1947 No 16 s 99(1)

379 Irregularity or informality in execution of warrant

- (1) A person (A) who applies for the issue of a warrant for the recovery of land and is lawfully entitled to possession of the land at the date of issue of the warrant is not liable as a trespasser by reason only of any irregularity or informality in the execution of the warrant.
- (2) A person aggrieved by an irregularity or informality in the execution of a warrant for the recovery of land may sue A only for special damage, and, if the special damage proved is not more than \$30, the person is not entitled to costs, unless the court orders otherwise.
- (3) In **subsection (1)**, A includes A's agent or another person acting on A's behalf.

Compare: 1947 No 16 s 100

380 Person illegally obtaining warrant liable for trespass

A person who applies for the issue of a warrant for the recovery of land and is not lawfully entitled to the possession of the land at the date of issue of the warrant commits a trespass against the tenant or occupier of the land, even without execution of the warrant.

Compare: 1947 No 16 s 101(1)

381 Immunity of Judge, etc, when warrant illegally obtained

No proceeding or action may be taken against any of the following persons by reason only that a warrant for the recovery of land was issued on the application of a person who at the date of issue was not lawfully entitled to possession of the land:

- (a) the Judge who made the order for the issue of the warrant:
- (ab) the Registrar who issued the warrant:
- (b) the bailiff or the constable who executed the warrant.

Compare: 1947 No 16 s 101(3)

382 Execution of warrant may be stayed on giving bond

- (1) The execution of a warrant for the recovery of land must be stayed if the tenant or occupier of the land (A) gives a bond to the landlord in accordance with this section.
- (2) The bond must—

- (a) bind A to bring a proceeding for trespass against the person to whom the warrant was issued (**B**); and
 - (b) bind A to bring the proceeding without delay; and
 - (c) bind A to pay all the costs of the proceeding if unsuccessful; and
 - (d) secure an amount fixed by the court that the court considers reasonable, having regard to the value of the land and the probable costs of the proceeding; and
 - (e) be executed by 2 sureties approved by the court; and
 - (f) be approved by the court; and
 - (g) be prepared at A's expense.
- (3) For the purposes of **subsection (2)(c)**, the proceeding is unsuccessful if—
- (a) judgment is given for B; or
 - (b) A discontinues the proceeding; or
 - (c) A fails to prosecute the proceeding without delay.
- (4) B may sue on the bond if—
- (a) the bond is forfeited; or
 - (b) the Judge in A's proceeding for trespass does not endorse on the record that the conditions of the bond have been fulfilled.
- (5) In a proceeding by B suing on the bond, the court may order such relief to the parties to the bond as it thinks just, and the order has the nature and effect of voiding the bond.

Compare: 1947 No 16 s 102(1), (3)

383 Effect of judgment for tenant or occupier in proceeding for trespass

If a tenant or an occupier of land (**A**) obtains judgment in a proceeding for trespass when the execution of a warrant for the recovery of land has been stayed,—

- (a) the judgment supersedes the warrant; and
- (b) A is entitled to costs.

Compare: 1947 No 16 s 102(2)

Recovery of chattels

384 Warrant for recovery of chattels

- (1) The court may issue a warrant for the recovery of chattels on the application of a person who has obtained a judgment or an order for the recovery of specific chattels.

- (2) The warrant must require the bailiff or the constable to whom it is directed to demand and seize the chattels referred to in the warrant, if they can be found by the bailiff or constable, and to deliver them to the person named in the warrant.

Compare: 1947 No 16 s 103

385 Further proceedings if chattels not recovered

If chattels are not recovered on the execution of a warrant for their recovery,—

- (a) the court may make an order or issue a warrant for detention in prison of the person named for a period not exceeding 1 month; and
- (b) whether or not it makes an order or issues a warrant under **paragraph (a)**, the court may issue a warrant to seize property to the value of the ~~chattels as assessed as~~ which is assessed in the manner that the court directs.

Compare: 1947 No 16 s 104

Liability and protection of officers

386 Neglect by bailiffs

- (1) On the application of a person aggrieved, the court may order a bailiff to pay that person damages if the opportunity of executing a warrant to seize property is lost through the fault of the bailiff or a person acting under his or her authority.
- (2) The damages ordered must not exceed the value of the ~~chattels as assessed as~~ which is assessed in the manner that the court directs.

Compare: 1947 No 16 s 105

387 Liability of court officer for irregularity or informality in execution of warrant

- (1) An officer of the court who executes a warrant; and the person who applied for the issue of the warrant; are not liable ~~as a trespassers~~ by reason only of any irregularity or informality in—
- (a) any proceeding on which the validity of the warrant depends; or
- (b) the form of the warrant; or
- (c) the execution of the warrant.
- (2) A person aggrieved by an irregularity or informality in the execution of the warrant may sue only for special damage, and, if the special damage proved is not more than \$30, the person is not entitled to costs, unless the court orders otherwise.

Compare: 1947 No 16 s 106

388 Liability of bailiff acting under warrant

- (1) No proceeding may be brought against a bailiff for anything done under a warrant issued under this **Part**; unless the conditions set out in **subsection (2)** are satisfied.
- (2) The conditions are as follows:
 - (a) the intended plaintiff (**P**), or P's lawyer or agent, has delivered to the office of the court a notice to produce the warrant authenticated by P or P's lawyer or agent; and
 - (b) the bailiff has failed to comply with the notice within 5 working days after the notice is received.
- (3) If a proceeding is commenced against a bailiff where the conditions in **subsection (2)** have been satisfied,—
 - (a) judgment must be given for the bailiff if the warrant is produced or proved at trial, despite any defect of jurisdiction or other irregularity in the warrant; but
 - (b) the officer who issued the warrant may be joined as a defendant in the proceeding.
- (4) If the plaintiff obtains judgment against the officer joined under **subsection (3)(b)**, the plaintiff may recover from that officer the costs that the plaintiff is liable to pay to the bailiff.

Compare: 1947 No 16 s 107

389 Warrant is proof of court's authority

In any proceeding against a person for anything done under this **Part**, the production of the warrant of the court is sufficient proof of the authority of the court previous to the issue of the warrant.

Compare: 1947 No 16 s 108

*Service***390 Service of documents under this Part**

- (1) If a person is required to serve a document under this **Part**, the requirement may be met in any of the following ways:
 - (a) by—
 - (i) delivering the document to the recipient or bringing it to the recipient's notice if the recipient refuses to accept it; or
 - (ii) leaving the document for the recipient at the recipient's place of residence with another person who appears to be of or over the age of 14 years; or
 - (iii) leaving the document for the recipient at the recipient's place of business or place of work with another person:

- (b) by sending the document to the recipient by prepaid post addressed to the recipient's last known place of residence or business;
 - (c) if the recipient has a known electronic address, by sending it to the recipient at that address in electronic form;
 - (d) by compliance with a means of service prescribed by regulations made under this Act.
- (2) For recipients to whom **section 391** applies, **subsection (1)** is modified to the extent provided by that section.
- (3) Despite **subsection (1)**, the following documents must be served in accordance with **subsection (1)(a)** or, where applicable, **section 391(2)(b) or (4)**:
- (a) a summons issued under **section 330**, which must be served by an authorised process server;
 - (b) a summons issued under **section 331**, which must be served by or on behalf of the judgment creditor or by an authorised process server;
 - (c) a copy of the application and notice of the time and place appointed for the hearing of the application that is required to be served on the judgment debtor under **section 346(5)**, which must be served by or on behalf of the judgment creditor or by an authorised process server.
- (4) This section is subject to **section 342(4)(a)**.
- (5) In this section and in **section 391**,—
- authorised process server** means a person who is—
- (a) a constable; or
 - (b) a Police employee authorised by the Commissioner of Police to serve documents under this **Part**; or
 - (c) an officer of the court; or
 - (d) a person or a member of a class of persons authorised by a Judge or Registrar to serve documents either generally or in respect of a particular case or class of case; or
 - (e) an officer or employee of a corporation that is authorised by the Secretary for Justice to serve documents under this **Part**; or
 - (f) an individual who is authorised by the Secretary for Justice to serve documents under this **Part**

officer, in relation to a body corporate or Crown organisation, includes a person involved in the decision making or management of the body or organisation

recipient means the person required to be served

serve, in relation to a document,—

- (a) includes giving the document to a person; but

(b) does not include filing the document in a court under rules of court.

Compare: 1947 No 16 s 108A

391 Service provisions modified in special cases

- (1) If a document is served in accordance with this section, it is, for the purposes of **section 390**, taken to be served on the recipient concerned.
- (2) If the recipient is a body corporate or a Crown organisation, a document may be served,—
 - (a) if it may be served under **section 390(1)(b) or (c)**, by being sent, in accordance with either of those paragraphs, to the body corporate or Crown organisation for the attention of an officer or employee of that body or organisation:
 - (b) by being delivered to an officer or employee of the body corporate or Crown organisation at its head office, principal place of business, or registered office, or by bringing it to the officer's notice or the employee's notice if that person refuses to accept it.
- (3) If a lawyer has authenticated a memorandum stating that the lawyer is authorised to accept service of a document on behalf of the recipient, the document may be served on the lawyer in any way authorised by **section 390**.
- (4) In addition to the ways of service authorised by **section 390**, a document may be served by delivering or sending it to, or by leaving it with,—
 - (a) in the case of a recipient who lives or works on board a vessel (including a vessel belonging to the Royal New Zealand Navy), the person on board who is apparently in charge of the vessel:
 - (b) in the case of a recipient who is a member of the New Zealand Armed Forces, the officer apparently in command of the unit or detachment to which the recipient belongs:
 - (c) in the case of a recipient who is a prisoner, the manager or other officer apparently in charge of the prison.

Compare: 1947 No 16 s 108B

Subpart 11—Miscellaneous and general provisions

Warrants to arrest

392 Arrest of debtor about to leave New Zealand

- (1) A Judge may, on the application of a plaintiff in a proceeding to recover an amount of money, issue a warrant to arrest a defendant in the proceeding and bring the defendant before the court.
- (2) A Judge must not issue a warrant unless the Judge is satisfied that—
 - (a) the plaintiff has a good cause of action against the defendant; and

-
- (b) there are reasonable grounds to suspect that the defendant is about to leave New Zealand with the intention of evading payment of the amount claimed.
- (3) The Judge may require the applicant for the warrant to deposit in the court an amount not exceeding \$10,000 or to give surety for that amount for the purposes of payment of any compensation that may be ordered to be paid to the defendant under **subsection (9)**.
- (4) The defendant must be brought before the court unless the amount claimed in the proceeding is paid to the plaintiff before the warrant is executed.
- (5) The Judge may—
- (a) release the defendant; or
 - (b) release the defendant on bail on any terms and conditions the Judge thinks fit and with a surety of an amount the Judge thinks fit (but not exceeding the amount claimed in the proceeding plus costs) or without a surety; or
 - (c) remand the defendant in custody.
- (6) A defendant who is remanded in custody must be brought before the court within 4 days after the date of the order.
- (7) A defendant arrested under the warrant may either give to the enforcing officer, or deposit in the court, the amount shown on the warrant as the amount of the claim plus costs. If the defendant does so, he or she must be released and the amount must be retained and,—
- (a) if judgment in the proceeding is given in favour of the plaintiff, paid or applied in accordance with the judgment; or
 - (b) if judgment in the proceeding is given in favour of the defendant, paid to the defendant.
- (8) The Judge may,—
- (a) if the defendant consents, hear and determine the proceeding at the time the defendant is brought before the court; or
 - (b) fix a date and time for the hearing of the proceeding.
- (9) If judgment is given for the defendant, the Judge may order that the defendant be paid compensation for his or her arrest, or arrest and detention, of an amount not exceeding \$10,000.
- (10) Where a Judge is not available through absence, illness, or any other cause, a Registrar may exercise any of the powers conferred on a Judge by **subsections (1) to, (3) and, (5)(a) and 5(b)**.

Compare: 1947 No 16 ss 109, 110

*Interpleader***393 Interpleader**

If a person expects to be sued by 2 or more persons making adverse claims to the same subject matter, that person may, if the subject matter does not exceed \$350,000 in value, apply for relief by way of interpleader in accordance with the rules.

Compare: 1947 No 16 s 111

*Contempt***394 Contempt of court**

- (1) This section applies if any person—
 - (a) wilfully insults a judicial officer, ~~or any Registrar, or any officer of the court, or any juror, or any witness,~~ during his or her sitting or attendance in court, or in going to or returning from the court; or
 - (b) wilfully interrupts the proceedings of a court or otherwise misbehaves in court; or
 - (c) wilfully and without lawful excuse disobeys any order or direction of the court in the course of the hearing of any proceedings.
- (2) If this section applies,—
 - (a) any constable or officer of the court, with or without the assistance of any other person, may, by order of a ~~judicial officer~~ Judge, take the person into custody and detain him or her until the rising of the court; and
 - (b) ~~the judicial officer~~ a Judge may, if he or she thinks fit, sentence the person to—
 - (i) imprisonment for a period not exceeding 3 months; or
 - (ii) a fine not exceeding \$1,000 for each offence.
- (3) Nothing in this section limits or affects any power or authority of the court to punish any person for contempt of court in any case to which this section does not apply.

Compare: 2011 No 81 s 365

*Restriction on commencing or continuing civil proceedings***395 Judge may make order restricting commencement or continuation of civil proceedings**

- (1) A Judge may make an order (a **section 395** order) restricting a person from commencing or continuing civil proceedings.
- (2) The order may have—
 - (a) a limited effect (a **limited order**); or

- (b) an extended effect (an **extended order**).
- (3) A limited order restrains a party from ~~continuing or~~ commencing or continuing civil proceedings on a particular matter in the District Court.
- (4) An extended order restrains a party from ~~continuing or~~ commencing or continuing civil proceedings on a particular or related matter in the District Court.
- (5) Nothing in this section limits the court's inherent power to control its own proceedings.

396 Grounds for making section 395 order

- (1) A Judge may make a limited order under **section 395** if, ~~in at least 2~~ civil proceedings about the same matter in the court, the Judge considers that at least 2 or more of the proceedings are or were totally without merit.
- (2) A Judge may make an extended order under **section 395** if, in at least 2 proceedings about any matter in the court, the Judge considers that 2 or more of the proceedings are or were totally without merit.
- (3) In determining whether the proceedings are or were totally without merit, the Judge may take into account the nature of any other interlocutory application, appeal, or criminal prosecution involving the party to be restrained, but is not limited to those considerations.
- (4) The proceedings concerned must be proceedings ~~instituted or conducted~~ commenced or continued by the party to be restrained, whether against the same person or different persons.
- (5) For the purposes of this section and **sections 397 and 398**, an appeal in a civil proceeding must be treated as part of that proceeding and not as a distinct proceeding.

397 Terms of section 395 order

- (1) A **section 395** order may restrain a party from ~~instituting~~ commencing or continuing any civil proceeding (whether generally or against any particular person or persons) of any type specified in the order without first obtaining the leave of the court.
- (2) A **section 395** order, whether limited or extended, has effect for a period of up to 3 years as specified by the Judge, but the Judge making it may specify a longer period (which must not exceed 5 years) if he or she is satisfied that there are exceptional circumstances justifying the longer period.

398 Procedure and appeals relating to section 395 orders

- (1) A party to any proceeding may apply for a limited order or an extended order.
- (1A) A Judge may make a **section 395** order either on an application under **sub-section (1)** or on his or her own initiative.
- (2) An application for leave to continue ~~or issue~~ commence a civil proceeding by a party subject to a **section 395** order may be made without notice, but the

court may direct that the application for leave be served on any specified person.

- (2A) An application for leave must be determined on the papers, unless the Judge considers that an oral hearing should be conducted because there are exceptional circumstances and it is appropriate to do so in the interests of justice.
- (2B) A Judge's determination of an application for leave is final.
- (3) A **section 395** order does not prevent or affect the commencement of a private criminal prosecution in any case.
- (4) The party against whom a **section 395** order is made in the District Court may appeal against the order to the High Court.
- (5) The appellant in an appeal under **subsection (4)** or the applicant for the **section 395** order concerned may, with the leave of the High Court, appeal against the determination of that appeal to the Court of Appeal.
- (6) A court determining an appeal under this section has the same powers as the court appealed from has to determine an application or appeal, as the case may be.

Recusal

399 Recusal guidelines

The Chief District Court Judge must, in consultation with the Chief Justice, develop and publish guidelines to assist Judges to decide if they should recuse themselves from a proceeding.

Reserved judgments and Internet publication of final written judgments

400 Information regarding reserved judgments

The Chief District Court Judge must, in consultation with the Chief Justice,—

- (a) publish information about the process by which parties to proceedings before the court may obtain information about the status of any reserved judgment in those proceedings; and
- (b) periodically publish information about the number of judgments of the court that he or she considers ~~is~~ are outstanding beyond a reasonable time for delivery; and
- (c) publish information about reserved judgments that he or she considers is useful.

~~**401 Final written judgments to be published on Internet**~~

- (1) ~~Every final written judgment of the court (excluding the Family Court, the Youth Court, and the Disputes Tribunal) must be published on the Internet as soon as practicable unless there is good reason not to publish the complete judgment.~~

- (2) ~~Good reason not to publish a judgment or part of it includes the following:~~
- ~~(a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication;~~
 - ~~(b) the judgment falls into a category of judgments that are of limited public value;~~
 - ~~(c) taking into account the presumption in **subsection (1)** in favour of publication, a Judge nevertheless determines that the judgment or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice.~~
- (3) ~~In this section, **final written judgment** means a written decision that determines or substantially determines the outcome of any proceedings and is either—~~
- ~~(a) a written reserved judgment; or~~
 - ~~(b) an oral judgment transcribed by an official transcription service.~~

Financial provisions

402 Payment and recovery of fees

- (1) All fees, except fees for keeping possession of, or for storing, removing, and selling, goods under a warrant, must be paid in the first instance by the party on whose behalf proceedings are taken.
- (2) **Subsection (1)** applies despite the fact that the party on whose behalf any proceedings are taken is the Crown or an agency of the Crown.
- (3) A Registrar or Deputy Registrar may not do anything for which a fee is payable unless the amount of the fee prescribed or determined under any enactment is paid or unless payment of the fee amount is waived or postponed.
- (4) An act for which a fee is payable is not invalid simply because the fee has not been paid.
- (5) If a person defaults on the payment of a fee,—
- (a) the court may order that payment be enforced; and
 - (b) if the court makes the order, payment is enforced in the same way as the enforcement of a debt for which judgment has been given.
- (6) A schedule of the fees payable under this **Part** must be available to, and easily accessible by, members of the public.

Compare: 1947 No 16 s 113

403 Enforcement of fines

If a person defaults on the payment of a fine,—

- (a) the court may order that payment be enforced; and

- (b) if the court makes the order, payment is enforced in the same way as enforcement under the Criminal Procedure Act 2011 of payment of a fine imposed on conviction.

Compare: 1947 No 16 s 114

404 Fines and fees must be paid to Crown Bank Account

- (1) A fee or fine payable in respect of proceedings in courts or before Judges must be paid into a Crown Bank Account or a Departmental Bank Account in accordance with the Public Finance Act 1989.
- (2) However, a fee for keeping possession of, or for storing, removing, and selling, goods under a warrant must be paid by the person entitled to the goods to the bailiff or person executing the warrant.

Compare: 1947 No 16 s 115

Miscellaneous

405 Prescribed documents to be sealed

- (1) A document that is of a prescribed class and that is issued by the court must be sealed with the seal of the court.
- (2) A document sealed under **subsection (1)** must be received in evidence in New Zealand without further proof.

Compare: 1947 No 16 s 116

406 Proof of service of documents

- (1) If any summons or any other document is served by a person who is authorised to do so under this **Part**, the rules, or any other enactment, the service may be proved—
- (a) by an endorsement on a copy of the document or, where applicable, on a printout that records an electronic document, showing the fact, date, time, and mode of service; or
- (b) in any other manner prescribed by the rules.
- (2) An endorsement under **subsection (1)(a)** must be signed by the person who served the summons or document.
- (3) A person who wilfully endorses a false statement on a copy of a summons or document commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$2,000, or to both.
- (4) If a document is served by sending it by prepaid post, then, unless the contrary is shown, the document is served when it would have been delivered in the ordinary course of post, and, in proving service, it is sufficient to prove that the letter concerned was properly addressed and posted.
- (5) If a document is served by sending it in electronic form, then, unless the contrary is shown, the document is served at the time the electronic communica-

tion first enters an information system that is outside the control of the document's originator, and, in proving service, it is sufficient to prove that the document concerned was properly addressed and sent.

- (6) In this section, **information system** means a system for producing, sending, receiving, storing, displaying, or otherwise processing electronic communications.

Compare: 1947 No 16 s 116A

407 Subtenant to give notice of proceeding to subtenant's immediate landlord

- (1) A subtenant (**S**) must immediately advise S's immediate landlord (**L**) if S is given a notice of a proceeding under this **Part** for the recovery of land occupied by S.
- (2) If S fails to advise L as required by **subsection (1)**, S is liable to forfeit to L an amount equal to not more than 3 years' improved or rack rent of the land.
- (3) L may recover the amount liable to be forfeited in any court having jurisdiction in respect of a claim for the amount.

Compare: 1947 No 16 s 117

408 No privilege for lawyers

A lawyer has no privilege that exempts him or her from the jurisdiction of the court.

Compare: 1947 No 16 s 120

409 Constable must assist court or Judge

- (1) Every constable must assist the court or a Judge in the execution of duties imposed upon the court or a Judge by this **Part** or any other Act.
- (2) A constable who neglects or refuses to assist as required by **subsection (1)** commits an offence and is liable on conviction to a fine not exceeding \$1,000.

Compare: 1947 No 16 s 121(1)

410 Keeper of prison must detain prisoner on request of bailiff or constable

- (1) The keeper of a prison or lock-up must detain a prisoner or defendant at the request of the bailiff or constable to whom a warrant for the arrest or for the detention in prison of the prisoner or defendant has been issued.
- (2) The keeper must detain the prisoner or defendant until that person may, by the most convenient means of transport, be taken to the place of imprisonment or be brought before the court that is named in the warrant.

Compare: 1947 No 16 s 121(2)

411 Rules of practice and procedure

- (1) The Governor-General may, by Order in Council, make rules regulating the practice and procedure of the court ~~under this **Part** or any other enactment.~~ in the exercise of its jurisdiction—

- (a) under this Part:
- (b) under any other Act.
- (2) Rules made under subsection (1)(a) may be made only with the concurrence of the Chief District Court Judge and 2 or more members of the Rules Committee continued under **section 152 of the Judicature Modernisation Act 2013**, of whom at least 1 is a District Court Judge.
- (3) The power to make rules under this section includes the power to—
 - (a) alter, amend, or revoke existing rules; and
 - (b) revoke existing rules and replace them with new rules.
- (4) Without limiting the matters on which rules may be made under **subsection (1)**, rules may be made—
 - (a) applying, with or without modification, provisions of the High Court Rules 2016:
 - (b) prescribing the circumstances in which a proceeding may be transferred within the District Court and the procedure following transfer:
 - (c) prescribing the procedure following the transfer of a proceeding from the District Court to the High Court or from the High Court to the District Court:
 - (d) prescribing—
 - (i) the procedure in the District Court in relation to the ~~removal~~ transfer into the High Court, under **section 274**, of a summary judgment application or any matter arising in a summary judgment application; and
 - (ii) the procedure in relation to the removal into the High Court, under **section 275**, of a question of law:
 - (e) prescribing the procedure following the ~~removal~~ transfer of a judgment of the District Court ~~to~~ into the High Court or a judgment of the High Court ~~to~~ into the District Court:
 - (f) providing for discovery and inspection of documents before the commencement of a proceeding:
 - (g) providing for discovery by, and the inspection of the documents of, a person who is not a party to a proceeding:
 - (h) requiring a party to a proceeding to obtain the leave of the District Court or the High Court to appeal against or to seek review of a decision given or an order made in a proceeding:
 - (i) providing for the examination of a judgment debtor:
 - (j) prescribing, according to the nature of the proceeding and the amount involved in the proceeding, the costs and charges to be paid by ~~1~~ one party

or the parties in the proceeding to the other party or parties, in addition to the moneys paid out of pocket:

- (k) providing for custody of District Court records:
- (l) providing for the receipt of and accounting for money paid into or from the District Court:
- (m) authorising a Registrar to hear and determine any proceeding under this **Part** (but not if the proceeding is a proceeding under any of **sections 256 to 261**):
- (n) authorising a Registrar to hear and determine any proceeding under this **Part**, including a proceeding under any of **sections 256 to 261**, in which a defendant fails to appear at the hearing or admits the claim:
- (o) prescribing the circumstances in which the powers, privileges, and duties of a Deputy Registrar are not the same as those of a Registrar:
- (p) prescribing the circumstances in which the court may appoint an expert witness; and prescribing—
 - (i) the procedure to be followed after the expert witness is appointed; and
 - (ii) the rights of the parties in relation to the evidence given by the expert witness; and
 - (iii) the manner in which the expert witness is to be remunerated:
- (q) prescribing the circumstances in which an order under **section 287 or 288** can be made:
- (r) providing for documents to be sent in electronic form under **section 390(1)(c)**, including (without limitation) provisions for the retention of records that evidence the fact that, and the date and time when, those documents were sent to electronic addresses:
- (s) regulating and providing for any other matters that were regulated or provided for by the District Courts Rules 2014 in force immediately before this **Part** comes into force:
- (t) providing for any other matters in respect of which rules are contemplated or specially authorised by this **Part**:
- (u) providing for any matter for which rules may be necessary or desirable.

Compare: 1947 No 16 s 122

412 Application of rules

The court may, on application by a party to a civil proceeding or on its own initiative,—

- (a) determine a question in the proceeding about the application of the rules or the High Court Rules 2016; and

- (b) give any direction it thinks fit in the interests of justice.

Compare: 1947 No 16 s 70A

413 Regulations

The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

- (aa) prescribing the applications, matters, and proceedings for which fees are payable under this **Part**:
- (a) prescribing fees payable in respect of applications, matters, and proceedings, including fees for the filing and service of documents, in the District Court under this **Part** or any other Acts:
- (b) prescribing fees payable to persons giving evidence and to referees and arbitrators in proceedings in the District Court under this **Part** or any other Acts:
- (c) in relation to a service performed by a Registrar or Deputy Registrar under this **Part** and specified in regulations made under **paragraph (d)**, authorising a Registrar or Deputy Registrar to charge a reasonable fee calculated on the actual expense incurred in performing the service:
- (d) specifying the services (other than services for which a fee is already prescribed under this **Part**) performed by a Registrar or Deputy Registrar under this **Part** for which ~~that person may charge~~ a fee may be charged:
- (e) making provision in relation to the postponement, under the regulations, of the payment of any fee, ~~which provision may include~~ including (without limitation) ~~include~~ provision—
- (i) for the recovery of the fee after the expiry of the period of postponement; and
- (ii) for restrictions to apply (after the expiry of the period of postponement and so long as the fee remains unpaid) ~~on to~~ the steps that may be taken in the proceedings in respect of which the fee is payable:
- (f) providing for the manner in which an application for the exercise of a power specified in **section 414(1) or 415(1)** is to be made, including, without limitation, requiring the application to be in a form approved for the purpose by the chief executive:
- (g) providing for the refund of fees paid for a review of a decision of a Registrar or Deputy Registrar; if the decision is overturned in its entirety by a Judge:

- (h) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this **Part** and for its due administration.

Compare: 1947 No 16 s 123

414 Regulations providing for waiver, etc, of fees

- (1) In order to promote access to justice, the Governor-General may, by Order in Council, make regulations authorising a Registrar or Deputy Registrar to waive, reduce, or postpone the payment of a fee required in connection with a proceeding or an intended proceeding (including a proceeding in a Disputes Tribunal), or to refund in whole or in part a fee that has already been paid.
- (2) Regulations made under **subsection (1)** must provide that a Registrar or Deputy Registrar may ~~only~~ exercise a power under the regulations only if he or she is satisfied on the basis of prescribed criteria that—
- (a) the person responsible for payment of the fee is unable to pay or to absorb the fee in whole or in part; or
- (b) unless 1 or more of those powers are exercised in respect of a proceeding that concerns a matter of genuine public interest, the proceeding is unlikely to be commenced or continued.
- (3) For the purposes of **subsection (2)**, regulations may prescribe criteria—
- (a) for assessing a person's ability to pay or to absorb a fee; and
- (b) for identifying proceedings that concern matters of genuine public interest.
- (4) No fee is payable for an application for the exercise of a power specified in **subsection (1)**.

Compare: 1947 No 16 s 123(1)(ba), (bb), (2)

415 Regulations providing for postponement of fees

- (1) The Governor-General may, by Order in Council, make regulations authorising a Registrar or Deputy Registrar to postpone the payment of a fee pending the determination of—
- (a) an application for the exercise of a power specified in **section 414(1)**;
or
- (b) an application for review under **section 417**.
- (2) No fee is payable for an application for the exercise of a power specified in **subsection (1)**.

Compare: 1947 No 16 s 123(1)(bc), (2)

416 Chief executive may approve forms

- (1) The chief executive may approve and issue forms that the chief executive considers necessary for the purposes of this **Part**, not being forms required to be prescribed by regulations or rules made under this **Part**.
- (2) Without limiting **subsection (1)**,—
 - (a) more than 1 form may be approved and issued in relation to the same matter; and
 - (b) a form may be described by any name that the chief executive considers appropriate, ~~even though~~ if the form relates to a matter that is described by a different name under this **Part**, so long as the form refers to the appropriate provision of this **Part**.
- (3) Every document purporting to be a form approved and issued by the chief executive under and for the purposes of this **Part** is deemed to have been so approved and issued unless the chief executive otherwise certifies.

Compare: 1947 No 16 s 123AA

417 Reviews of decisions of Registrars concerning fees

- (1) A person who disagrees with a decision of a Registrar or Deputy Registrar under regulations made under **section 414(1) or 415(1)** may apply to a Judge to review that decision.
- (2) The application must be made within—
 - (a) 20 working days after the date on which the applicant is notified of the decision; or
 - (b) any further time that the Judge allows on application, which may be made either before or after the expiry of that period.
- (3) The application may be made informally.
- (4) A review is—
 - (a) conducted by way of rehearing of the matter in respect of which the Registrar or Deputy Registrar made the decision; and
 - (b) dealt with on the papers, unless the Judge directs otherwise.
- (5) The Judge may confirm, modify, or reverse the decision of the Registrar or ~~the~~ Deputy Registrar.
- (6) No fee is payable on the application.

Compare: 1947 No 16 s 123A

418 Application of Part

- (1) Where under any Act any power, authority, or jurisdiction is given to a District Court Judge,—

- (a) the proceedings must be conducted and determined in the court in accordance with this **Part** and the rules unless some other procedure is specially provided or required; and
 - (b) a Judge, in the exercise of the power, authority, or jurisdiction in question, has all the powers given under this **Part** to a Judge and to the court.
- (2) However, except as provided in **subsection (1)** or as expressly provided in this **Part** or the rules, nothing in this **Part** or the rules derogates from or affects the provisions of any other enactment that confers any power, authority, or jurisdiction on a Judge or on the court.

Compare: 1947 No 16 s 124

419 Access to court-records information, judicial information, or ~~ministry~~ Ministry of Justice information

- (1) Any person may have access to court-records information of the District Court to the extent provided by, and in accordance with, rules of court.
- (2) Access to judicial information is not subject to any enactment that applies to the provision of, or access to, any other information.
- (3) Any person may have access to any-~~ministry~~ Ministry of Justice information to the extent provided by, and in accordance with, the Official Information Act 1982, the Privacy Act 1993, the Public Records Act 2005, or any other enactment providing for or regulating access to the information.
- (4) In this section, **court-records information**, **judicial information**, and ~~ministry~~ **Ministry of Justice information** respectively mean the ~~documents and~~ information described as such in **Schedule 5**.

419A Sharing of permitted information with other departments

- (1) This section applies to permitted information specified in **Part B** of the items ~~about the court record~~ relating to court information in **Schedule 5**, regardless of whether ~~it~~ the information is controlled by the judiciary.
- (2) In response to a request from an agency for information to which this section applies, the Ministry of Justice may, by way of an approved information sharing agreement under the Privacy Act 1993, share any permitted information with the agency.
- (3) The Ministry of Justice holds permitted information solely for the purpose of entering into approved information sharing agreements under the Privacy Act 1993, and that information is not otherwise subject to the Privacy Act 1993 and is not subject to the Official Information Act 1982 or the Public Records Act 2005.
- (4) Nothing in this section or an approved information sharing agreement under the Privacy Act 1993 requires the Ministry of Justice to disclose any matter suppressed by or under a court order or any enactment.

- (5) The Governor-General may, by Order in Council made on the recommendation of the Minister of Justice, amend or replace **Part B** of the items ~~about the court record~~ relating to court information in **Schedule 5**.
- (6) The Minister of Justice may make a recommendation under **subsection (5)** only after consultation with the Attorney-General and with the consent of the Chief Justice.

419B Requirements that Registrars disclose information

- (1) If any enactment requires a Registrar to notify a registration authority of certain information about any court proceedings, that requirement is not affected by any suppression order imposed by the court or by operation of law.
- (2) Even if the enactment provides that the court may order otherwise in any case, the requirement is not affected by any suppression order imposed by the court unless the court specifically orders otherwise in that case.

419C Judge or Registrar may waive certain fees

A Judge or Registrar may, subject to any terms or conditions that the Judge or Registrar thinks fit, waive the payment of a fee prescribed under **section 413** for accessing documents (in whole or in part) if the Judge or Registrar is satisfied that the person is unable, or should not be required, to pay the fee.

~~Subpart 12—Repeals, consequential amendments, and transitional provisions~~
Repeal, references to courts, renaming of enactments, consequential amendments, and transitional, savings, and related provisions

District Courts Act 1947 repealed

420 District Courts Act 1947 repealed

- (1) The District Courts Act 1947 (1947 No 16), except sections 62B and 65A, is repealed and the courts constituted under section 3 of that Act are reconstituted under this **Part** as the District Court.
- (2) Sections 62B and 65A, of the District Courts Act 1947 are repealed.

421 Consequential amendments

- (1) ~~The enactments specified in **Schedule 6** are consequentially amended in the manner indicated in that schedule.~~
- (2) ~~In any enactment, unless the context otherwise requires, and with any necessary modifications (including modification to grammar),—~~
 - (a) ~~a reference to “the District Courts Rules 2009” or “the District Courts Rules” is to be read as a reference to “the District Courts Rules **2013**” or “the District Court Rules”, as the case may be:~~

-
- (b) a reference to “a District Court”, “any District Court”, “every District Court”, or “District Courts” is to be read as a reference to “the District Court”, except where the words are part of the phrase “District Court Judge”;
- (e) a reference to “the nearest District Court” is to be read as a reference to “the nearest office of the District Court”;
- (d) in a heading, a reference to “**District Courts**” is to be read as a reference to “**District Court**”.
- (3) In any enactment, unless the context otherwise requires, and with any necessary modifications (including modification to grammar),—
- (a) a reference to “a Disputes Tribunal”, “any Disputes Tribunal”, “every Disputes Tribunal”, or “Disputes Tribunals” is to be read as a reference to “the Disputes Tribunal”;
- (b) a reference to “the nearest Disputes Tribunal” is to be read as a reference to “the nearest office of the Disputes Tribunal”;
- (e) in a heading, a reference to “**Disputes Tribunals**” is to be read as a reference to “**Disputes Tribunal**”.
- (4) In any enactment, unless the context otherwise requires, and with any necessary modifications (including modification to grammar),—
- (a) a reference to “a Youth Court”, “any Youth Court”, “every Youth Court”, or “Youth Courts” is to be read as a reference to “the Youth Court”, except where the words are part of the phrase “Youth Court Judge”;
- (b) a reference to “the nearest Youth Court” is to be read as a reference to “the nearest office of the Youth Court”;
- (e) in a heading, a reference to “**Youth Courts**” is to be read as a reference to “**Youth Court**”.
- (5) In any enactment, unless the context otherwise requires, and with any necessary modifications (including modification to grammar),—
- (a) a reference to “a Family Court”, “any Family Court”, “every Family Court”, or “Family Courts” is to be read as a reference to “the Family Court”;
- (b) a reference to “the nearest Family Court” is to be read as a reference to “the nearest office of the Family Court”;
- (e) in a heading, a reference to “**Family Courts**” is to be read as a reference to “**Family Court**”.
- (6) As from the commencement of this section,—
- (a) the Family Courts Act 1980 is called the Family Court Act 1980;
- (b) every reference in any enactment and in any document to the Family Courts Act 1980 must, unless the context otherwise provides, be read as a reference to the Family Court Act 1980.

- (7) As from the commencement of this section,—
- (a) ~~the Disputes Tribunals Act 1988 is called the Disputes Tribunal Act 1988;~~
 - (b) ~~every reference in any enactment and in any document to the Disputes Tribunals Act 1988 must, unless the context otherwise provides, be read as a reference to the Disputes Tribunal Act 1988.~~
- (8) As from the commencement of this section,—
- (a) ~~the Disputes Tribunals Amendment Act 2011 is called the Disputes Tribunal Amendment Act 2011;~~
 - (b) ~~every reference in any enactment and in any document to the Disputes Tribunal Amendment Act 2011 must, unless the context otherwise provides, be read as a reference to the Disputes Tribunal Amendment Act 2011.~~

*References to District Courts, Family Courts, Youth Courts, and Disputes
Tribunals*

421 References to District Courts

In any enactment, unless the context requires, and with any necessary modifications (including modification to grammar),—

- (a) a reference to “a District Court”, “any District Court”, “every District Court”, or “District Courts” is to be read as a reference to “the District Court”, except where the words are part of the phrase “District Court Judge”; and
- (b) a reference to a particular District Court is to be read as a reference to a particular office of the District Court (for example, a reference to “the nearest District Court” is to be read as a reference to “the nearest office of the District Court”); and
- (c) a reference in a heading to “District Courts” is to be read as a reference to “District Court”.

421A References to Family Courts

In any enactment, unless the context otherwise requires, and with any necessary modifications (including modification to grammar),—

- (a) a reference to “a Family Court”, “any Family Court”, “every Family Court”, or “Family Courts” is to be read as a reference to “the Family Court”, except where the words are part of the phrase “Family Court Judge”; and
- (b) a reference to a particular Family Court is to be read as a reference to a particular office of the Family Court (for example, a reference to “the nearest Family Court” is to be read as a reference to “the nearest office of the Family Court”); and

- (c) in a heading, a reference to “Family Courts” is to be read as a reference to “Family Court”.

421B References to Youth Courts

In any enactment, unless the context otherwise requires, and with any necessary modifications (including modification to grammar),—

- (a) a reference to “a Youth Court”, “any Youth Court”, “every Youth Court”, or “Youth Courts” is to be read as a reference to “the Youth Court”, except where the words are part of the phrase “Youth Court Judge”; and
- (b) a reference to a particular Youth Court is to be read as a reference to a particular office of the Youth Court (for example, a reference to “the nearest Youth Court” is to be read as a reference to “the nearest office of the Youth Court”); and
- (c) in a heading, a reference to “Youth Courts” is to be read as a reference to “Youth Court”.

421C References to Disputes Tribunals

In any enactment, unless the context otherwise requires, and with any necessary modifications (including modification to grammar),—

- (a) a reference to “a Disputes Tribunal”, “any Disputes Tribunal”, “every Disputes Tribunal”, or “Disputes Tribunals” is to be read as a reference to “the Disputes Tribunal”; and
- (b) a reference to a particular Disputes Tribunal is to be read as a reference to a particular office of the Disputes Tribunal (for example, a reference to “the nearest Disputes Tribunal” is to be read as a reference to “the nearest office of the Disputes Tribunal”); and
- (c) in a heading, a reference to “Disputes Tribunals” is to be read as a reference to “Disputes Tribunal”.

District Courts Rules 2014 renamed and amended

421D Amendments to District Courts Rules 2014

Sections 421E and 421F amend the District Courts Rules 2014 (the **principal rules**).

421E Name of principal rules changed

As from the commencement of this section,—

- (a) the District Courts Rules 2014 are called the **District Court Rules 2014**; and
- (b) every reference in any enactment and in any document to “the District Courts Rules 2014” or to “the District Courts Rules” must, unless the

context otherwise requires, be read as a reference to “the **District Court Rules 2014**” or to “the **District Court Rules**”, as the case may be.

421F Rule 1.1 amended (Title)

In rule 1.1, replace “Courts” with “Court”.

Family Courts Act 1980 renamed and amended

421G Amendments to Family Courts Act 1980

Sections 421H to 421K amend the Family Courts Act 1980 (the **principal Act**).

421H Name of principal Act changed

As from the commencement of this section,—

- (a) the Family Courts Act 1980 is called the **Family Court Act 1980**; and
- (b) every reference in any enactment and in any document to “the Family Courts Act 1980” must, unless the context otherwise requires, be read as a reference to “the **Family Court Act 1980**”.

421I Long Title repealed

Repeal the Long Title.

421J Section 1 amended (Short Title and commencement)

- (1) In the heading to section 1, delete “**Short**”.
- (2) In section 1(1), replace “may be cited as the Family Courts Act 1980” with “is the **Family Court Act 1980**”.

421K New section 1A inserted (Purpose)

After section 1, insert:

1A Purpose

The purpose of this Act is to—

- (a) establish a Family Court as a division of the District Court; and
- (b) provide for the consultation, jurisdiction, powers, and procedures of the Family Court.

Family Courts Rules 2002 renamed and amended

421L Amendments to Family Courts Rules 2002

Sections 421M and 421N amend the Family Courts Rules 2002 (the **principal rules**).

421M Name of principal rules changed

As from the commencement of this section,—

- (a) the Family Courts Rules 2002 are called the **Family Court Rules 2002**; and
- (b) every reference in any enactment and in any document to “the Family Courts Rules 2002” or to “the Family Courts Rules” must, unless the context otherwise requires, be read as a reference to “the **Family Court Rules 2002**” or to “the **Family Court Rules**”, as the case may be.

421N Rule 1 amended (Title)

In rule 1, replace “Courts” with “Court”.

Disputes Tribunals Act 1988 renamed and amended

421O Amendments to Disputes Tribunals Act 1988

Sections 421P to 421S amend the Disputes Tribunals Act 1988 (the **principal Act**).

421P Name of principal Act changed

As from the commencement of this section,—

- (a) the Disputes Tribunals Act 1988 is called the **Disputes Tribunal Act 1988**; and
- (b) any reference in any enactment and in any document to “the Disputes Tribunals Act 1988” must, unless the context otherwise requires, be read as a reference to “the **Disputes Tribunal Act 1988**”.

421Q Long Title repealed

Repeal the Long Title.

421R Section 1 amended (Short Title and commencement)

- (1) In the heading to section 1, delete “**Short**”.
- (2) In section 1(1), replace “may be cited as the Disputes Tribunals Act 1988” with “is the **Disputes Tribunal Act 1988**”.

421S New section 1A inserted (Purpose)

After section 1, insert:

1A Purpose

The purpose of this Act is to consolidate and amend the Small Claims Tribunals Act 1976.

*Other consequential amendments***421T Other consequential amendments**

The enactments specified in **Schedule 6** are consequentially amended in the manner indicated in that schedule.

*Transitional, savings, and related provisions***422 Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in **Schedule 7** apply have effect according to their terms.

Part 3

Judicial review procedure

*Preliminary provisions***423 Purpose of this Part**

- (1) The purpose of this **Part** is to re-enact Part 1 of the Judicature Amendment Act 1972, which sets out procedural provisions for the judicial review of—
 - (a) the exercise of a statutory power:
 - (b) the failure to exercise a statutory power:
 - (c) the proposed or purported exercise of a statutory power.
- (2) The reorganisation in this **Part** of those provisions, and the changes made to their style and language, are not intended to alter the interpretation or effect of those provisions as they appeared in the Judicature Amendment Act 1972.

424 Interpretation

In this **Part**, unless the context otherwise requires,—

applicant means a person who has filed an application

application for judicial review and **application** mean an application for judicial review in relation to the exercise, refusal to exercise, or proposed or purported exercise by any person of a statutory power

court means the High Court of New Zealand

decision includes a determination or an order

High Court Rules means the rules set out in **Schedule 1 of the Judicature Modernisation Act 2013**, as amended from time to time High Court Rules 2016

Judge means a Judge of the High Court

licence includes any permit, warrant, authorisation, registration, certificate, approval, or similar form of authority required by law

person includes a corporation sole, and also a body of persons whether incorporated or not; and, in relation to the exercise, refusal to exercise, or proposed or purported exercise by any person of a statutory power of decision, includes—

- (a) the District Court;
- (b) the Māori Land Court;
- (c) the Māori Appellate Court

presiding officer includes—

- (a) a Judge;
- (b) a Registrar

statutory power has the meaning given to it by **section 425**

statutory power of decision means a power or right conferred by or under any Act, or by or under the constitution or other instrument of incorporation, rules, or bylaws of any body corporate, to make a decision deciding or prescribing or affecting—

- (a) the rights, powers, privileges, immunities, duties, or liabilities of any person; or
- (b) the eligibility of any person to receive, or to continue to receive, a benefit or licence, whether that person is legally entitled to it or not.

Compare: 1972 No 130 s 3

425 Meaning of statutory power

- (1) In this **Part**, **statutory power** means a power or right to do any of the things that is specified in **subsection (2)** and that is conferred by or under—
 - (a) any Act; or
 - (b) the constitution or other instrument of incorporation, rules, or bylaws of any body corporate.
- (2) The things referred to in **subsection (1)** are—
 - (a) to make any regulation, rule, bylaw, or order, or to give any notice or direction that has effect as subordinate legislation; or
 - (b) to exercise a statutory power of decision; or
 - (c) to require any person to do or refrain from doing anything that, but for such requirement, the person would not be required by law to do or refrain from doing; or
 - (d) to do anything that would, but for such power or right, be a breach of the legal rights of any person; or
 - (e) to make any investigation or inquiry into the rights, powers, privileges, immunities, duties, or liabilities of any person.

Compare: 1972 No 130 s 3

426 Part binds the Crown

- (1) This **Part** binds the Crown.
- (2) However, in its application to the Crown, this **Part** must be read subject to the Crown Proceedings Act 1950.

Compare: 1972 No 130 ss 13, 14(2)

427 This Part subject to certain provisions of Employment Relations Act 2000

- (1) This **Part** is subject to the provisions of the Employment Relations Act 2000 relating to the jurisdiction of the Employment Court and High Court in respect of—
 - (a) applications for review; or
 - (b) proceedings for a writ or order of, or in the nature of, mandamus, prohibition, or certiorari; or
 - (c) proceedings for a declaration or injunction against any body constituted by, or any person acting under, the Employment Relations Act 2000.
- (2) In particular, this **Part** is subject to the following provisions of the Employment Relations Act 2000:
 - (aa) section 184 (which restricts review proceedings being brought in respect of any matter before the Employment Relations Authority):
 - (a) section 187(1)(h), (i), (j), and **(ka)** (which confers on the Employment Court exclusive jurisdiction to hear and determine certain proceedings and applications):
 - (ab) section 194A (which provides that review proceedings in relation to an employment relationship problem may not be brought in either the Employment Court or the High Court):
 - (b) section 213 (which confers on the Court of Appeal exclusive jurisdiction in relation to the review of any proceedings before the Employment Court).

Compare: 1972 No 130 s 3A

*Judicial review***428 Application for judicial review**

- (1) An application must be commenced by filing in the High Court—
 - (a) a statement of claim; and
 - (b) a notice of proceeding.
- (2) **Part 5 of the High Court Rules** applies in relation to the commencement and filing of an application as if—
 - (a) references to a plaintiff were references to an applicant; and
 - (b) references to a defendant were references to a respondent.

- (3) The statement of claim need not state that any of the following relief is sought:
- (a) mandamus:
 - (b) prohibition:
 - (c) certiorari:
 - (d) declaration:
 - (e) injunction.

Compare: 1908 No 89 Schedule 2 r 30.3(1); 1972 No 130 s 9(1), (3), (7)

429 Respondents

- (1) The following persons must be named as a respondent to an application:
- (a) the person whose act or omission is the subject matter of the application; and
 - (b) if the application relates to any decision made in proceedings, every party to those proceedings.
- (2) If the act or omission is that of 2 or more persons acting together under a collective title, then those persons by their collective title must be named as respondents to the application.
- (3) For the purposes of **subsection (1)(a)**, where the act or omission is that of a presiding officer of any court or tribunal, that court or tribunal, and not the presiding officer, must be named as the respondent to the application.
- (4) **Subsection (1)(b)** is subject to any direction made by a Judge under **section 434**.

Compare: 1972 No 130 s 9(4), (4A)(a), (5)

430 Respondent to file statement of defence

- (1) A respondent to an application must file a statement of defence unless otherwise directed by a Judge under **section 434**.
- (2) Where, in accordance with **section 429(3)**, a court or tribunal is named as a respondent to an application, the presiding officer of that court or tribunal whose act or omission is the subject matter of the application may file a statement of defence on behalf of the court or tribunal.
- (3) **Part 5 of the High Court Rules** applies in relation to the filing of a statement of defence as if—
- (a) references to a defendant were references to a respondent; and
 - (b) references to a plaintiff were references to an applicant.

Compare: 1972 No 130 s 9(4A)(b), (6)

431 Proceedings for mandamus, prohibition, or certiorari must be treated as application for review

- (1) This section applies if, in relation to the exercise, refusal to exercise, or proposed or purported exercise of a statutory power, proceedings are commenced for a writ or an order of or in the nature of—
 - (a) mandamus; or
 - (b) prohibition; or
 - (c) certiorari.
- (2) If this section applies, the proceedings must be treated and disposed of as if they were an application for judicial review.

Compare: 1972 No 130 s 6

432 Proceedings for declaration or injunction may be treated as application for review

- (1) This section applies if—
 - (a) proceedings are commenced for a declaration or an injunction, or both, with or without a claim for other relief; and
 - (b) the exercise, refusal to exercise, or proposed or purported exercise of a statutory power is an issue in the proceedings.
- (2) If this section applies, the court on the application of any party may, if it considers it appropriate, direct that the proceedings be treated and disposed of, so far as they relate to the issue in **subsection (1)(b)**, as if they were an application for judicial review.

Compare: 1972 No 130 s 7

433 Case management conference

- (1) A Judge may, at any time, direct that a case management conference (a **conference**) be held for—
 - (a) the parties; or
 - (b) the intended parties; or
 - (c) the lawyers for the parties or intended parties.
- (2) The purpose of a conference is to ensure that—
 - (a) any application or intended application may be determined in a convenient and expeditious manner; and
 - (b) all matters in dispute may be effectively and completely determined.
- (3) A Judge may make a direction under **subsection (1)** on the Judge's own initiative or on the application of 1 or more parties or intended parties.
- (4) A conference may be held on such terms as the Judge thinks fit.

- (5) At a conference, the presiding Judge may make any of the orders and directions specified in **section 434**.

Compare: 1972 No 130 s 10(1)

434 Orders and directions

- (1) A Judge may make any of the orders and directions specified in **subsection (2)**—
- (a) at a case management conference ~~convened~~ held under **section 433**; or
 - (b) at any other time before the hearing of the application.
- (2) The orders and directions referred to in **subsection (1)** are orders and directions to—
- (a) settle the issues to be determined at the hearing:
 - (b) direct that—
 - (i) a person be named, or not named, as a respondent; or
 - (ii) the name of any party be added or struck out:
 - (c) direct which parties are to be served:
 - (d) direct a person to file a statement of defence within a specified time:
 - (e) require a party to make an admission in respect of a question of fact and, if the party refuses or fails to make an admission of that kind, require that the party bear the costs of proving that question at the hearing (unless the Judge who finally determines the application is satisfied that the party's refusal was reasonable in all of the circumstances, and accordingly orders otherwise in respect of those costs):
 - (f) fix a time by which any affidavits or other documents must be filed:
 - (g) require the provision of further or better particulars of—
 - (i) any facts; or
 - (ii) the grounds for relief; or
 - (iii) the relief sought; or
 - (iv) the grounds of defence; or
 - (v) any other circumstances connected with the application:
 - (h) require a party to make discovery, produce documents, or both:
 - (i) permit a party to administer interrogatories:
 - (j) in the case of an application for review of a decision made in the exercise of a statutory power of decision, determine whether the whole or any part of the record of the proceedings in which the decision was made should be filed, and give any directions as to its filing:
 - (k) exercise any powers of direction or appointment vested in the court or a Judge by the High Court Rules in respect of originating applications:

- (l) fix a time and a place for the hearing of the application:
- (m) give any consequential directions that the Judge considers necessary.

Compare: 1972 No 130 s 10(2), (3)

435 Interim orders

- (1) At any time before the final determination of an application, the court may, on the application of a party, make an interim order of the kind specified in **subsection (2)** if, in its opinion, it is necessary to do so to preserve the position of the applicant.
- (2) The interim orders referred to in **subsection (1)** are interim orders—
 - (a) prohibiting a respondent from taking any further action that is, or would be, consequential on the exercise of the statutory power:
 - (b) prohibiting or staying any proceedings, civil or criminal, in connection with any matter to which the application relates:
 - (c) declaring that any licence that has been revoked or suspended in the exercise of the statutory power, or that will expire by the passing of time before the final determination of the application, continues and, where necessary, that it be deemed to have continued in force.
- (3) However, if the Crown is a respondent,—
 - (a) the court may not make an order against the Crown under **subsection (2)(a) or (b)**; but
 - (b) the court may, instead, make an interim order—
 - (i) declaring that the Crown ought not to take any further action that is, or would be, consequential on the exercise of the statutory power:
 - (ii) declaring that the Crown ought not to institute or continue any proceedings, civil or criminal, in connection with any matter to which the application relates.
- (4) An order under **subsection (2) or (3)** may—
 - (a) be made subject to such terms and conditions as the court thinks fit; and
 - (b) be expressed to continue in force until the application is finally determined or until such other date, or the happening of such other event, as the court may specify.

Compare: 1972 No 130 s 8

436 Relief that court may grant

- (1) The High Court may, by order, grant an applicant any relief that the applicant would be entitled to in proceedings for—
 - (a) a writ or an order of, or in the nature of,—
 - (i) mandamus; or

- (ii) prohibition; or
 - (iii) certiorari; or
- (b) a declaration or an injunction.
- (2) If an applicant is entitled to an order declaring that a decision made in the exercise of a statutory power of decision is unauthorised or otherwise invalid, the court may, instead of making that order, set aside the decision.
- (3) This section applies even if—
 - (a) the applicant has a right of appeal in relation to the subject matter of the application:
 - (b) the person who has exercised, or is proposing to exercise, a statutory power to which the application relates was not under any duty to act judicially.

Compare: 1972 No 130 s 4(1)–(2A)

437 Court may direct reconsideration of matter to which statutory power of decision relates

- (1) This section applies if the court is satisfied that an applicant who has filed an application for judicial review in relation to the exercise, refusal to exercise, or purported exercise of a statutory power of decision is entitled to relief under **section 436**.
- (2) The court may make a direction under **subsection (3)** in addition to or instead of granting any relief under **section 436**.
- (3) The court may direct any person whose act or omission is the subject matter of the application to reconsider and determine, either generally or in respect of any specified matters, the whole or any part of any matter to which the application relates.
- (4) In giving a direction to any person under **subsection (3)**, the court must—
 - (a) advise the person of the reasons for the direction; and
 - (b) give the person such directions as it thinks just as to the reconsideration or otherwise of the whole or any part of the matter that is referred back for reconsideration.
- (5) If the court makes a direction under **subsection (3)**, it may make an interim order under **section 435**, and that section applies so far as it is applicable and with all necessary modifications.
- (6) If a matter is referred back to any person under **subsection (3)**,—
 - (a) the act or omission that is to be reconsidered continues to have effect (subject to any interim order) unless and until it is revoked or amended by that person:

- (b) the person has jurisdiction to reconsider and determine the matter in accordance with the court's directions despite anything in any other enactment;
- (c) the person must have regard to—
 - (i) the court's reasons for giving the direction; and
 - (ii) the court's directions.

Compare: 1972 No 130 s 4(5)–(6)

438 Discretion of court to refuse to grant relief

- (1) The court may refuse to grant relief to an applicant on any ground if, before 1 January 1973, the court had discretion to refuse to grant relief on that ground in any of the proceedings specified in **section 436(1)**.
- (2) However, the court may not exercise its discretion in **subsection (1)** to refuse to grant relief on the ground that the relief sought in any of the proceedings specified in **section 436(1)** should have been sought in any other of those proceedings.

Compare: 1972 No 130 s 4(3), (4)

439 Discretion of court to refuse to grant relief for defect in form or technical irregularity

- (1) This section applies if, in any application for judicial review in relation to the exercise, refusal to exercise, or purported exercise of a statutory power of decision,—
 - (a) the sole ground of relief established is a defect in form or a technical irregularity; and
 - (b) the court finds that no substantial wrong or miscarriage of justice has occurred.
- (2) If this section applies, the court may—
 - (a) refuse to grant relief; and
 - (b) where a decision has already been made, make an order validating the decision despite the defect or irregularity.
- (3) An order made under **subsection (2)(b)** has effect from such time and on such terms as the court thinks fit.

Compare: 1972 No 130 s 5

440 Appeals

Any party who is dissatisfied with any interlocutory or final order made in respect of an application may appeal to the Court of Appeal in accordance with **section 57 of the Judicature Modernisation Act 2013**.

Compare: 1972 No 130 s 11

441 References in enactments

Every reference in an enactment to proceedings for a writ or an order of, or in the nature of, mandamus, prohibition, or certiorari, or for a declaration or an injunction, must, unless the context otherwise requires, be read as including a reference to an application for review.

Compare: 1972 No 130 s 16

Repeal, transitional provision, and consequential amendments

442 Repeal

The Judicature Amendment Act 1972 (1972 No 130) is repealed.

443 Transitional provision

- (1) This section applies to all judicial review proceedings commenced under the Judicature Amendment Act 1972 that are pending or in progress immediately before the commencement date.
- (2) Despite the repeal of the Judicature Amendment Act 1972, judicial review proceedings to which this section applies are to be continued and completed under that Act as if that Act had not been repealed.
- (3) If any question arises as to the continuation or completion of a proceeding under **subsection (2)**, the court may, either on the application of a party to the proceeding or on its own initiative, determine the question and give any directions that it thinks fit in the interests of justice.
- (4) In this section, **commencement date** means the date on which this **Part** comes into force.

444 Consequential amendments

The enactments specified in **Schedule 8** are consequentially amended in the manner indicated in that schedule.

Part 4 Interest on money claims

Preliminary provisions

445 Primary purpose~~Purpose~~

- (1) The primary purpose of this **Part** is to provide for the award of interest as compensation for a delay in the payment of debts, damages, and other money claims in respect of which civil proceedings are commenced.
- (2) That purpose is to be achieved by the award of interest in accordance with the following principles:

- (a) interest is to be awarded on all money claims except those expressly excluded by this **Part**:
- (b) interest is to be paid from the day on which the money claim is quantified until the day of payment:
- (c) the interest rate to be used for the purposes of this **Part** is to reflect fairly and realistically the cost to a creditor of the delay in payment of a money claim by a debtor and, in particular,—
 - (i) the rate is to be capable of fluctuating in accordance with changes in the retail 6-month term deposit rate published by the Reserve Bank of New Zealand; and
 - (ii) interest is to be compounded at daily intervals so that it yields the per annum simple interest rate over the period of a year; and
 - (iii) interest is to be calculated using a calculator that is publicly available on an Internet site maintained by or on behalf of the Ministry:
- (d) in special circumstances, a court is to have power to award any interest or compensatory lump sum it may direct, or make no award.

445A Additional purpose

This **Part** has the additional purpose of providing standard provisions for calculating interest on amounts of money payable under certain enactments, using the Internet site calculator (see **Schedule 9AA**).

446 Application

This **Part** applies to every civil proceeding commenced after the commencement of this **Part**.

447 Interpretation

- (1) In this **Part**, unless the context otherwise requires,—

court—

- (a) does not include a tribunal or an arbitral tribunal; and
- (b) in relation to a matter, means the court by or before which the matter falls to be determined

daily effective rate means the interest rate that will yield the per annum simple interest rate when compounded daily over a period of a year

initial amount means the amount specified, in accordance with **section 451**, by the court in a money judgment on which interest is awarded for a specified period under **section 450, 457, or 458**

interest,—

- (a) in relation to the payment or non-payment of interest under another Act or a contract, includes the payment of any amount, however calculated, as compensation for a delay in payment; and

- (b) in relation to a claim for, or an award of, interest under this **Part**, includes a claim for or an award of a lump sum under **section 458 or 464**

interest rate has the meaning set out in **section 452(2)**

Internet site calculator means the calculator established and maintained under **section 453**

judgment debt means the sum of the amounts, if any, that are required to satisfy the liability of a party under a money judgment, together with interest awarded under this **Part** or any other Act, rule of law, or rule of equity; in respect of any period or periods specified in the judgment

last day, in respect of a period, means—

- (a) the day specified in **section 449(1)(b)**; or
(b) if the period is specified under **section 449(2)(b)**, the date that is at the end of that period

Ministry means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this **Part**

money judgment—

- (a) means a judgment or an order given or made by a court in a civil proceeding that requires the payment of money; and
(b) includes a judgment obtained by default or in accordance with a summary judgment procedure

pay, in relation to the satisfaction of a party's liability or a judgment debt, includes to satisfy that liability or judgment debt in any way other than by the payment of money

prescribed means prescribed by regulations made under **section 467**

start date, in respect of a period, means—

- (a) the date on which the period begins under **section 449(1)(a)**; or
(b) if the period is specified under **section 449(2)(b)**, the date that is at the beginning of that period.

- (2) An example used in this **Part** has the following status:
- (a) the example is only illustrative of the provision to which it relates and does not limit the provision; and
(b) if the example and the provision to which it relates are inconsistent, the provision prevails.

447A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 9AAA** have effect according to their terms.

448 Part binds the Crown

This **Part** binds the Crown.

Subpart 1—Award of interest

*Interest to be awarded***449 Period for mandatory award of interest**

- (1) When giving a money judgment, a court must award interest under this **Part** for the period that—
 - (a) begins either—
 - (i) on the day on which the cause of action arose; or
 - (ii) if the amount on which interest is to be awarded was not quantified at the day on which the cause of action arose, on a later day that the court specifies in the judgment as the day at which that amount was quantified; and
 - (b) ends on the day on which the judgment debt (including all interest payable under this **Part**) is paid in full.
- (2) **Subsection (1)** applies unless—
 - (a) this **Part** expressly provides that interest cannot be awarded under this **Part**; or
 - (b) the court, in accordance with this **Part**, specifies in the judgment any 1 or more shorter periods as the period or periods for which interest is to be awarded under this **Part**.
- (3) Despite **subsections (1) and (2)**, interest under this **Part** does not accrue after the date of payment on an amount paid—
 - (a) after the proceeding has been commenced but before the date of judgment, in or towards satisfying a party's liability; or
 - (b) after the date of judgment, towards satisfying a judgment debt.

450 Mandatory award of interest

- (1) In every money judgment, a court must award interest under this section as compensation for a delay in the payment of money.
- (2) **Subsection (1)** does not apply if this **Part** expressly provides otherwise.
- (3) If, after a proceeding for a money claim is commenced but before a money judgment is given, any amount is paid so that the entire amount due, except for interest, is paid, then (unless this **Part** expressly provides otherwise)—
 - (a) the party who had the money claim is still entitled to interest under this section; and

- (b) the court must award interest under this section although the judgment requires no other payment to satisfy the liability of a party.

451 Initial amount

- (1) When the court awards interest under **section 450** for a period, the court must specify the amount on which interest is awarded for that period (an **initial amount**).
- (2) The initial amount in respect of a period must include any amount paid in or towards satisfying a party's liability after a proceeding for a money claim is commenced but before a money judgment is given if that period begins at a date earlier than the date of that payment.
- (3) The initial amount in respect of a period must include accrued interest on any amount on which interest is awarded, for any earlier period specified in the judgment, under—
- (a) **section 450** or any other section of this **Part**; or
 - (b) any other Act; or
 - (c) a contract.

452 Calculation of interest awarded under section 450

- (1) Interest awarded under **section 450** for a period is to be calculated at the relevant interest rate or interest rates on a ~~daily-compounding~~ basis using the Internet site calculator in accordance with **sections 454 and 455**, except if this **Part** expressly provides otherwise.
- (1A) For the purposes of **subsection (1)**, interest accrued over any particular year is to added to the principal in the subsequent year.
- (2) In this section, **interest rate**, for any given day (day **A**), means the base rate plus the premium expressed as a ~~daily-compound~~ effective rate, where—
- (a) **base rate** means—
 - (i) the average of the 6 observations for the retail 6-month term deposit rate most recently published by the Reserve Bank of New Zealand before day **A**; or
 - (ii) if some other indicator interest rate is prescribed as the base rate that applies for the purposes of this section from a specified date, the prescribed rate, if day **A** is after the specified date; and
 - (b) **premium** means—
 - (i) 0.15%; or
 - (ii) if some other percentage is prescribed as the premium that applies for the purposes of this section from a specified date, the prescribed premium, if day **A** is after the specified date.

- (3) For the purposes of **subsection (2)(a)(i)**, every observation for the retail 6-month term deposit rate published by the Reserve Bank of New Zealand—
- (a) before this Act comes into force is deemed to have been published on the first day of the month following the month to which the observation relates; and
 - (b) after this Act comes into force is published on the date that it is first published on the Internet site of the Reserve Bank of New Zealand.

Example

Assumed facts

Interest on a debt of \$10,000 is to be calculated in respect of 15 November 2012.

For 15 November 2012, the 6 most recent observations for the retail 6-month term deposit rate that had been published by the Reserve Bank of New Zealand* at that date are 4.13%, 4.11%, 4.11%, 4.10%, 3.96%, and 3.95%, being the rates observed on the last business day of the months from ~~June~~ May 2012 to October 2012. The average of these 6 observations is 4.06%. This is the base rate.

The base rate and the premium, namely, 0.15%, are added, with the result for 15 November 2012 being 4.21%. This is a per annum simple interest rate. This is required to be converted to a daily-compound interest effective rate. The formula for this conversion is as follows:

~~Daily-compound interest effective~~ rate = $((1 + \text{"per annum simple interest rate as \%"} / 100)^{(1/365)} - 1) \times 100$

The result of applying this formula to 4.21% is as follows:

~~Daily-compound interest effective~~ rate = 0.0112986952452543. This is the interest rate expressed as a daily-compound effective rate for 15 November 2012.

If the debt was not paid on 16 November 2012, the amount on which interest would accrue would be the \$10,000 plus the interest in respect of 15 November 2012 as calculated without rounding.

*See "B3 Retail interest rates on lending and deposits" at <http://www.rbnz.govt.nz/>.

453 Internet site calculator

- (1) The chief executive of the Ministry must—
 - (a) establish and maintain a calculator to be used for the purposes of this **Part**; and
 - (b) make the calculator publicly available at all reasonable times on an Internet site maintained by, or on behalf of, the Ministry.
- (2) The chief executive of the Ministry must ensure that the calculator—
 - (a) allows interest to be—
 - (i) calculated at the relevant interest rate or interest rates expressed as a daily-compound effective rate; and
 - (ii) ~~compounded~~ calculated at daily intervals; and

- (b) complies with any prescribed rules or requirements governing the establishment or operation of the Internet site calculator.
- (3) The calculator is presumed, unless the contrary is shown, to have been established and maintained in accordance with **subsection (2)**.
- (4) The court, on an application by a party to a proceeding made before the judgment is sealed or, if permitted by the rules of court, any later date permitted by those rules, may make such orders as it considers just if it is satisfied that the Internet site calculator has not allowed interest to be calculated in accordance with **subsection (2)(a)**, resulting in an error in an award of interest made in the proceeding.
- (5) However, no action lies against the Crown, the Reserve Bank of New Zealand, or an officer or employee or Minister of the Crown or the Reserve Bank of New Zealand, or any other person, to recover any damages or other amount for any loss, damage, or other adverse effect due directly or indirectly to any act or omission in respect of the establishment and operation of the Internet site calculator.
- (6) No person is exempted from liability under **subsection (5)** for any act or omission that constitutes bad faith on the part of that person.

454 Calculation if judgment debt paid in full in 1 payment

- (1) If a party pays, or were to pay, a judgment debt in full in 1 payment, the amount payable is to be calculated using the Internet site calculator by inserting the initial amount, the start date, and the ~~end date~~ last day.
- (2) The resulting amount is the total amount, including interest, that is required to satisfy the judgment debt.

Example

Assumed facts

On 15 March 2012, the debtor purchased goods from the creditor for \$10,000 and failed to pay for them. On 1 July 2012, a court gave judgment in respect of the goods sold for an amount of \$10,000 plus interest under this **Part**. The cause of action arose, and the amount on which interest was awarded was quantified, on 15 March 2012 (the date of the sale). The judgment debtor paid in full on 15 December 2012. For each day in the period between 15 March 2012 and 15 December 2012, the average of the 6 most recent observations of the retail 6-month term deposit rate published by the Reserve Bank of New Zealand at that date is used as the base interest rate. The margin of 0.15% is added to the base rate and the result is expressed as a ~~daily compound~~ effective interest rate.

Calculation

The start date (15 March 2012), the ~~end date~~ last day (15 December 2012), and the initial amount (\$10,000) are entered into the Internet site calculator.

Using that information, the total amount, including interest, required to satisfy the judgment debt on 15 December 2012 is calculated, ~~on a daily compounding basis~~. That total amount is \$10,323.25.

All calculations are made by the Internet site calculator.

455 Calculation if judgment debt paid in instalments

- (1) If a party has paid an instalment or instalments of a judgment debt, the balance required to pay the judgment debt in full on a particular date is to be calculated using the Internet site calculator by entering the initial amount, the start date, the ~~end date~~ last day, the amount of each instalment, and the date of payment of each instalment.
 - (2) The resulting amount is the total amount, including interest, required to satisfy the balance of the judgment debt in full on the particular date.
-

Example

Assumed facts

On 15 July 2012, a court gave judgment for negligent advice for a sum of \$10,000 damages plus interest under this **Part**. For the purposes of **section 449**, the court specified the date of judgment as the date at which the amount on which interest is awarded was quantified. The judgment debtor paid instalments of \$1,000 on 15 October 2012 and 15 November 2012 and paid the remainder of the money judgment, including interest in full, on 15 December 2012. For each day in the period between 15 July 2012 and 15 December 2012, the average of the 6 most recent observations of the retail 6-month term deposit rate published by the Reserve Bank of New Zealand at that date is used as the base interest rate. The margin of 0.15% is added to the base rate and the result is expressed as a ~~daily compound interest~~ effective rate.

Calculation

The start date (15 July 2012), the ~~end date~~ last day (15 December 2012), and the initial amount (\$10,000) are entered into the Internet site calculator. Using that information, the total amount from which the value of the instalments will be subtracted is calculated. This total amount is \$10,177.63.

Then the amount of each instalment and the corresponding date of payment are entered into the Internet site calculator (\$1,000 on 15 October 2012 and 15 November 2012). After the 2 instalments are entered, a total value of instalments is calculated. This amount is \$2,010.31.

The total value of instalments is subtracted from \$10,177.63 to give the total amount, including interest, required to satisfy the judgment debt on 15 December 2012. That amount is \$8,167.32. All calculations are made by the Internet site calculator.

456 References to paying debt in full or paying instalments

In **sections 454 and 455**, a reference to paying a judgment debt in full in 1 payment, or paying an instalment or instalments of a judgment debt, is to be taken to include paying, after a proceeding for a money claim has been commenced (but before judgment has been entered), an amount or instalment in or towards satisfaction of the claim.

457 Discretion if money judgment expressed in foreign currency

- (1) If an initial amount specified in a money judgment in respect of a period is expressed in a foreign currency, the court may,—
 - (a) instead of awarding interest to be calculated as provided in **sections 452 to 456**, award interest on that initial amount for that period at a rate that the court considers fairly and realistically reflects relevant economic circumstances; and
 - (b) determine the manner (with or without compounding) by which interest at that rate is to be calculated.
- (2) The court may not award interest under this section on an amount for any period unless interest could have been, but was not, awarded as provided in **sections 450 to 456** on that amount for that period.

458 Discretion in special circumstances

- (1) If, in the opinion of the court, special circumstances make it inequitable to award interest in a money judgment under **sections 450 to 456, or section 457**, for a period, the court may, for all or part of that period,—
 - (a) award interest on all or part of the amount of the money judgment at the rate and calculated in the manner (with or without compounding) that the court directs; or
 - (b) award a lump sum as compensation for a delay in the payment of all or part of that amount; or
 - (c) determine not to award interest or a lump sum.
- (2) The court may not award interest under this section on an initial amount for any period unless interest could have been, but was not, awarded as provided in **sections 450 to 456** on that amount for that period.

Subpart 2—Where interest is not to be awarded

459 No interest to be awarded on penalty

A court may not award interest under this **Part** on an amount that is a penalty or in the nature of a penalty.

460 Restrictions on award of interest for certain specified periods

- (1) A court may not award interest under this **Part** on costs awarded to a party for a period before the date when the costs are awarded.
- (2) A court may not award interest under this **Part** on an award of exemplary damages for a period before the date on which judgment is given for those damages.

461 No interest to be awarded for period contrary to provisions of another Act

- (1) A court may not award interest under this **Part** in a money judgment for a period if a court has awarded interest on that judgment under another Act for that period.
- (2) A court may not award interest under this **Part** in a money judgment if it would be inconsistent with the provisions of another Act to do so.

462 Award of interest if contract makes relevant provision

- (1) This section and **section 463** apply to a period for which a contract provides for the award of interest, or provides that no interest is payable, on any amount payable under, or for the breach of, the contract.
- (2) A court may award interest for a period to which this section applies in accordance with the rights and obligations of the parties specified in the contract.
- (3) **Subsection (2)** applies despite—
 - (a) **subpart 1 or section 464**; or
 - (b) any rule of law that after judgment is given rights and obligations under a contract merge in the judgment.
- (4) A court may not award interest under this **Part** for a period to which this section applies in respect of an amount payable under a contract, or for the breach of a contract, if the court has awarded interest under the contract for that period.
- (5) A court may not award interest under **subpart 1 or section 464** for a period to which this section applies if it would be inconsistent with the provisions of the contract to do so.

463 Rules of interpretation for contractual provisions

Unless the contract expressly provides otherwise, a provision in the contract as to—

- (a) the payment or non-payment of interest on an unpaid amount payable under, or for the breach of, the contract must be taken to apply for the purposes of **section 462** to the periods before and after the date on which a money judgment is given in respect of that amount; and
- (b) a rate of interest payable on any unpaid amount must be taken to be inconsistent with an award of interest under **subpart 1 or section 464**.

464 Special provision for interest or lump sum relating to contracts entered into before commencement

- (1) This section applies to the period before the date of a money judgment if the judgment is given for an amount under, or for breach of, a contract entered into before the coming into force of this **Part**.
- (2) Where this section applies to a period before the date of a money judgment,—

- (a) the court may not award interest under **subpart 1** for the period; but
- (b) the court may—
 - (i) award interest on all or part of the amount of the money judgment at a rate not exceeding the rate prescribed for the purposes of this section, calculated in the manner (with or without compounding) that the court directs; or
 - (ii) award a lump sum that is not greater than could be awarded under **subparagraph (i)** as compensation for a delay in the payment of all or part of that amount; or
 - (iii) determine not to award interest or a lump sum.

Subpart 3—Supplementary and miscellaneous provisions

465 Court may not award interest unless procedural requirements complied with

- (1) A court may not award interest under a section of this **Part** for a period unless the party who claims interest under the section for that period specifies the section and, as far as possible, the period in that party's statement or notice of claim or counterclaim.

Examples

In the case of the example in **section 454**, the creditor would specify in its statement of claim **section 450** as the section under which interest is claimed and 1 March 2012 to the date of payment as the period for which interest is claimed.

In the case of the example in **section 455**, the plaintiff would specify in its statement of claim **section 450** as the section under which interest is claimed and the date of judgment to the date of payment as the period for which interest is claimed.

If the plaintiff wanted to claim that special circumstances make it inequitable to award interest under **sections 450 to 456, or section 457**, the plaintiff could specify in its statement of claim **section 458** as the section under which interest is claimed (the plaintiff would also specify the period for which interest is claimed).

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- (2) If a party claims interest under **section 457, 458, 462, or 464**,—
 - (a) the party must specify in that party's statement or notice of claim or counterclaim the amount or rate of interest claimed; and
 - (b) the court may not award interest—
 - (i) exceeding the amount claimed under **paragraph (a)**; or
 - (ii) at a rate exceeding the rate claimed under **paragraph (a)**.
 - (3) Nothing in this section prevents interest being claimed in a statement or notice of claim or counterclaim in the alternative.
 - (4) Nothing in this section prevents a court from making an award of interest where the court has at any time made or accepted an amendment to a statement or notice of claim or counterclaim in accordance with the rules of court and

where that statement or notice of claim or counterclaim, as amended, complies with the requirements in **subsections (1) and (2)**.

466 Preservation of common law and equitable rights

- (1) This **Part** does not limit or affect the ability of any person to bring a claim, or to continue any existing claim, in any court for interest at common law or in equity.
- (2) However, a court may not award interest under this **Part** in a money judgment for a period if a court has awarded interest on that judgment at common law, or in equity, for that period.

467 Regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes:
 - (a) prescribing an indicator interest rate (or a formula or other methodology for setting another indicator interest rate) as the base rate for the purposes of **section 452(2)** from a specified date:
 - (b) prescribing a percentage as the premium for the purposes of **section 452(2)** from a specified date:
 - (c) prescribing rules or requirements governing the establishment or operation of the Internet site calculator:
 - (d) prescribing the rate of interest for the purposes of **section 464(2)(b)(i)**:
 - (da) prescribing when a judgment debt or an instalment of a judgment debt is paid or deemed to be paid for the purposes of any provision of this **Part**:
 - (e) providing for any other matters contemplated by this **Part** or necessary for its administration or necessary for giving it full effect:
- (1A) Regulations for the purposes of **subsection (1)(da)** may make different provision for different methods of payment, and for different circumstances relating to a payment or method of payment (including, without limitation, circumstances concerning the location of persons involved in a payment and any regulatory requirement, limitation, or other matter that may affect when, how, by whom, or the time within which a payment may be made).
- (2) The Minister may recommend the making of regulations under **subsection (1)(a) or (b)** only if the Minister is satisfied that the change to the interest rate in **section 452(2)** that would result is for the purpose of achieving the following objectives:
 - (a) simple, accessible, and predictable law:
 - (b) commercially realistic, and fair, compensation for creditors:
 - (c) a method of calculating interest owed using a published interest multiplier that is updated regularly and administratively, and is easy to use.

468 Transitional provisions for civil proceedings already commenced in senior court

Despite the repeal of section 87 of the Judicature Act 1908 by ~~section 179 of the Judicature Modernisation Act 2013~~, that section continues to apply to every civil proceeding commenced before this **Part** comes into force as if this **Part** had not been enacted.

469 Transitional provision for civil proceedings already commenced in District Court

Despite the repeal of sections 62B and 65A of the District Courts Act 1947 by ~~section 420 of the Judicature Modernisation Act 2013~~, those sections continue to apply to every civil proceeding commenced before this **Part** comes into force as if this **Part** had not been enacted.

470AA Calculation of interest for amounts under other enactments

The provisions set out in **Schedule 9AA** for calculating interest payable on amounts under certain other enactments have effect according to their terms.

470 Amendments to other enactments

The enactments specified in **Schedule 9** are amended in the manner indicated in that schedule.

Part 5

Electronic courts and tribunals

Preliminary provisions

471 Purpose

The purpose of this **Part** is to—

- (a) facilitate the use of permitted documents in, or with respect to, the proceedings of courts and tribunals; and
- (b) allow references to documents in existing enactments relating to the processes of courts and tribunals to be interpreted as including permitted documents; and
- (c) permit the filing of permitted documents at any specified place.

473 Interpretation

- (1) In this **Part**, unless the context otherwise requires,—

associated process means a process that a court or tribunal, or a participant in proceedings before a court or tribunal, uses to create a document, including signing, sealing, witnessing, and filing the document

electronic includes electrical, digital, magnetic, optical, electromagnetic, biometric, and photonic

head of bench means,—

- (a) ~~in relation to the Supreme Court, the Chief Justice:~~
- (b) ~~in relation to the Court of Appeal, the President of the Court of Appeal:~~
- (c) ~~in relation to the High Court, the Chief High Court Judge:~~
- (d) ~~in relation to the Employment Court, the Chief Judge of the Employment Court:~~
- (e) ~~in relation to the Court Martial, the Judge Advocate General:~~
- (f) ~~in relation to the Court Martial Appeal Court, the Chief High Court Judge:~~
- (g) ~~in relation to the Summary Appeal Court of New Zealand, the Judge Advocate General:~~
- (h) ~~in relation to the District Court and all of its divisions, the Chief District Court Judge:~~
- (i) ~~in relation to the Environment Court, the Principal Environment Judge:~~
- (j) ~~in relation to the Māori Land Court, the Chief Judge of the Māori Land Court:~~
- (k) ~~in relation to a coroner, the chief coroner:~~
- (l) ~~in relation to a tribunal, the head or chair of the tribunal or, if the tribunal has no head or chair, the longest-serving judicial officer~~

information system means a system for producing, sending, receiving, storing, displaying, or otherwise processing electronic communications

Minister means the Minister or Ministers of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is or are for the time being responsible for the administration of this **Part**

paper-based form means a format or layout that applies to information in paper or other non-electronic form, including (but not limited to) the material that must be used

permitted document means a document, including its associated process, in electronic form that is made by, or for use in, a court or tribunal.

- (2) None of the following documents is a permitted document unless and until the Governor-General, by Order in Council made on the recommendation of the Minister, declares it to be a permitted document:
 - (a) ~~a document that is required to be served by personal service:~~
 - (b) a document given on oath or by affirmation:
 - (c) a statutory declaration:
 - (d) a will, a codicil, or any other testamentary instrument:

- (e) a power of attorney or an enduring power of attorney;
- (f) a negotiable instrument;
- (g) any notice required to be attached to any thing or left or displayed in any place;
- (h) any warrant or other instrument authorising entry into premises; or the search or seizure of any person or thing;
- (i) any other document specified by the Governor-General by Order in Council made on the recommendation of the Minister;
- (j) an item specified in any of paragraphs (b) to (i) that is required to be served by personal service.

474 Part binds the Crown

This **Part** binds the Crown.

General provisions

475 ~~Part applies to certain courts and tribunals~~ Application

- (1) This **Part** applies to ~~any court or tribunal, or any particular jurisdiction of a court or tribunal specified by the Governor-General by Order in Council made on the recommendation of the Minister.~~ 1 or more of the following specified by the Governor-General by Order in Council made on the recommendation of the Minister:
 - (a) any court or tribunal;
 - (b) any particular jurisdiction of a court or tribunal;
 - (c) any court or tribunal located in a particular place;
 - (d) any particular jurisdiction of a court or tribunal located in a particular place.
- (2) This **Part** does not apply to any class of persons specified by the Governor-General by Order in Council made on the recommendation of the Minister.

476 Permitted documents may be used

- (1) A court or tribunal, or a participant in proceedings before a court or tribunal, may use permitted documents in, or with respect to, the proceedings of the court or tribunal.
- (2) However, nothing in this **Part** requires a person to use, provide, or accept a permitted document without the person's consent.
- (3) Despite **subsection (2)**, a class of persons specified in regulations made under **section 502** may be required to use, provide, or accept a permitted document—
 - (a) in a specified court or tribunal; or
 - (b) in a specified jurisdiction of a court or tribunal; or

- (c) in specified circumstances.
- (4) Nothing in **subsection (2)** overrides any provision in any other Act that requires a person to use, provide, or accept a permitted document.

477 Consent may be inferred from person's conduct

A person's consent to use, provide, or accept a permitted document may be inferred from the person's conduct, including (but not limited to)—

- (a) filing a permitted document with a court or tribunal;
- (b) providing to a court or tribunal an electronic address where permitted documents may be sent.

Compare: 2006 No 40 s 219(1)

478 Presumption of validity

In the absence of proof to the contrary, a document is not invalid merely because it is a permitted document.

479 Certain documents to be treated as permitted documents

A court or tribunal must treat a reference to a document, or its associated process, in an enactment relating to the processes of a court or tribunal as a reference to a permitted document unless—

- (a) the enactment explicitly provides otherwise; or
- (b) the context of the enactment requires a different interpretation.

Compare: 1999 No 85 s 4(1)

Manner in which permitted documents meet certain non-electronic requirements

480 Requirement for information to be in writing

A requirement that information be in writing is met by information in a permitted document if the information is readily accessible so as to be usable for subsequent reference.

Compare: 2002 No 35 s 18

481 Requirement for information to be recorded in writing

A requirement that information be recorded in writing is met by recording the information in a permitted document if the information is readily accessible so as to be usable for subsequent reference.

Compare: 2002 No 35 s 19

482 Requirement for information to be given in writing

- (1) A requirement to give information in writing is met by giving the information in a permitted document if the information is readily accessible so as to be usable for subsequent reference.

- (2) **Subsection (1)** applies even if the information must be given in a specified manner (for example, by filing, sending, serving, delivering, lodging, or posting the information).
- (3) In this section, **requirement to give information** includes (but is not limited to)—
- (a) making an application:
 - (b) making or lodging a claim:
 - (c) giving, sending, or serving a notification:
 - (d) lodging a return:
 - (e) making a request:
 - (f) making a declaration:
 - (g) lodging or issuing a certificate:
 - (h) making, varying, or cancelling an election:
 - (i) lodging an objection:
 - (j) giving a statement of reasons:
 - (k) lodging an appeal.

Compare: 2002 No 35 s 20(1), (3), (4)

483 Requirement to provide multiple copies of information

A requirement to provide multiple copies of information to the same person at the same time is met by providing a single electronic version of the information in a permitted document.

Compare: 2002 No 35 s 20(2)

484 Requirement to provide information in certain form

A requirement to provide information in a manner that complies with a paper-based form is met by providing the information in a permitted document if the information is readily accessible so as to be usable for subsequent reference.

Compare: 2002 No 35 s 21

485 Requirement for signatures

A requirement for a signature, other than a witness's signature, is met in a permitted document by means of an electronic signature if the electronic signature—

- (a) adequately identifies the signatory and adequately indicates the signatory's approval of the information to which the signature relates; and
- (b) is as reliable as is appropriate given the purpose for which, and the circumstances in which, the signature is required.

Compare: 2002 No 35 s 22(1)

486 Requirement for signatures of witnesses

A requirement for a signature or a seal to be witnessed is met in a permitted document by means of a witness's electronic signature if,—

- (a) in the case of the witnessing of a signature, the signature to be witnessed is an electronic signature that complies with **section 485**; and
- (b) in the case of the witnessing of a signature or a seal, the electronic signature of the witness—
 - (i) adequately identifies the witness and adequately indicates that the signature or seal has been witnessed; and
 - (ii) is as reliable as is appropriate given the purpose for which, and the circumstances in which, the witness's signature is required.

Compare: 2002 No 35 s 23(1)

487 Requirement for seals

A requirement for a seal is met in a permitted document by means of an electronic seal if the electronic seal—

- (a) adequately identifies the party attaching the seal; and
- (b) is as reliable as is appropriate given the purpose for which, and the circumstances in which, the seal is required.

488 Presumption about reliability of electronic signatures

- (1) For the purposes of **sections 485 and 486**, an electronic signature is presumed to be as reliable as is appropriate if—
 - (a) the means of creating the electronic signature is linked to the signatory and to no other person; and
 - (b) the means of creating the electronic signature was under the control of the signatory and of no other person; and
 - (c) any alteration to the electronic signature made after the time of signing is detectable; and
 - (d) where the purpose of the legal requirement for a signature is to provide assurance as to the integrity of the information to which it relates, any alteration made to that information after the time of signing is detectable.
- (2) **Subsection (1)** does not prevent any person from proving on other grounds or by other means that an electronic signature—
 - (a) is as reliable as is appropriate; or
 - (b) is not as reliable as is appropriate.

Compare: 2002 No 35 s 24

489 Requirement to retain document or information that is in paper-based form

- (1) A requirement to retain information that is in paper-based form is met by retaining an electronic form of the information in a permitted document if—
 - (a) the electronic form provides a reliable means of maintaining the integrity of the information; and
 - (b) the information is readily accessible so as to be usable for subsequent reference.
- (2) **Subsection (1)** applies to information that is a public record within the meaning of the Public Records Act 2005 only if the Chief Archivist has approved the retention of that information in electronic form.
- (3) To avoid doubt, if information is retained in electronic form in accordance with **subsection (1)**, the paper-based form of that information need not be retained.

Compare: 2002 No 35 s 25

490 Requirement to retain information that is in electronic form

A requirement to retain information that is in a permitted document is met by retaining the information—

- (a) in paper-based form if the paper-based form provides a reliable means of maintaining the integrity of the information; or
- (b) in electronic form if—
 - (i) the electronic form provides a reliable means of maintaining the integrity of the information; and
 - (ii) the information is readily accessible so as to be usable for subsequent reference.

Compare: 2002 No 35 s 26

491 Extra conditions for electronic communications

In addition to the conditions specified in **section 490**, if a person is required to retain information in a permitted document that consists of or includes an electronic communication,—

- (a) the person must also retain the details obtained by that person that enable the identification of—
 - (i) the origin of the electronic communication; and
 - (ii) the destination of the electronic communication; and
 - (iii) the time when the electronic communication was sent and the time when it was received; and

- (b) the details referred to in **paragraph (a)** must be readily accessible so as to be usable for subsequent reference.

Compare: 2002 No 35 s 27

492 Requirement to provide or produce information that is in paper-based form

A requirement to provide or produce information in paper-based form is met by providing or producing the information in electronic form, whether by means of an electronic communication or otherwise, if—

- (a) the form and means of the provision or production of the information reliably maintain the integrity of the information, given the purpose for which, and the circumstances in which, the information is required to be provided or produced; and
- (b) the information is readily accessible so as to be usable for subsequent reference.

Compare: 2002 No 35 s 28(a), (b)

493 Requirement to provide or produce information that is in electronic form

A requirement to provide or produce information that is in a permitted document is met by providing or producing the information—

- (a) in paper-based form; but, if the integrity of the information cannot be reliably maintained, the person who must provide or produce the information must—
 - (i) notify every person to whom the information is required to be provided or produced of that fact; and
 - (ii) if requested to do so, provide or produce the information in electronic form in accordance with **paragraph (b)**; or
- (b) in electronic form if—
 - (i) the form and means of the provision or production of the information reliably maintain the integrity of the information, given the purpose for which, and the circumstances in which, the information is required to be provided or produced; and
 - (ii) the information is readily accessible so as to be usable for subsequent reference.

Compare: 2002 No 35 s 29(a), (b)(i), (ii)

494 Requirement to provide access to information that is in paper-based form

A requirement to provide access to information that is in paper-based form is met by providing access to the information in a permitted document if the form and means of access to the information reliably maintain the integrity of the in-

formation, given the purpose for which, and the circumstances in which, access to the information is required to be provided.

Compare: 2002 No 35 s 30(a)

495 Requirement to provide access to information that is in electronic form

A requirement to provide access to information that is in a permitted document is met by providing access to the information—

- (a) in paper-based form; but, if the integrity of the information cannot be reliably maintained, the person who must provide access to the information must—
 - (i) notify every person to whom access is required to be provided of that fact; and
 - (ii) if requested to do so, provide access to the information in electronic form in accordance with **paragraph (b)**; or
- (b) in electronic form, whether by means of an electronic communication or otherwise, if the form and means of access to the information reliably maintain the integrity of the information, given the purpose for which, and the circumstances in which, access to the information is required to be provided.

Compare: 2002 No 35 s 31(a), (b)(i)

496 Requirement relating to content of information

Nothing in this **Part** affects any requirement in any enactment to the extent that the requirement relates to the content of information.

Compare: 2002 No 35 s 33

497 Copyright in works in permitted documents

The copyright in a work in a permitted document is not infringed by any of the following acts if they are carried out for the purposes of meeting a paper-based requirement by electronic means ~~in a permitted document~~:

- (a) the generation of an electronic form of a document;
- (b) the production of information by means of an electronic communication.

Compare: 2002 No 35 s 34

Rules regarding transmission of permitted documents

498 Time of dispatch of permitted documents

A permitted document is taken to be dispatched at the time the permitted document first enters an information system outside the control of the originator.

Compare: 2002 No 35 s 10(1)

499 Time of receipt of permitted documents

A permitted document is taken to be received at the time the permitted document first enters the information system that the addressee has designated for the purpose of receiving the permitted document.

Compare: 2002 No 35 s 11(a)

500 Place of filing

- (1) Despite **section 505(2)** or any provision in any other enactment, a court or tribunal, or a participant in proceedings before a court or tribunal, may file a permitted document at any place that is specified in regulations made under **section 502**.
- (2) The place for filing may be—
 - (a) centralised or located within the jurisdiction of the relevant court or tribunal:
 - (b) physical or electronic.

*Fees and regulations***501 Filing fees payable for permitted documents**

- (1) Despite **section 505(2)** or any provision to the contrary in any other enactment, a person who files a permitted document with a court or a tribunal must pay—
 - (a) the fee that is prescribed for that document in regulations made under **section 502**; or
 - (b) if a fee is not prescribed for that document in regulations made under **section 502**, the fee (if any) that would apply under the relevant enactment if the person were to file the document in its paper-based form less any discount prescribed in regulations made under **section 502**.
- (2) A fee that is payable under **subsection (1)(a)** is inclusive of goods and services tax.
- (3) Whether a fee that is payable under **section (1)(b)** is inclusive or exclusive of goods and services tax is to be determined under the relevant enactment.

502 Regulations

The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

- (a) prescribing any conditions that a permitted document must meet to be used, provided, or accepted by a court or tribunal, or a participant in proceedings before a court or tribunal:
- (b) prescribing the form or forms of permitted documents:
- (c) prescribing any fees for the filing of permitted documents:

- (d) prescribing any fee discount, which may be expressed as—
 - (i) a specified amount that applies to a specified document; or
 - (ii) a percentage that applies to a range of documents:
- (e) prescribing the place or places for filing permitted documents:
- (ea) specifying any classes of persons required to use, provide, or accept a permitted document—
 - (i) in a specified court or tribunal in which the permitted document must be used, provided, or accepted:
 - (ii) in a specified jurisdiction of a court or tribunal in which the permitted document must be used, provided, or accepted:
 - (iii) in specified circumstances in which the permitted document must be used, provided, or accepted:
- (f) providing for any other matters that are contemplated by, or necessary for, giving full effect to this **Part** and its due administration.

Consequential amendments and transitional provisions

503 Amendment to Electronic Identity Verification Act 2012

- (1) This section amends the Electronic Identity Verification Act 2012.
- (2) After section 67(1)(c), insert:
 - (ca) a court or tribunal specified in an order made under **section 475 of the Judicature Modernisation Act 2013**:

504 Amendment to Electronic Transactions Act 2002

- (1) This section amends the Electronic Transactions Act 2002.
- (2) In the Schedule, Part 1, ~~after the item relating to the Electoral Regulations 1996~~, insert in its appropriate alphabetical order:
Part 5 of the Judicature Modernisation Act 2013 (2013 No 00)

504A Amendment to Resource Management Act 1991

- (1) This section amends the Resource Management Act 1991.
- (2) After section 352(1), insert:
 - (1A) Nothing in subsection (1) overrides the provisions of **Part 5 of the Judicature Modernisation Act 2013**.

505 Transitional provisions

- (1) If any relevant provision of this **Part** applies to a court or tribunal, it applies to all proceedings commenced in that court or tribunal before, on, or after the application of that provision except—
 - (a) the continuation of a hearing that commenced before the application of that provision; and

- (b) any appeal from, or review of, a determination made at a hearing of that kind.
- (2) Any legislative instrument amending the rules of court that is made after the commencement of this section must be consistent with the provisions of this **Part**.

Compare: 2006 No 69 s 5

Part 6 Amendments to other enactments

Subpart 1—Amendments to Arbitration Act 1996

506 Principal Act

This **subpart** amends the Arbitration Act 1996 (the **principal Act**).

507 Section 2 amended (Interpretation)

In section 2(1), replace the definition of **arbitral tribunal** with:

arbitral tribunal—

- (a) means a sole arbitrator, a panel of arbitrators, or an arbitral institution; and
- (b) includes any emergency arbitrator appointed under—
 - (i) the arbitration agreement that the parties have entered into; or
 - (ii) the arbitration rules of any institution or organisation that the parties have adopted

508 New section 6A inserted (Minister of Justice to appoint body to resolve certain matters)

After section 6, insert:

6A Minister of Justice to appoint body to resolve certain matters

- (1) The Minister of Justice must, by notice in the *Gazette*, appoint a suitably qualified body to resolve the matters specified in article 11(3) to (6) of Schedule 1.
- (2) The Minister of Justice may, by notice in the *Gazette*, revoke any appointment made under **subsection (1)**.

509 Schedule 1 amended

- (1) In Schedule 1, article 11(3)(a), replace “the High Court” with “the appointed body”.
- (2) In Schedule 1, article 11(3)(b), replace “the High Court” with “the appointed body”.

- (3) In Schedule 1, article 11(4), replace “the High Court” with “the appointed body”.
- (4) In Schedule 1, article 11(5), replace “the High Court” with “the appointed body”.
- (5) In Schedule 1, article 11(5), replace “The court” with “The appointed body”.
- (6) In Schedule 1, article 11(6), replace “the High Court” with “the appointed body”.
- (7) In Schedule 1, after article 11(6), insert:
 - (7) A party may apply to the High Court to appoint an arbitrator or arbitrators if—
 - (a) the appointed body is unable or fails to appoint an arbitrator under paragraph (3) within 30 days of receiving a request to do so; or
 - (b) a dispute arises in respect of the appointment process that the appointed body uses.
- (8) In this article, **appointed body** means a body that the Minister of Justice has appointed under **section 6A**.

Subpart 2—Amendment to Bills of Exchange Act 1908

510 **Principal Act**

This **subpart** amends the Bills of Exchange Act 1908 (the **principal Act**).

511 **New section 96A inserted (Actions on other lost instruments)**

After section 96, insert:

96A Actions on other lost negotiable instruments

Section 70 applies to a negotiable instrument that is not a bill in the same way as it applies to a bill.

Compare: 1908 No 89 s 88; 1947 No 16 s 118

Subpart 3—Amendment to Building Societies Act 1965

512 **Principal Act-amended**

This **subpart** amends the Building Societies Act 1965 (the **principal Act**).

513 **New section 136A inserted (Jurisdiction of District Court)**

After section 136, insert:

136A Jurisdiction of District Court

The District Court has jurisdiction in relation to—

- (a) the settlement of disputes between any building society and its members where the amount involved does not exceed \$350,000:

- (b) the recovery of money and enforcement of claims by or against any building society not exceeding in amount or value the sum of \$350,000;
- (c) all other matters arising under this Act not exceeding in amount or value the sum of \$350,000.

Compare: 1947 No 16 s 33

Subpart 4—Amendment to Children, Young Persons, and Their Families Act 1989

514 Principal Act

This **subpart** amends the Children, Young Persons, and Their Families Act 1989 (the **principal Act**).

515 Section 434 amended (Principal Youth Court Judge)

After section 434(7), insert:

- (8) The Chief District Court Judge may authorise a Youth Court Judge to act in place of the Principal Youth Court Judge if—
 - (a) the Principal Youth Court Judge is absent for any reason; or
 - (b) the office of the Principal Youth Court Judge is vacant.

Subpart 5—Amendments to Companies Act 1993

516 Principal Act

This **subpart** amends the Companies Act 1993 (the **principal Act**).

517 Section 2 amended (Interpretation)

In section 2(1), insert in its appropriate alphabetical order:

association, in Parts 15 and 16 and in **Schedule 10 11**, includes—

- (a) a body corporate (other than a company, an overseas company, or a body corporate that may be put into liquidation under or in accordance with the Act under which it is incorporated or registered); and
- (b) a partnership; and
- (c) an unincorporated body of persons

518 Section 235 amended (Interpretation)

- (1) In section 235, definition of **company**, paragraph (c), ~~replace delete~~ “that may be put into liquidation under section 17A of the Judicature Act 1908” with “?”.
- (2) In section 235, definition of **company**, after paragraph (c), insert:
 - (d) any other body corporate to which this Part applies under any enactment
- (3) In section 235, insert in its appropriate alphabetical order:

~~shareholder or persons entitled to surplus assets~~ includes, in relation to an association, members of the association or persons that the court determines as being justly entitled to surplus assets of the association after the satisfaction of the claims of all of the creditors

519 Section 240 amended (Interpretation)

After section 240(1), insert:

- (1A) In this Part, **company** means—
- (a) a company within the meaning of section 2;
 - (b) an overseas company to which this Part applies (*see* section 342);
 - (c) an association (*see* **section 240B**);
 - (d) any other body corporate to which this Part applies under any other enactment

520 New section 240B inserted (Liquidation of associations)

After section 240A, insert:

240B Liquidation of associations

An association may be put into liquidation under this Part, and this Part applies to an association, subject to the modifications and exclusions set out in **Schedule 10 11**.

521 New Schedule 10 11 inserted

After Schedule 9 10, insert the **Schedule 10 11** set out in **Schedule 10** of this Act.

Consequential amendments

521A Amendments to Crown Entities Act 2004

- (1) This section amends the Crown Entities Act 2004.
- (2) In the heading to section 177, replace “**Judicature Act 1908**” with “**Part 1 of the Judicature Modernisation Act 2013**”.
- (3) In section 177, replace “sections 17A to 17E of the Judicature Act 1908 apply” with “**section 240B** of the Companies Act 1993 applies”.

521B Amendments to Customs and Excise Act 1996

- (1) This section amends the Customs and Excise Act 1996.
- (2) In section 101(3), delete “, and Schedule 7 of.”.
- (3) In section 101(5), replace “section 17B of the Judicature Act 1908” with “the requirements of section 312 of the Companies Act 1993 (as applied by **section 240B** of that Act)”.

Subpart 6—Amendment to Contractual Remedies Act 1979

522 Principal Act

This **subpart** amends the Contractual Remedies Act 1979 (the **principal Act**).

523 New section 4A inserted (Stipulations not essence of contracts)

After section 4, insert:

4A Stipulations not essence of contracts

Stipulations in contracts as to time or otherwise that would not, before 13 September 1882 (the date of the coming into force of the Law Amendment Act 1882), have been deemed to be or to have become the essence of such contracts in a court of equity must receive in all courts the same construction and effect as they would have received in equity before that date.

Compare: 1908 No 89 s 90

Subpart 7—Amendment to Copyright Act 1994

524 Principal Act

This **subpart** amends the Copyright Act 1994 (the **principal Act**).

525 New section 222A inserted (Power to award interest)

After section 222, insert:

222A Power to award interest

- (1) This section applies where the Tribunal makes an order under Part 8 for the payment of an amount of money (including money required to be repaid, or further money required to be paid, in respect of charges already paid).
- (2) The Tribunal's order may include an award of interest on the whole or part of the money, payable ~~at the rate, not exceeding the interest rate as defined in section 452(2) of the Judicature Modernisation Act 2013~~ (as at the date of the order), and for the period, ending not later than the date that the money is paid, that the Tribunal thinks appropriate, as compensation for delay in payment of the money.
- (3) Interest awarded under this section must be calculated in accordance with (or on a basis that ensures it does not exceed interest calculated in accordance with) **Schedule 9AA** of the **Judicature Modernisation Act 2013**.

Subpart 8—Amendments to Courts (Remote Participation) Act 2010

526 Principal Act

This **subpart** amends the Courts (Remote Participation) Act 2010 (the **principal Act**).

527 Section 8 replaced (Use of audio-visual links in criminal procedural matters)

Replace section 8 with:

8 Use of audio-visual links in criminal procedural matters

- (1) AVL must be used for the appearance of a participant in a criminal procedural matter if AVL is available and the participant is in ~~prison custody~~, unless a judicial officer or a Registrar determines that the use of AVL is contrary to the interests of justice.
- (1A) ~~AVL must be used for the appearance of a participant in a sentencing matter if AVL is available and the participant is in prison, unless a judicial officer determines that the use of AVL is contrary to the interests of justice.~~ AVL may be used for the appearance of a participant in a sentencing matter if—
- (a) AVL is available; and
 - (b) the participant is in custody; and
 - (c) a judicial officer determines that the use of AVL is not contrary to the interests of justice.
- (2) Before making a determination under **subsection (1) or (1A)**, the judicial officer or Registrar (as the case may be) must take into account the criteria specified in sections 5 and 6.
- (3) To avoid doubt, a motion to determine whether AVL is contrary to the interests of justice may be made by the participant or the judicial officer or Registrar (as the case may be).

528 Section 13 replaced (Determining place of hearing)

Replace section 13 with:

13 Determining place of hearing

The place of hearing of any proceeding in which 1 or more of the participants appear by the use of AVL—

- (a) is the place that the relevant judicial officer determines as appropriate in the circumstances; or
- (b) is, in the case where the participants consent to having a Registrar make the decision, the place that the relevant Registrar determines as appropriate in the circumstances.

Subpart 9—Amendments to Criminal Procedure Act 2011

529 Principal Act

This **subpart** amends the Criminal Procedure Act 2011 (the **principal Act**).

530 Section 74 amended (Category 4 offences)

In section 74(5)(c), after “different”, insert “or an alternative”.

531 Section 133 amended (Amendment of charge)

After section 133(2), insert:

- (3) A Registrar may, in respect of any offence other than a category 4 offence, exercise the power under subsection (1) if the prosecutor and the defendant consent to the amendment.

532 Section 146 amended (Withdrawal of charge)

After section 146(2), insert:

- (3) A Registrar may, in respect of any offence other than a category 4 offence, exercise the power under subsection (1) if the defendant consents to the prosecutor withdrawing the charge.

533 New section 362A inserted (Jurisdiction of Justices and Community Magistrates relating to amendment or withdrawal of charges)

After section 362, insert:

362A Jurisdiction of Justices and Community Magistrates relating to amendment or withdrawal of charges

- (1) A presiding Justice or Community Magistrate (as the case may be) may exercise the power specified in—
- (a) section 133 (amendment of charge) if the prosecutor and the defendant consent to the amendment;
 - (b) section 146 (withdrawal of charge) if the defendant consents to the prosecutor withdrawing the charge.
- (2) This section applies to category 1, 2, and 3 offences but not to category 4 offences.
- (3) Nothing in this section applies when a the District Court presided over by 1 or more Justices or 1 or more Community Magistrates is exercising jurisdiction in accordance with section 355 or 356.

534 Section 365 repealed (Contempt of court)

Repeal section 365.

Subpart 10—Amendments to Employment Relations Act 2000**535 Principal Act**

This **subpart** amends the Employment Relations Act 2000 (the **principal Act**).

536 Section 5 amended (Interpretation)

- (1) In section 5, definition of **Judge**, replace “a temporary” with “an acting”.
- (2) In section 5, insert in its appropriate alphabetical order:

lawyer has the meaning given to it by section 6 of the Lawyers and Conveyancers Act 2006

537 Section 187 amended (Jurisdiction of court)

After section 187(1)(k), insert:

- (ka) to hear and determine any application for review of the type referred to in **section 237D**:

538 Section 196 replaced (Contempt of court or Authority)

Replace section 196 with:

196 Contempt of court or Authority

- (1) This section applies if any person—
 - (a) wilfully insults a member of the Authority, a Judge, an officer of the Authority, a Registrar of the court, any other officer of the court, or any witness; during his or her sitting or attendance in the Authority or the court, or in going to or returning from the Authority or the court; or
 - (b) wilfully interrupts the proceedings of the Authority or the court or otherwise misbehaves in an investigation meeting or a hearing of the Authority or the court; or
 - (c) wilfully and without lawful excuse disobeys any order or direction of the Authority or the court in the course of an investigation meeting or the hearing of any proceedings.
- (2) If this section applies,—
 - (a) any constable or officer of the court, with or without the assistance of any other person, may, by order of the Authority or ~~the court~~ a Judge, take the person into custody and detain him or her until the rising of the Authority or the court; and
 - (b) the Judge may, if he or she thinks fit, sentence the person to—
 - (i) imprisonment for a period not exceeding 3 months; or
 - (ii) a fine not exceeding \$5,000 for each offence; and
 - (c) in default of payment of any such fine, the Judge may direct that the offender be imprisoned for any period not exceeding 3 months, unless the fine is sooner paid.

- (3) Nothing in this section limits or affects any power or authority of the court to punish any person for contempt of court in any case to which this section does not apply.

Compare: 2011 No 81 s 365

539 New section 198A inserted (Registrar may take affidavit)

After section 198, insert:

198A Registrar may take affidavit

A Registrar may take an affidavit.

540 Section 200 amended (Appointment of Judges)

- (1) Replace section 200(2) with:
- (2) A person may be appointed a Judge only if—
- (a) that person has for at least 7 years held a New Zealand practising certificate as a barrister or as a barrister and solicitor; or
 - (b) that person—
 - (i) holds a degree in law granted or issued by any university within New Zealand; and
 - (ii) has been admitted as a barrister and solicitor of the High Court; and
 - (iii) has held a practising certificate in a jurisdiction specified by Order in Council—
 - (A) for at least 7 years; or
 - (B) for a lesser number of years but when that number of years is added to the number of years the person has held a New Zealand practising certificate the total number of years is at least 7.
- (2) Replace section 200(4) with:
- (4) The Attorney-General must publish information explaining his or her process for—
- (a) seeking expressions of interest for the appointment of Judges of the court; and
 - (b) ~~nominating persons~~ a person for appointment as a Judge of the court.
- (5) A Judge must not practise as a lawyer.

541 New sections 200AA and 200AB inserted

After section 200, insert:

200AA Judge not to undertake other employment or hold other office

- (1) A Judge of the court must not undertake any other paid employment or hold any other office (whether paid or not) without the approval of the Chief Judge.
- (2) An approval under **subsection (1)** may be given only if the Chief Judge is satisfied that undertaking the employment or holding the office is consistent with the Judge’s judicial office.
- (3) However, **subsection (1)** does not apply to another office if an enactment permits or requires the office to be held by a Judge.

200AB Protocol relating to activities of Judges

- (1) The Chief Justice must develop and publish a protocol containing guidance on—
 - (a) the employment, or types of employment, that he or she considers may be undertaken consistent with being a Judge; and
 - (b) the offices, or types of offices, that he or she considers may be held consistent with being a Judge.
- (2) The Chief Justice may ~~only~~ develop and publish a protocol under **subsection (1)** only after consultation with the Chief Judge.

542 Section 201 amended (Seniority)

In section 201(3), replace “temporary” with “acting”.

543 Section 207 amended (Appointment of temporary Judges)

- (1) In the heading to section 207, replace “temporary” with “acting”.
- (2) In section 207(1), replace “temporary Judges” with “acting Judges”.
- (3) Replace section 207(4) with:
 - (4) A person may, subject to subsection (2), be appointed as an acting Judge under this section if he or she is a former Judge of the court or a current or former District Court Judge.
 - (4A) A superannuation subsidy must not be paid to a person who is appointed as an acting Judge under this section.
 - (4B) **Subsection (1)** does not apply to a compulsory employer contribution within the meaning of section 101A of the KiwiSaver Act 2006.
- (4) ~~A person holding office as a temporary Judge under section 207 of the principal Act immediately before the commencement of this section continues to hold office on the same terms and as if he or she were appointed as an acting Judge under section 207 of that Act.~~

544 New sections 222A to 222G inserted

After section 222, insert:

222A Information regarding reserved judgments

- (1) ~~The Chief Judge must, in consultation with the Chief Justice, publish information about—~~
- ~~(a) the process by which parties to proceedings before the court may obtain information about the status of any reserved judgment in those proceedings; and~~
 - ~~(b) the number of judgments of the court that he or she considers to be outstanding beyond a reasonable time for delivery; and~~
 - ~~(c) any other information about reserved judgments that he or she wishes to publish.~~
- (2) ~~The information referred to in **subsection (1)(b)** must be published periodically or regularly.~~

The Chief Judge must, in consultation with the Chief Justice,—

- (a) publish information about the process by which parties to proceedings before the court may obtain information about the status of any reserved judgment in those proceedings; and
- (b) periodically publish information about the number of judgments of the court that he or she considers is outstanding beyond a reasonable time for delivery; and
- (c) publish information about reserved judgments that he or she considers is useful.

222B Final written judgments to be published on Internet

- (1) ~~Every final written judgment of the court must be published on the Internet as soon as practicable unless there is good reason not to publish the complete judgment.~~
- (2) ~~A final written judgment may be published on the Internet in part if there are good reasons for not publishing the other parts of the judgment.~~
- (3) ~~Good reason not to publish a judgment or part of it includes the following:~~
- ~~(a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication;~~
 - ~~(b) the judgment falls into a category of judgments that are of limited public value;~~
 - ~~(c) taking into account the presumption in **subsection (1)** in favour of publication, a Judge nevertheless determines that the judgment or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice.~~
- (4) ~~In this section, **final written judgment** means a written decision that determines or substantially determines the outcome of any proceedings and that is either—~~

- (a) a written reserved judgment; or
- (b) an oral judgment transcribed by an official transcription service.

222C Recusal guidelines

The Chief Judge must, in consultation with the Chief Justice, develop and publish guidelines to assist Judges to decide if they should recuse themselves from a proceeding.

222D Judge may make order restricting commencement or continuation of proceeding

- (1) A Judge may make an order (~~a **section 222D order**~~) restricting a person from commencing or continuing civil proceedings in the Employment Court.
- (2) The order may have—
 - (a) a limited effect (a **limited order**); or
 - (b) an extended effect (an **extended order**).
- (3) A limited order restrains a party from ~~continuing or~~ commencing or continuing civil proceedings on a particular matter in the Employment Court.
- (4) An extended order restrains a party from ~~continuing or~~ commencing or continuing civil proceedings on a particular or related matter in the Employment Court.
- (5) Nothing in this section limits the court's inherent power to control its own proceedings.

222E Grounds for making section 222D order

- (1) A Judge may make a limited order under **section 222D** if, ~~in at least 2 civil proceedings about the same matter in the court, the Judge considers that at least 2 or more of the proceedings are or were totally without merit.~~
- (2) A Judge may make an extended order under **section 222D** if, in at least 2 proceedings about any matter considered by the court, the Judge considers that the proceedings are or were totally without merit.
- (3) In determining whether the proceedings are or were totally without merit, the Judge may take into account the nature of any other interlocutory application, ~~appeals, or criminal prosecutions or appeal~~ involving the party to be restrained, but is not limited to those considerations.
- (4) The proceedings concerned must be proceedings ~~instituted or conducted~~ commenced or continued by the party to be restrained, whether against the same person or different persons.
- (5) For the purpose of this section and **sections 222F and 222G**, an appeal in a civil proceeding must be treated as part of that proceeding and not as a distinct proceeding.

222F Terms of section 222D order

- (1) ~~A~~ An order made under **section 222D** order may restrain a party from ~~instituting~~ commencing or continuing any civil proceeding (whether generally or against any particular person or persons) of any type specified in the order without first obtaining the leave of the court.
- (2) ~~A~~ An order made under **section 222D** order, whether limited or extended, has effect for a period of up to 3 years as specified by the Judge, but the Judge making it may specify a longer period (which must not exceed 5 years) if he or she is satisfied that there are exceptional circumstances justifying the longer period.

222G Procedure and appeals relating to section 222D orders

- (1) A party to any proceeding may apply for a limited order or an extended order.
- (1A) A Judge may make an order under **section 222D** (a **section 222D** order) either on an application under **subsection (1)** or on his or her own initiative.
- (2) An application for leave to continue or ~~issue~~ commence a civil proceeding by a party subject to a **section 222D** order may be made without notice, but the court may direct that the application for leave be served on any specified person.
- (2A) An application for leave must be determined on the papers, unless the Judge considers that an oral hearing should be conducted because there are exceptional circumstances and it is appropriate to do so in the interests of justice. ~~The Judge's determination of the application for leave is final.~~
- (2B) A Judge's determination of an application for leave is final.
- (3) ~~A **section 222D** order does not prevent or affect the commencement of a criminal prosecution in any case.~~
- (4) The party against whom a **section 222D** order is made may appeal against the order to the Court of Appeal.
- (5) The appellant in an appeal under **subsection (4)** or the applicant for the **section 222D** order concerned may, with the leave of the Supreme Court, appeal against the determination of that appeal to the Supreme Court.
- (6) A court determining an appeal under this section has the same powers as the court appealed from has to determine an application or appeal, as the case may be.

546 Section 237 amended (Regulations)

After section 237(f), insert:

- (~~f~~fa) in relation to a service performed by a Registrar of the court under this Act and specified in regulations made under ~~paragraph (fb)~~ (**fab**), authorising a Registrar of the court to charge a reasonable fee calculated on the actual expense incurred in performing the service:

- (~~f~~fab) specifying the services (other than services for which a fee is already prescribed under this Act) performed by a Registrar of the court under this Act for which that person may charge a fee:
- (~~f~~fac) making provision in relation to the postponement, under the regulations, of the payment of any fee, which provision may (without limitation) include provision—
- (i) for the recovery of the fee after the expiry of the period of postponement; and
 - (ii) for restrictions to apply (after the expiry of the period of postponement and so long as the fee remains unpaid) on the steps that may be taken in the proceedings in respect of which the fee is payable:
- (~~f~~fad) providing for the manner in which an application for the exercise of a power specified in **section 237B(1) or 237C(1)** is to be made, including, without limitation, requiring the application to be in a form approved for the purpose by the chief executive:
- (~~f~~fae) providing for the refund of fees paid for a review of a decision of a Registrar of the court, if the decision is overturned in its entirety by a Judge:

547 New sections 237B to 237D inserted

After ~~Before~~ section-237A 238, insert:

237B Regulations providing for waiver, etc, of fees

- (1) In order to promote access to justice, the Governor-General may, by Order in Council, make regulations authorising a Registrar of the court to waive, reduce, or postpone the payment of a fee required in connection with a proceeding or an intended proceeding, or to refund in whole or in part a fee that has already been paid.
- (2) Regulations made under **subsection (1)** must provide that a Registrar of the court may exercise a power under the regulations only if he or she is satisfied on the basis of prescribed criteria that—
 - (a) the person responsible for payment of the fee is unable to pay or absorb the fee in whole or in part; or
 - (b) unless 1 or more of those powers are exercised in respect of a proceeding that concerns a matter of genuine public interest, the proceeding is unlikely to be commenced or continued.
- (3) For the purposes of **subsection (2)**, regulations may prescribe criteria—
 - (a) for assessing a person's ability to pay a fee; and
 - (b) for identifying proceedings that concern matters of genuine public interest.

- (4) No fee is payable for an application for the exercise of a power specified in **subsection (1)**.

Compare: 1947 No 16 s 123(1)(ba), (bb), (2)

237C Postponement of fees

- (1) The Governor-General may, by Order in Council, make regulations authorising a Registrar of the court to postpone the payment of a fee pending the determination of—
- (a) an application for the exercise of a power specified in **section 237B(1)**; or
 - (b) an application for review under **section 237D**.
- (2) No fee is payable for an application for the exercise of a power specified in **subsection (1)**.

Compare: 1947 No 16 s 123(1)(bc), (2)

237D Reviews of decisions of Registrars concerning fees

- (1) A person who disagrees with a decision of a Registrar of the court under regulations made under **section 237B(1)** may apply to a Judge for a review of that decision.
- (2) The application must be made within—
- (a) 20 working days after the date on which the applicant is notified of the decision; or
 - (b) any further time that the Judge allows on application, which may be made either before or after the expiry of that period.
- (3) The application may be made informally.
- (4) A review is—
- (a) conducted by way of rehearing of the matter in respect of which the Registrar of the court made the decision; and
 - (b) dealt with on the papers, unless the Judge directs otherwise.
- (5) The Judge may confirm, modify, or reverse the decision of the Registrar of the court.
- (6) No fee is payable on the application.

Compare: 1947 No 16 s 123A

547A Section 253 amended (Existing appointments)

In section 253(2), replace “temporary Judges” with “acting Judges”.

547B Schedule 1AA amended

- (1) In Schedule 1AA, replace clause 1 with:

1 Interpretation

In this schedule,—

2014 Act means the Employment Relations Amendment Act 2014

2016 Act means the Employment Relations Amendment Act 2016

2016 (No 2) Act means the **Employment Relations Amendment Act (No 2) 2016.**

(2) In Schedule 1AA, after clause 3, insert:

4 Application, savings, and transitional provision arising from 2016 (No 2) Act

A person holding office as a temporary Judge under section 207 immediately before the commencement of this clause continues to hold office on the same terms as if he or she were appointed as an acting Judge under section 207.

Subpart 11—Amendment to Family Courts Act 1980

548 Principal Act

This **subpart** amends the Family Courts Act 1980 (the **principal Act**).

549 Section 7 amended (Acting Family Court Judges)

Replace section 7(1) with:

- (1) The Chief District Court Judge may authorise a Family Court Judge to act in place of the Principal Family Court Judge if—
- (a) the Principal Family Court Judge is absent for any reason; or
 - (b) the office of the Principal Family Court Judge is vacant.

Subpart 12—Amendment to Insolvency Act 2006

550 Principal Act

This **subpart** amends the Insolvency Act 2006 (the **principal Act**).

551 Section 6 amended (Corporations and other entities not subject to Act)

In section 6, insert as subsection (2):

- (2) However,—
- (a) Part 16 of the Companies Act 1993 applies to the liquidation of companies, overseas companies, and associations within the meaning of section 2(1) of that Act; and
 - (b) other bodies corporate may be put into liquidation under or in accordance with the Acts under which they are incorporated or registered.

Subpart 13—Amendments to Local Government (Rating) Act 2002

552 Principal Act

This **subpart** amends the Local Government (Rating) Act 2002 (the **principal Act**).

553 Section 70 amended (Rating unit may be sold or leased)

After section 70(2), insert:

- (3) The Registrar may charge the fee, and require the fee to be paid, before the work required of the Registrar in effecting the sale or lease is begun.

554 Section 75 amended (Application of proceeds of rating sale or lease)

In section 75(a), after “fee”, insert “(unless the fee has already been paid)”.

Subpart 14—Amendments to Property Law Act 2007

555 Principal Act

This **subpart** amends the Property Law Act 2007 (the **principal Act**).

556 New section 27A inserted (Writing required for discharge of debt by acceptance of part in satisfaction)

After section 27, insert:

27A Writing required for discharge of debt by acceptance of part in satisfaction

- (1) An acknowledgement in writing by a creditor, or by any person authorised by the creditor in writing, of the receipt of a part of the creditor’s debt in satisfaction of the whole debt operates as a discharge of the debt.
- (2) This section applies despite anything to the contrary in any rule of law.

Compare: 1908 No 89 s 92

557 New subpart 5A of Part 2 inserted

After section 53, insert:

Subpart 5A—Assignment of securities and rights of creditor to surety
who pays debt**53A Interpretation**

In this subpart, **debt** and **payment of a debt** have the same meanings as in section 48.

53B Surety who pays debt entitled to assignment of all securities held by creditor

- (1) Every person (**person A**) who pays the debt of another person (being surety for the debt or liable with another person for the debt) is entitled to have assigned to person A, or a trustee for person A, every judgment, specialty, or other security held by the creditor in respect of the debt.
- (2) **Subsection (1)** applies whether the judgment, specialty, or other security is or is not deemed at law to be satisfied by the payment of the debt.

Compare: 1908 No 89 s 84

53C Rights of surety

- (1) Person A is entitled to stand in the place of the creditor, and to use all the remedies, and if need be, and upon a proper indemnity, to use the name of the creditor in any civil proceedings in order to obtain from the principal debtor or any co-surety, co-contractor, or co-debtor, as the case may be, indemnification for the advances made and loss sustained by person A in paying the debt.
- (2) The payment by person A may not be pleaded as a defence against any action or other proceeding by person A referred to in **subsection (1)**.
- (3) In this section, **person A** means the person referred to as person A in **section 53B**.

Compare: 1908 No 89 s 85

53D Rights of co-sureties, etc, as between themselves

A co-surety, co-contractor, or co-debtor is not entitled to recover from any other co-surety, co-contractor, or co-debtor (**person B**) by the means referred to in **section 53C** more than the proportion to which, as between those parties themselves, person B is liable.

Compare: 1908 No 89 s 86

558 New sections 74A and 74B inserted

After section 74, insert:

74A Recovery of payments made under mistake of law

- (1) If relief in respect of any payment that has been made under mistake is sought in any court (whether in civil proceedings or by way of defence, set-off, counterclaim, or otherwise) and that relief could be granted if the mistake were wholly one of fact, that relief must not be denied by reason only that the mistake is one of law, whether or not it is in any degree also one of fact.
- (2) Nothing in this section enables relief to be given in respect of any payment made at a time when the law required, or allowed, or was commonly understood to require or allow, the payment to be made or enforced, by reason only

that the law was subsequently changed or shown not to have been as it was commonly understood to have been at the time of the payment.

Compare: 1908 No 89 s 94A

74B Payments made under mistake of law or fact not always recoverable

Relief, whether under **section 74A** or in equity or otherwise, in respect of any payment made under mistake, whether of law or of fact, must be denied wholly or in part if the person from whom relief is sought received the payment in good faith and has so altered his or her position in reliance on the validity of the payment that in the opinion of the court, having regard to all possible implications in respect of other persons, it is inequitable to grant relief, or to grant relief in full, as the case may be.

Compare: 1908 No 89 s 94B

Consequential amendments

558A Amendment to Contractual Mistakes Act 1977

- (1) This section amends the Contractual Mistakes Act 1977.
- (2) In section 5(2)(d), replace “sections 94A and 94B of the Judicature Act 1908” with “**sections 74A and 74B** of the Property Law Act 2007”.

558B Amendment to Energy Resources Levy Act 1976

- (1) This section amends the Energy Resources Levy Act 1976.
- (2) Replace section 31(5) with:
- (5) **Section 74A(1)** of the Property Law Act 2007 applies to any money paid by a purchaser to a seller in excess of the amount payable under this section (despite **section 74A(2)** of that Act).

588C Amendment to Social Security Act 1964

- (1) This section amends the Social Security Act 1964.
- (2) In section 86(1B), replace “section 94B of the Judicature Act 1908” with “**section 74B** of the Property Law Act 2007”.

Subpart 14A—Amendment to Remuneration Authority Act 1977

559AA Principal Act

This **subpart** amends the Remuneration Authority Act 1977 (the **principal Act**).

559AB Section 2 amended (Interpretation)

In section 2, replace the definition of **principal allowances** with:
principal allowances—

- (a) means allowances (not being travelling allowances or other incidental or minor allowances); and
- (b) to avoid doubt, in relation to any of the following Judges who does not have his or her primary place of residence in Wellington may, if the Remuneration Authority thinks fit, include an amount by way of an allowance for accommodation while that person is in Wellington:
 - (i) a Judge of the Supreme Court:
 - (ii) a Judge of Court of Appeal:
 - (iii) the Chief High Court Judge

Subpart 15—Amendments to Resource Management Act 1991

559 Principal Act

This **subpart** amends the Resource Management Act 1991 (the **principal Act**).

560 Section 2 amended (Interpretation)

In section 2(1), insert in its appropriate alphabetical order:

lawyer has the meaning given to it by section 6 of the Lawyers and Conveyancers Act 2006

561 Section 250 amended (Appointment of Environment Judges and alternate Environment Judges)

After section 250(4), insert:

- (5) The Attorney-General must publish information explaining his or her process for—
 - (a) seeking expressions of interest for the appointment of Environment Judges and alternate Environment Judges; and
 - (b) ~~nominating persons~~ a person for appointment as an Environment Judge or an alternate Environment Judge.
- (6) Environment Judges and alternate Environment Judges must not practise as lawyers.

562 New sections 250A and 250B inserted

After section 250, insert:

250A Judge not to undertake other employment or hold other office

- (1) Environment Judges and alternate Environment Judges must not undertake any other paid employment or hold any other office (whether paid or not) without the approval of the Principal Environment Judge.

- (2) An approval under **subsection (1)** may be given only if the Principal Environment Judge is satisfied that undertaking the employment or holding the office is consistent with the Judge's judicial office.
- (3) However, **subsection (1)** does not apply to another office if an enactment permits or requires the office to be held by a Judge.

250B Protocol relating to activities of Judges

- (1) The Chief Justice must develop and publish a protocol containing guidance on—
 - (a) the employment, or types of employment, that he or she considers may be undertaken consistent with being an Environment Judge or alternate Environment Judge; and
 - (b) the offices, or types of offices, that he or she considers may be held consistent with being an Environment Judge or alternate Environment Judge.
- (2) The Chief Justice may ~~only~~ develop and publish a protocol under **subsection (1)** only after consultation with the Principal Environment Judge.

564 Section 282 replaced (Power to commit for contempt)

Replace section 282 with:

282 Contempt of court

- (1) This section applies if any person—
 - (a) wilfully insults an Environment Judge, an alternate Environment Judge, an Environment Commissioner, a Registrar of the court, any other officer of the court, any special adviser to the court, or any witness; during his or her sitting or attendance in court, or in going to or returning from the court; or
 - (b) wilfully interrupts the proceedings of the court or otherwise misbehaves in court; or
 - (c) wilfully and without lawful excuse disobeys any order or direction of the court in the course of any proceedings.
- (2) If this section applies,—
 - (a) any constable or officer of the court, with or without the assistance of any other person, may, by order of ~~a~~ an Environment Judge, take the person into custody and detain him or her until the rising of the court; and
 - (b) the Environment Judge may, if he or she thinks fit, sentence the person to—
 - (i) imprisonment for a period not exceeding 3 months; or
 - (ii) a fine not exceeding \$1,000 for each offence.

- (3) Nothing in this section limits or affects any power or authority of the court to punish any person for contempt of court in any case to which this section does not apply.

Compare: 2011 No 81 s 365

565 New sections 288A to 288G inserted

After section 288, insert:

288A Information regarding reserved judgments

- (1) ~~The Principal Environment Judge must, in consultation with the Chief Justice, publish information about—~~
- ~~(a) the process by which parties to proceedings before the court may obtain information about the status of any reserved judgment in those proceedings; and~~
 - ~~(b) the number of judgments of the court that he or she considers to be outstanding beyond a reasonable time for delivery; and~~
 - ~~(c) any other information about reserved judgments that he or she wishes to publish.~~

- (2) ~~The information referred to in **subsection (1)(b)** must be published periodically or regularly.~~

~~The Principal Environment Judge must, in consultation with the Chief Justice,—~~

- ~~(a) publish information about the process by which parties to proceedings before the court may obtain information about the status of any reserved judgment in those proceedings; and~~
- ~~(b) periodically publish information about the number of judgments of the court that he or she considers are outstanding beyond a reasonable time for delivery; and~~
- ~~(c) publish information about reserved judgments that he or she considers is useful.~~

288B Final written judgments to be published on Internet

- (1) ~~Every final written judgment of the court must be published on the Internet as soon as practicable unless there is good reason not to publish the complete judgment.~~
- (2) ~~A final written judgment may be published on the Internet in part if there are good reasons for not publishing the other parts of the judgment.~~
- (3) ~~Good reason not to publish a judgment or part of it includes the following:~~
- ~~(a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication;~~

- (b) the judgment falls into a category of judgments that are of limited public value;
 - (c) taking into account the presumption in **subsection (1)** in favour of publication, a Judge nevertheless determines that the judgment or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice.
- (4) In this section, **final written judgment** means a written decision that determines or substantially determines the outcome of any proceedings and that is either—
- (a) a written reserved judgment; or
 - (b) an oral judgment transcribed by an official transcription service.

288C Recusal guidelines

The Principal Environment Judge must, in consultation with the Chief Justice, develop and publish guidelines to assist Judges to decide if they should recuse themselves from a proceeding.

288D Judge may make order restricting commencement or continuation of proceeding

- (1) A Judge may make an order (a **section 288D order**) restricting a person from commencing or continuing civil proceedings in the Environment Court.
- (2) The order may have—
 - (a) a limited effect (a **limited order**); or
 - (b) an extended effect (an **extended order**).
- (3) A limited order restrains a party from continuing or commencing civil proceedings on a particular matter in the Environment Court.
- (4) An extended order restrains a party from continuing or commencing civil proceedings on a particular or related matter in the Environment Court.
- (5) Nothing in this section limits the court's inherent power to control its own proceedings.

288E Grounds for making section 288D order

- (1) A Judge may make a limited order under **section 288D** if, in at least 2 proceedings about the same matter in the court, the Judge considers that at least 2 or more of the proceedings are or were totally without merit.
- (2) A Judge may make an extended order under **section 288D** if, in at least 2 proceedings about any matter considered by the court, the Judge considers that the proceedings are or were totally without merit.
- (3) In determining whether the proceedings are or were totally without merit, the Judge may take into account the nature of any other interlocutory application,

appeals, or criminal prosecutions involving the party to be restrained, but is not limited to those considerations.

- (4) The proceedings concerned must be ~~proceedings instituted or conducted~~ commenced or continued by the party to be restrained, whether against the same person or different persons.
- (5) For the purpose of this section and **sections 288F and 288G**, an appeal in a civil proceeding must be treated as part of that proceeding and not as a distinct proceeding.

288F Terms of section 288D order

- (1) ~~A~~ An order made under **section 288D** order may restrain a party from ~~instituting~~ commencing or continuing any civil proceeding (whether generally or against any particular person or persons) of any type specified in the order without first obtaining the leave of the court.
- (2) ~~A~~ An order made under **section 288D** order, whether limited or extended, has effect for a period of up to 3 years as specified by the Judge, but the Judge making it may specify a longer period (which must not exceed 5 years) if he or she is satisfied that there are exceptional circumstances justifying the longer period.

288G Procedure and appeals relating to section 288D orders

- (1) A party to any proceeding may apply for a limited order or an extended order.
- (1A) A Judge may make an order under **section 288D** (a **section 288D order**) either on an application under **subsection (1)** or on his or her own initiative.
- (2) An application for leave to ~~continue or issue~~ commence a civil proceeding by a party subject to a **section 288D** order may be made without notice, but the court may direct that the application for leave be served on any specified person.
- (2A) An application for leave must be determined on the papers, unless the Judge considers that an oral hearing should be conducted because there are exceptional circumstances and it is appropriate to do so in the interests of justice. ~~The Judge's determination of the application for leave is final.~~
- (2B) A Judge's determination of an application for leave is final.
- (3) A **section 288D** order does not prevent or affect the commencement of a private criminal prosecution in any case.
- (4) The party against whom a **section 288D** order is made may appeal against the order to the High Court.
- (5) The appellant in an appeal under **subsection (4)** or the applicant for the **section 288D** order concerned may, with the leave of the High Court, appeal against the determination of that appeal to the Court of Appeal.

- (6) A court determining an appeal under this section has the same powers as the court appealed from has to determine an application or appeal, as the case may be.

Subpart 16—Amendments to Te Ture Whenua Maori Act 1993

566 Principal Act

This **subpart** amends Te Ture Whenua Maori Act 1993 (the **principal Act**).

567 Section 4 amended (Interpretation)

In section 4, insert in their appropriate alphabetical order:

Chief Justice has the meaning given by **section 4(1) of the Judicature Modernisation Act 2013**

lawyer has the meaning given by section 6 of the Lawyers and Conveyancers Act 2006

568 Section 7 amended (Appointment of Judges)

- (1) Replace section 7(3) with:

- (3) A person may be appointed a Judge only if—
- (a) that person has for at least 7 years held a New Zealand practising certificate as a barrister or as a barrister and solicitor; or
 - (b) that person—
 - (i) holds a degree in law granted or issued by any university within New Zealand; and
 - (ii) has been admitted as a barrister and solicitor of the High Court; and
 - (iii) has held a practising certificate in a jurisdiction specified by Order in Council—
 - (A) for at least 7 years; or
 - (B) for a lesser number of years but when that number of years is added to the number of years the person has held a New Zealand practising certificate the total number of years is at least 7.

- (2) Replace section 7(6) and (7) with:

- (6) The Attorney-General must publish information explaining his or her process for—
- (a) seeking expressions of interest for the appointment of Judges of the court; and
 - (b) nominating ~~persons~~ a person for appointment as a Judge of the court.

- (7) If the Attorney-General is not for the time being responsible for recommending the appointment of Judges of the court, he or she must publish information explaining the responsible Minister's process for doing the things referred to in **subsection (6)**.
- (8) A Judge must not practise as a lawyer.

569 New sections 7AA and 7AB inserted

After section 7, insert:

7AA Judge not to undertake other employment or hold other office

- (1) A Judge of the court must not undertake any other paid employment or hold any other office (whether paid or not) without the approval of the Chief Judge.
- (2) An approval under **subsection (1)** may be given only if the Chief Judge is satisfied that undertaking the employment or holding the office is consistent with the Judge's judicial office.
- (3) However, **subsection (1)** does not apply to another office if an enactment permits or requires the office to be held by a Judge.

7AB Protocol relating to activities of Judges

- (1) The Chief Justice must develop and publish a protocol containing guidance on—
 - (a) the employment, or types of employment, that he or she considers may be undertaken consistent with being a Judge; and
 - (b) the offices, or types of offices, that he or she considers may be held consistent with being a Judge.
- (2) The Chief Justice may ~~only~~ develop and publish a protocol under **subsection (1)** only after consultation with the Chief Judge.

569A Section 9 amended (Appointment of temporary Judges)

After section 9(8), insert:

- (9) A superannuation subsidy must not be paid to a person who is appointed as a temporary Judge under this section.
- (10) **Subsection (9)** does not apply to a compulsory employer contribution within the meaning of section 101A of the KiwiSaver Act 2006.

569B Section 10 amended (Former Judges)

After section 10(3), insert:

- (3A) A superannuation subsidy must not be paid to a person who is appointed as an acting Judge under this section.
- (3B) **Subsection (3A)** does not apply to a compulsory employer contribution within the meaning of section 101A of the KiwiSaver Act 2006.

570 Section 90 replaced (Power to remove for contempt)

Replace section 90 with:

90 Contempt of court

- (1) This section applies if any person—
 - (a) wilfully insults a judicial officer, ~~or any Registrar, or any officer of the court, or any juror,~~ or any witness, during his or her sitting or attendance in court, or in going to or returning from the court; or
 - (b) wilfully interrupts the proceedings of a court or otherwise misbehaves in court; or
 - (c) wilfully and without lawful excuse disobeys any order or direction of the court in the course of the hearing of any proceedings.
- (2) If this section applies,—
 - (a) any constable or officer of the court, with or without the assistance of any other person, may, by order of a ~~judicial officer~~ Judge, take the person into custody and detain him or her until the rising of the court; and
 - (b) the ~~judicial officer~~ Judge may, if he or she thinks fit, sentence the person to—
 - (i) imprisonment for a period not exceeding 3 months; or
 - (ii) a fine not exceeding \$1,000 for each offence.
- (3) Nothing in this section limits or affects any power or authority of the court to punish any person for contempt of court in any case to which this section does not apply.

Compare: 2011 No 81 s 365

571 New sections 98A to 98H inserted

After section 98, insert:

98A Information regarding reserved judgments

- (1) ~~The Chief Judge must, in consultation with the Chief Justice, publish information about—~~
 - (a) ~~the process by which parties to proceedings before the court may obtain information about the status of any reserved judgment in those proceedings; and~~
 - (b) ~~the number of judgments of the court that he or she considers to be outstanding beyond a reasonable time for delivery; and~~
 - (c) ~~any other information about reserved judgments that he or she wishes to publish.~~
- (2) ~~The information referred to in **subsection (1)(b)** must be published periodically.~~

The Chief Judge must, in consultation with the Chief Justice,—

- (a) publish information about the process by which parties to proceedings before the court may obtain information about the status of any reserved judgment in those proceedings; and
- (b) periodically publish information about the number of judgments of the court that he or she considers are outstanding beyond a reasonable time for delivery; and
- (c) publish information about reserved judgments that he or she considers is useful.

98B Final written judgments to be published on Internet

- ~~(1) Every final written judgment of the court must be published on the Internet as soon as practicable unless there is good reason not to publish the complete judgment.~~
- ~~(2) A final written judgment may be published on the Internet in part if there are good reasons for not publishing the other parts of the judgment.~~
- ~~(3) Good reason not to publish a judgment or part of it includes the following:
 - ~~(a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication;~~
 - ~~(b) the judgment falls into a category of judgments that are of limited public value;~~
 - ~~(c) taking into account the presumption in **subsection (1)** in favour of publication, a Judge nevertheless determines that the judgment or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice.~~~~
- ~~(4) In this section, **final written judgment** means a written decision that determines or substantially determines the outcome of any proceedings and that is either—
 - ~~(a) a written reserved judgment; or~~
 - ~~(b) an oral judgment transcribed by an official transcription service.~~~~

98C Recusal guidelines

The Chief Judge must, in consultation with the Chief Justice, develop and publish guidelines to assist Judges to decide if they should recuse themselves from a proceeding.

98D Judge may make order restricting commencement or continuation of proceeding

- ~~(1) A Judge may make an order (~~a **section 98D order**~~) restricting a person from commencing or continuing proceedings in the court.~~
- ~~(2) The order may have—~~

- (a) a limited effect (a **limited order**); or
 - (b) an extended effect (an **extended order**).
- (3) A limited order restrains a party from ~~continuing or commencing or continuing~~ proceedings on a particular matter in the court.
 - (4) An extended order restrains a party from ~~continuing or commencing or continuing~~ proceedings on a particular or related matter in the court.
 - (5) Nothing in this section limits the court's inherent power to control its own proceedings.

98E Grounds for making section 98D order

- (1) A Judge may make a limited order under **section 98D** if, ~~in at least 2~~ proceedings about the same matter in the court, the Judge considers that at least 2 or more of the proceedings are or were totally without merit.
- (2) A Judge may make an extended order under **section 98D** if, in at least 2 proceedings about any matter considered by the court, the Judge considers that the proceedings are or were totally without merit.
- (3) In determining whether the proceedings are or were totally without merit, the Judge may take into account the nature of any other interlocutory application or appeal involving the party to be restrained, but is not limited to those considerations.
- (4) The proceedings concerned must be ~~proceedings instituted or conducted~~ commenced or continued by the party to be restrained, whether against the same person or different persons.
- (5) For the purpose of this section and **sections 98F and 98G**, an appeal in a proceeding must be treated as part of that proceeding and not as a distinct proceeding.

98F Terms of section 98D order

- (1) ~~A~~ An order made under **section 98D** ~~order~~ may restrain a party from ~~instituting~~ commencing or continuing any proceeding (whether generally or against any particular person or persons) of any type specified in the order without first obtaining the leave of the court.
- (2) ~~A~~ An order made under **section 98D** ~~order~~, whether limited or extended, has effect for a period of up to 3 years as specified by the Judge, but the Judge making it may specify a longer period (which must not exceed 5 years) if he or she is satisfied that there are exceptional circumstances justifying the longer period.

98G Procedure and appeals relating to section 98D orders

- (1) A party to any proceeding may apply for a limited order or an extended order.
- (1A) A Judge may make an order under **section 98D** (a **section 98D order**) either on an application under **subsection (1)** or on his or her own initiative.

- (2) An application for leave to continue or ~~issue~~ commence a civil proceeding by a party subject to a **section 98D** order may be made without notice, but the court may direct that the application for leave be served on any specified person.
- (2A) An application for leave must be determined on the papers, unless the Judge considers that an oral hearing should be conducted because there are exceptional circumstances and it is appropriate to do so in the interests of justice. ~~The Judge's determination of the application for leave is final.~~
- (2B) A Judge's determination of an application under **subsection (2)** for leave is final.
- (4) The party against whom a **section 98D** order is made may appeal against the order to the Maori Appellate Court.
- (5) The appellant in an appeal under **subsection (4)** or the applicant for the **section 98D** order concerned may, with the leave of the Maori Appellate Court, appeal against the determination of that appeal to the Court of Appeal.
- (6) A court determining an appeal under this section has the same powers as the court appealed from has to determine an application or appeal, as the case may be.

98H References to Judge in sections 98D to 98G

The functions and powers of a Judge under **sections 98D to 98G** are exercisable by individual Judges of the Maori Land Court, and are exercisable also by the Judges acting as the Maori Appellate Court as if references in those sections to a Judge were references to the Judges acting as that court.

Subpart 17—Amendments to Trans-Tasman Proceedings Act 2010

572 Principal Act

This **subpart** amends the Trans-Tasman Proceedings Act 2010 (the **principal Act**).

573 Section 3 amended (Purpose of, and guides to, this Act)

After section 3(6), insert:

- (7) **Part 3** of this Act, which stands apart from Parts 1 and 2, sets out special provisions applying to certain proceedings in the High Court of New Zealand and the Federal Court of Australia.

574 Section 4 amended (Interpretation)

- (1) In section 4(1), replace “In this Act” with “In Parts 1 and 2”.
- (2) In section 4(1), definition of **procedural rules**, replace “this Act or any regulations made under it” with “Parts 1 and 2 or any regulations made under those Parts”.

(3) In section 4(2)(a), replace “this Act” with “Parts 1 and 2”.

575 Section 6 repealed (Trans-Tasman market proceedings provisions not affected)

Repeal section 6.

576 Section 53 amended (When registrable Australian judgments are enforceable in New Zealand)

In section 53(2)(a), replace “section 56 of the Judicature Act 1908” with “**section 170 of the Judicature Modernisation Act 2013**”.

577 New Part 3 inserted

After section 78, insert:

Part 3

Special provisions applying to certain proceedings in High Court of New Zealand and Federal Court of Australia

79 Part not limited by Part 1 or 2
This Part is not limited or affected by Part 1 or 2.

80 Courts (Remote Participation) Act 2010 does not apply to remote appearances under this Part
Nothing in the Courts (Remote Participation) Act 2010 applies to any remote appearance in accordance with this Part.
Compare: 2010 No 108 s 36

81 Interpretation
In this Part, unless the context otherwise requires,—

Australian proceeding—

(a) means a proceeding in which a matter for determination arises, whether or not any other matter arises for determination, under—

(i) any of sections 46A, 155A, and 155B of the Competition and Consumer Act 2010 (Aust); or

(ii) a provision of Part VI or XII of the Competition and Consumer Act 2010 (Aust) in so far as ~~it~~ the provision relates to any of sections 46A, 155A, and 155B of that Act; and

(b) includes an interlocutory proceeding related to such a proceeding and an application for the issue ~~of~~ execution, or enforcement of a judgment, an order, or an injunction given, made, or granted in such a proceeding

Federal Court means the Federal Court of Australia

New Zealand proceeding—

- (a) means a proceeding in which a matter for determination arises, whether or not any other matter arises for determination, under—
 - (i) any of sections 36A, 98H, and 99A of the Commerce Act 1986; or
 - (ii) a provision of Part 6 or 7 of the Commerce Act 1986 in so far as the provision relates to any of sections 36A, 98H, and 99A of that Act; and
- (b) includes an interlocutory proceeding related to such a proceeding and an application for the issue of execution or enforcement of a judgment, an order, or an injunction given, made, or granted in such a proceeding.

Compare: 1908 No 89 s 56D

82 High Court may order New Zealand proceedings to be heard in Australia

- (1) The High Court may, if it is satisfied that a New Zealand proceeding could more conveniently or fairly be tried or heard by the High Court in Australia or that the evidence in a New Zealand proceeding could more conveniently be given in Australia, as the case may be, order that the proceeding be tried or heard in Australia, or that the evidence be taken in Australia, and may sit in Australia for that purpose.
- (2) The order must specify—
 - (a) the place in Australia where the proceeding will be tried or heard or the evidence taken, as the case may be;
 - (b) the date or dates of the trial or hearing or on which the evidence will be taken, as the case may be;
 - (c) any other matters relating to the trial or the hearing or the taking of the evidence, as the case may be, as the court thinks fit.
- (3) Without limiting the powers of the High Court in relation to the proceeding, the High Court may give judgment in, or make any determination for the purposes of, a New Zealand proceeding in Australia.

Compare: 1908 No 89 s 56E

83 Australian counsel entitled to practise in High Court

A person who is entitled to practise as a barrister or solicitor, or both, in the Federal Court is entitled to practise as a barrister or solicitor, or both, in relation to—

- (a) a New Zealand proceeding before the High Court sitting in Australia;
- (b) the examination, cross-examination, or re-examination of a witness in Australia whose evidence is being taken by audio link or audiovisual link in a New Zealand proceeding before the High Court in New Zealand:

- (c) the making of submissions by audio link or audiovisual link to the High Court in New Zealand in a New Zealand proceeding.

Compare: 1908 No 89 s 56F

84 High Court may set aside subpoena issued in New Zealand proceeding

- (1) On application, the High Court may set aside an order of subpoena issued by the High Court requiring the attendance of a person in Australia to give evidence or to produce documents to the High Court for the purposes of a New Zealand proceeding.
- (2) An application under **subsection (1)** must be made by the person served with the order of subpoena and may be made *ex parte*.
- (3) Without limiting the grounds on which the order of subpoena may be set aside, the High Court may set the order aside on any of the following grounds:
- (a) that the witness does not have, and cannot reasonably be expected to obtain, the necessary travel documents:
 - (b) that the witness is liable to be detained for the purpose of serving a sentence:
 - (c) that the witness is liable to prosecution for an offence:
 - (d) that the witness is liable to the imposition of a penalty in civil proceedings, not being proceedings for a pecuniary penalty under section 80 or 83 of the Commerce Act 1986:
 - (e) that the evidence of the witness can be obtained without significantly greater expense by other means:
 - (f) that compliance with the order of subpoena would cause hardship or serious inconvenience to the witness:
 - (g) in the case of an order of subpoena that requires a witness to produce documents, whether or not it also requires the witness to give evidence, that the court is satisfied that the documents should not be taken out of Australia and that evidence of the contents of the documents can be given by other means.
- (4) Every application to set aside an order of subpoena under **subsection (1)** must be made by affidavit.
- (5) The affidavit must—
- (a) be sworn by the applicant; and
 - (b) set out the facts on which the applicant relies; and
 - (c) be filed in the office of the court that issued the order of subpoena.
- (6) The Registrar of the court must ensure that a copy of the affidavit is served on the solicitor on the record for the party to the proceedings who obtained the order of subpoena, or, if there is no solicitor on the record, on that party.

Compare: 1908 No 89 s 56G

85 Injunctions and orders in New Zealand proceedings

Despite any rule of law, the High Court may, in a New Zealand proceeding, make an order or grant an injunction that the court is empowered to make or grant that requires a person to do an act, or refrain from engaging in conduct, in Australia.

Compare: 1908 No 89 s 56H

86 Issue of subpoenas in New Zealand proceedings

- (1) An order of subpoena may, with the leave of a Judge, be obtained in a New Zealand proceeding to require a person in Australia to give evidence, or to produce documents or things, or both, to the High Court at a sitting of that court in New Zealand or in Australia.
- (2) An order of subpoena, issued for the purposes of a New Zealand proceeding, that requires a witness in Australia to produce documents or things, but does not require the witness to give evidence, must permit the witness to comply with the order of subpoena by producing the documents or things to a specified registry of the Federal Court.

Compare: 1908 No 89 s 56I

87 Powers of Federal Court of Australia

- (1) The Federal Court of Australia may exercise all the powers of that court—
 - (a) at a sitting of that court in New Zealand held for the purposes of an Australian proceeding:
 - (b) at a sitting of that court in Australia held for the purposes of an Australian proceeding at which the evidence of a witness in New Zealand is taken by audio link or audiovisual link or at which submissions are made in New Zealand by a barrister or solicitor, or both, or by a party to the proceedings by audio link or audiovisual link.
- (2) Without limiting **subsection (1)**, the Federal Court of Australia Act 1976 (Aust) and the rules of court made under that Act that are applicable in relation to Australian proceedings generally apply to the practice and procedure of the Federal Court at any sitting of that court of the kind referred to in that subsection.
- (3) Without limiting **subsection (1)**, the Federal Court may, at any such sitting of the court in New Zealand or in Australia, by order—
 - (a) direct that the hearing or any part of the hearing be held in private:
 - (b) require any person to leave the court:
 - (c) prohibit or restrict the publication of evidence or the name of any party or any witness.
- (4) Nothing in **subsection (1) or (2)** applies in relation to—
 - (a) the power of the court to punish any person for contempt; or

- (b) the prosecution of any person for an offence committed as a witness; or
 - (c) the enforcement or execution of any judgment, order, injunction, writ, or declaration given, made, or granted by the court.
- (5) An order made under **subsection (3)** may be enforced by a Judge of the High Court who, for that purpose, has and may exercise the powers, including the power to punish for contempt, that would be available to enforce the order if it had been made by that Judge.

Compare: 1908 No 89 s 56J

88 Issue of subpoenas in Australian proceedings

- (1) An order of subpoena, issued by the Federal Court with the leave of a Judge of that court, requiring the attendance of a person in New Zealand to give evidence or to produce documents for the purposes of an Australian proceeding may be served on that person in New Zealand by leaving a sealed copy of the subpoena with that person personally, together with a statement setting out the rights and obligations of that person, including information as to the manner in which an application may be made to that court to have the subpoena set aside.
- (2) A person who has been served with an order of subpoena under **subsection (1)** may not be compelled to comply with the order unless, at the time of service of the order or at some other reasonable time before the hearing, allowances and travelling expenses or vouchers sufficient to enable that person to comply with the order are tendered or paid to that person.

Compare: 1908 No 89 s 56K

89 Failure of witness to comply with subpoena issued in Australian proceeding

- (1) The High-eCourt may, on receiving a certificate under the seal of the Federal Court stating that a person named in the certificate has failed to comply with an order of subpoena requiring that person to attend as a witness for the purposes of an Australian proceeding, issue a warrant requiring any constable to arrest that person and bring that person before the court.
- (2) The High eCourt may, on the appearance of that person before the court, impose a fine not exceeding \$1,000, unless the court is satisfied that the failure to comply with the order of subpoena, the onus of proof of which lies with that person, should be excused.
- (3) In determining whether the failure to comply with the order of subpoena should be excused, the High Court may have regard to—
- (a) any matters that were not brought to the attention of the Federal Court if the High Court is satisfied that—
 - (i) the Federal Court would have been likely to have set aside the order of subpoena if those matters had been brought to the attention of that court; and

- (ii) the failure to bring those matters to the attention of the Federal Court was not because of any fault on the part of the person alleged to have failed to comply with the order of subpoena or was because of an omission by that person that should be excused; and
 - (b) any matters to which the High Court would have regard if the order of subpoena had been issued by the High Court.
- (4) For the purposes of this section, but subject to **subsection (3)**, a certificate under the seal of the Federal Court is conclusive evidence of the matters stated in it if the certificate states—
 - (a) that the order of subpoena was issued by that court:
 - (b) that the witness failed to comply with the order of subpoena:
 - (c) the decision of that court, or any orders or findings of fact made by that court, in relation to any application made to that court to have the order of subpoena set aside.
- (5) Subject to **subsection (3)**, no findings of fact made by the Federal Court on an application to that court to have the order of subpoena set aside may be challenged by any person alleged to have failed to comply with the order unless the court was deliberately misled in making those findings of fact.

Compare: 1908 No 89 s 56L

90 Federal Court of Australia may administer oaths in New Zealand

- (1) The Federal Court may administer an oath or affirmation in accordance with the practice and procedure of that court—
 - (a) at any sitting of that court in New Zealand held for the purposes of an Australian proceeding; or
 - (b) for the purposes of obtaining the evidence of a person in New Zealand by audio link or audiovisual link at a sitting of that court in Australia.
- (2) Evidence given by a person on oath or affirmation administered by the Federal Court under **subsection (1)**; for the purposes of section 108 of the Crimes Act 1961 (which relates to perjury); is to be deemed to have been given as evidence in a judicial proceeding on oath.

Compare: 1908 No 89 s 56M

91 Orders made by Federal Court of Australia not subject to review

No application for review under **Part 3 of the Judicature Modernisation Act 2013** and no application for an order of mandamus, prohibition, or certiorari or for a declaration or injunction may be brought in respect of any judgment, order, or determination of the Federal Court made or given at a sitting of that court in New Zealand in an Australian proceeding.

Compare: 1908 No 89 s 56N

92 Contempt of Federal Court of Australia

- (1) Every person commits an offence who, at any sitting of the Federal Court in New Zealand,—
- (a) assaults, threatens, intimidates, or wilfully insults—
 - (i) a Judge of that court; or
 - (ii) a Registrar or an officer of that court; or
 - (iii) a person appearing as a barrister or solicitor, or both, before that court; or
 - (iv) a witness in proceedings before that court; or
 - (b) wilfully interrupts or obstructs the proceedings; or
 - (c) wilfully and without lawful excuse disobeys any order or direction of the court in the course of the proceedings.
- (2) Every person who commits an offence against this section is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000.

Compare: 1908 No 89 s 56O

93 Arrangements to facilitate sittings

- (1) The Chief Justice of New Zealand may make arrangements with the Chief Justice of the Federal Court for the purposes of giving effect to this Part.
- (2) Without limiting **subsection (1)**, arrangements may be made—
- (a) to enable the High Court to sit in Australia in New Zealand proceedings in the courtrooms of the Federal Court or in other places in Australia;
 - (b) to enable the Federal Court to sit in New Zealand in Australian proceedings in the courtrooms of the High Court or in other places in New Zealand;
 - (c) to enable evidence to be given and submissions of counsel to be made in New Zealand proceedings or in Australian proceedings by audio link or audiovisual link;
 - (d) for the provision of registry facilities and court staff for the purposes of a New Zealand proceeding or an Australian proceeding.

Compare: 1908 No 89 s 56P

94 Privileges and immunities of Judges, counsel, and witnesses in Australian proceedings

- (1) A Judge of the Federal Court sitting as a Judge of that court in New Zealand in an Australian proceeding has all the protections, privileges, and immunities of a Judge of the High Court.
- (2) A witness has all the privileges and immunities of a witness in the High Court when the witness gives evidence in an Australian proceeding—

- (a) at a sitting in New Zealand of the Federal Court; or
 - (b) by audio link or audiovisual link at a sitting in Australia of the Federal Court.
- (3) A person has all the privileges and immunities of counsel in the High Court when appearing as a barrister or solicitor, or both, in an Australian proceeding—
- (a) at a sitting in New Zealand of the Federal Court; or
 - (b) by audio link or audiovisual link at a sitting in Australia of the Federal Court.
- (4) A person has all the privileges and immunities of a party in the High Court when appearing as a party in an Australian proceeding—
- (a) at a sitting in New Zealand of the Federal Court; or
 - (b) by audio link or audiovisual link at a sitting in Australia of the Federal Court.

Compare: 1908 No 89 s 56Q

95 High Court may take evidence at request of Federal Court

- (1) The High Court may, at the request of the Federal Court, take evidence in New Zealand for the Federal Court for the purposes of an Australian proceeding and may, by order, make any provision it considers appropriate for the purpose of taking that evidence.
- (2) An order may require a specified person to take such steps as the High Court considers appropriate for taking the evidence.
- (3) Without limiting **subsections (1) and (2)**, an order may, in particular, make provision for—
- (a) the examination of witnesses, either orally or in writing; or
 - (b) the production of documents or things; or
 - (c) the inspection, photographing, preservation, custody, or detention of any property; or
 - (d) the taking of samples of property and carrying out experiments on or with property.
- (4) The High Court may make an order requiring a person to give evidence either orally or by tendering a written document otherwise than on oath or affirmation if the Federal Court requests it to do so.
- (5) A person who has been served with an order made under this section may not be compelled to comply with the order unless, at the time of service of the order or at some other reasonable time before ~~that~~ the person is required to comply with the order, allowances and travelling expenses or vouchers sufficient to enable ~~that~~ the person to comply with the order are tendered or paid to ~~that~~ the person.

- (6) A person may not be compelled to give evidence pursuant to an order under this section that he or she is not compelled to give in the Australian proceeding to which the request relates.

Compare: 1908 No 89 s 56R

96 Power to make rules for purposes of this Part

- (1) Rules may be made under **section 145 of the Judicature Modernisation Act 2013** for, or in relation to, Australian proceedings and New Zealand proceedings.
- (2) Without limiting **subsection (1)**, rules may be made that make provision for, or in relation to,—
- (a) the giving of evidence and the making of submissions in New Zealand proceedings by audio link or audiovisual link:
 - (b) receiving, for the purposes of subpart 8 of Part 3 of the Evidence Act 2006, facsimiles as evidence of documents or things:
 - (c) the issuing of subpoenas for service in Australia for the purposes of New Zealand proceedings and the service of those subpoenas:
 - (d) the payment to witnesses required to comply with orders of subpoena served in Australia for the purposes of New Zealand proceedings of amounts in respect of expenses and loss of income occasioned by compliance with those orders:
 - (e) the lodging of documents or things with the Federal Court in compliance with orders of subpoena issued in New Zealand proceedings that require only the production of documents or things by witnesses:
 - (f) the transmission to the Federal Court of documents (or certified copies of those documents) or things lodged with the High Court in Australian proceedings in compliance with orders of subpoena issued by the Federal Court:
 - (g) the hearing of applications to set aside orders of subpoena under **section 84**:
 - (h) sittings of the High Court in Australia:
 - (i) giving effect to arrangements made under **section 93**:
 - (j) the form of certification of judgments, orders, and injunctions in New Zealand proceedings:
 - (k) the taking of evidence under **section 95**:
 - (l) any other matters as are contemplated by or necessary for giving effect to this Part.

Compare: 1908 No 89 s 56S

97 Transitional provision for certain proceedings commenced before commencement of this Part

- (1) This section applies to any proceeding commenced, but not yet determined, under Part 1A of the Judicature Act 1908 before the commencement of this section.
- (2) If this section applies, the proceeding must be treated as if it had been commenced under this Part.

578 Consequential amendment to Evidence Act 2006

- (1) This section amends the Evidence Act 2006.
- (2) In section 153, replace “Part 1A of the Judicature Act 1908” with “**Part 3** of the Trans-Tasman Proceedings Act 2010”.

579 Consequential amendment to Judicature Act 1908

- (1) This section amends the Judicature Act 1908.
- (2) Repeal Part 1A.

580 Consequential amendments for Part 6

The enactments specified in **Schedule 11** are amended in the manner set out in that schedule.

Schedule 1
High Court Rules

s 4

Schedule 1

Delete *Schedule 1* (pages 357 to 1122).

Schedule 1, proposed to be deleted, comprises the High Court Rules. The full text of this Schedule, as Reported from the Justice and Electoral Committee on 13 June 2014, can be found at: [21042014http://www.legislation.govt.nz/bill/government/2013/0178/latest/DLM5760329.html](http://www.legislation.govt.nz/bill/government/2013/0178/latest/DLM5760329.html)

Schedule 1A

Consequential amendments to High Court Rules 2016

s 180(a)

High Court Rules 2016

In rule 1.3(1), replace the definition of **Act** with:

Act means **Part 1 of the Judicature Modernisation Act 2013**

In rule 1.3(1), definition of **court**, paragraph (b), replace “section 26J” with “**section 145**”.

In rule 1.3(1), definition of **Judge**, replace “section 26J” with “**section 21**”.

Replace rule 1.4(3)(a) with:

(a) the enactments referred to in **section 144(5)** of the Act;

In rule 1.4(3)(d), replace “section 51C” with “**section 145**”.

After rule 1.4, insert:

1.4A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms.

In rule 2.1(2), replace “section 26I of the Act” with “**section 19** of the Act”.

Replace rule 2.1(3) with:

(3) Despite subclause (1), an Associate Judge does not have jurisdiction or powers in respect of the matters specified in **section 21(4)** of the Act.

In rule 2.2, replace “section 26N(1) of the Act” with “**section 25(1)** of the Act”.

Revoke rule 2.3.

Revoke rule 2.4.

In rule 2.11(3), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In rule 3.3(3)(b), delete “despite section 54 of the Act,”.

Replace rule 4.4(3) with:

(3) A third party notice may be issued only with the leave of the court if an application for judgment is pending under rule 12.2 or 12.3.

In rule 4.6(3), replace “Rule” with “Rules”.

In rule 5.1(d)(i), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In rule 5.64(1), replace “made under section 43, 44, or 45 of the District Courts Act 1947” with “made under any of **sections 268 to 273 of the Judicature Modernisation Act 2013**”.

High Court Rules 2016—continued

In rule 5.64(2), replace “made under section 43(6) of the District Courts Act 1947” with “made under **section 271 of the Judicature Modernisation Act 2013**”.

Replace rule 5.69 with:

5.69 Transfer under section 273 of Judicature Modernisation Act 2013

- (1) An application under **section 273 of the Judicature Modernisation Act 2013** must be by interlocutory application.
- (2) It must,—
 - (a) if made by the counterclaimant, be made within 5 working days after the counterclaim or set-off and counterclaim is filed in the District Court;
 - (b) if made by the party against whom the counterclaim or set-off and counterclaim is made, be made within 5 working days after service on that party.
- (3) At any time after an application under subclause (1) has been filed, the court may order the proceedings in the District Court to be stayed pending its disposal.
- (4) The order in subclause (3) may be made without notice and subject to any conditions or undertakings that the court thinks just.
- (5) If the court orders that the counterclaim or set-off and counterclaim alone be transferred, references in these rules to the plaintiff must be read as references to the counterclaimant and references to the defendant must be read as references to the party against whom the counterclaim or set-off and counterclaim is made.

Compare: 1908 No 89 Schedule 2 r 5.69 (as substituted by 2008 No 90 s 8)

After rule 5.73A, insert:

Subpart 15—Registration of users for e-filing purposes**5.74 Interpretation**

In this subpart and in **subpart 16**, unless the context otherwise requires,—

e-file means to file a document electronically (as those concepts are defined in rule 1.3)

formal undertaking is an undertaking by a party or a party’s solicitor on the record to do or abstain from doing some specified thing

registered user means a lawyer or a firm of lawyers registered to e-file documents under these rules

working hours means hours, whether on the same day as the day on which a document was received in a registry or on that day and the next day during which the registry of the court is open.

High Court Rules 2016—continued

5.75 Registration procedure

- (1) A lawyer or a firm of lawyers may apply in writing to a Registrar for registration under this subpart.
- (2) The Registrar must register the applicant as a registered user if—
 - (a) the applicant has, in the Registrar’s opinion, instituted sufficient measures to prevent unauthorised persons filing documents in the applicant’s name; and
 - (b) the applicant has nominated an acceptable electronic address for service; and
 - (c) the applicant’s name is sufficiently distinctive to avoid confusion between the applicant and another firm or lawyer (including that part of a partnership that has an office in a different place).
- (3) The Registrar may require an applicant to supply the names of those persons who are, from time to time, authorised to e-file on behalf of the applicant.
- (4) No fee is chargeable for registration.
- (5) When granting the application, the Registrar must—
 - (a) assign the registered user an electronic identity for use whenever a document is e-filed; and
 - (b) open an account in the name of the registered user.
- (6) The Registrar must keep a register recording the name, electronic address for service, and electronic identity of each registered user and the date of that user’s registration under this subpart.
- (7) The register kept under **subclause (6)** may be searched by or on behalf of a registered user.

5.76 Effect of registration

- (1) A registered user may e-file any document that complies with **subpart 16**.
- (2) A registered user may file any document in hard copy by physical lodgement (whether or not that document has already been e-filed).
- (3) If there is any difference between the content of an e-filed document and the filed hard-copy version of the same document, the hard-copy version prevails, and the document is treated as filed when it is physically lodged.

5.77 Renewal of registration

Registration lasts 36 months and is then renewable.

High Court Rules 2016—continued**Subpart 16—E-filing documents****5.78 Requirements for e-filing**

- (1) A document may be e-filed if it complies with this rule.
- (2) An electronic communication sent with a document for e-filing must be authenticated by a current electronic identity assigned by the Registrar.
- (3) A document that is e-filed, and any electronic communication by which the document is e-filed, must comply with the requirements set out in a practice note issued by the Chief Judge or by a list Judge for a particular registry of the court with the approval of the Chief Judge.
- (4) The practice note may also limit the number of documents that may be filed on a single occasion or in a stated period, and impose other requirements to ensure that electronic filing is convenient to registered users and is efficient and reliable and causes no injustice to other parties.
- (5) A document that is e-filed other than in imaged form need not comply with the rules as to shape, size, and format in subpart 2 (formal requirements for documents).
- (6) A document that is e-filed in imaged form must comply with subpart 2.
- (7) An e-filed document must be adequately labelled so that it is obvious what it is (for example, “Interlocutory application without notice for interim injunction”).
- (8) If, under these rules, a document can be filed only if it is signed or otherwise authenticated, use of the registered user’s electronic identity to authenticate the electronic communication sent with the document must be treated for all purposes as equivalent to that user’s signature or other authentication of that document.
- (9) This rule is subject to **rule 5.81**.

5.79 Provisional filing

- (1) An e-filed document must be treated as provisionally filed on the date and at the time it enters the information system designated for this purpose in the applicable practice note issued under **rule 5.78(3)**, and that date and time must be recorded on the court file.
- (2) The Registrar or a Deputy Registrar must ensure that every provisionally filed document is checked to ensure it meets the requirements imposed by this subpart and by that practice note.
- (3) Checking must—
 - (a) be completed within 2 working hours of the provisional filing of an e-filed document; and
 - (b) comply with operational standards not conflicting with this subpart issued by the Ministry of Justice and available on request to registered

High Court Rules 2016—continued

users and any person considering registration under **subpart 15** or the practice note issued under **rule 5.78(3)**.

5.80 Acceptance of provisionally filed documents

- (1) Acceptance of a document by the Registrar or a Deputy Registrar must be recorded by dating and timing that acceptance and endorsing the document “Accepted for filing” and verifying that date, time, and endorsement.
- (2) The Registrar must immediately notify the registered user if an e-filed document is not accepted.
- (3) If an e-filed document is accepted it must be treated for all purposes as having been filed on the date and at the time when it is recorded as having been provisionally filed.
- (4) Upon acceptance of an e-filed document, the Registrar must direct debit the registered user with the appropriate fee for filing that document.

5.81 Affidavits and formal undertakings

- (1) An affidavit or a formal undertaking may be e-filed if the e-filing complies with this rule.
- (2) If an affidavit or a formal undertaking is being e-filed, it must be transmitted to the court in imaged form.
- (3) **Rule 5.78(2), (3), and (7)** applies to the e-filing of an affidavit or a formal undertaking.
- (4) The original hard-copy form of the affidavit or formal undertaking, sworn or signed or authenticated as required by these rules, must be retained by the registered user,—
 - (a) if the affidavit or formal undertaking is filed in connection with an application under Part 18 or 19, or in a proceeding that does not go to trial, for 12 months from the date of e-filing;
 - (b) if it is filed in connection with a proceeding, and that proceeding goes to trial, until no appeal or further appeal from a judgment given in that proceeding is possible.
- (5) If uncertainty as to the content of an affidavit or formal undertaking arises, or a Judge considers that justice requires its production, the Judge, on application or on the Judge’s own initiative, may order that it be filed in court and served on the other party or parties in hard copy form, and may make such order as to a further hearing as the Judge thinks just.

Revoke rule 6.19(2).

Revoke rule 7.1AA(4).

Replace rule 7.1AA(5) with:

High Court Rules 2016—*continued*

(5) An application for judicial review may be subject to case management under **section 433 of the Judicature Modernisation Act 2013** and any rules relating to the case management of those proceedings.

Revoke rule 7.1(5)(g).

In rule 7.16, replace “section 19A” with “**section 15**”.

In rule 7.49(2)(b), delete “; or”.

Revoke rule 7.49(2)(c).

Revoke rule 8.9(b).

In rule 9.32(2), replace “section 100(1)” with “**section 42(1)**”.

In rule 9.53, replace “section 56A(3)” with “**section 39**”.

Replace rule 10.24(1) with:

(1) A Judge may, by video link, preside at the hearing of any matter referred to in **section 19** of the Act.

In rule 15.20(1)(a)(iii), replace “section 8 of the Judicature Amendment Act 1972” with “**section 435 of the Judicature Modernisation Act 2013**”.

In rule 17.40(2), replace “form E 4, form E 5, or form E 6” with “form E 4, E 5, or E 6”.

In rules 17.88(1), 17.89(1), and 17.90(1), replace “section 55” with “**section 38**”.

In rule 19.2(c), replace “299,” with “and 299,”.

Replace rule 19.2(g) with:

(g) **section 271 of the Judicature Modernisation Act 2013:**

Replace rule 19.2(k) with:

(k) **section 170 of the Judicature Modernisation Act 2013:**

In rule 20.13(5),—

(a) replace “under the District Courts Act 1947” with “under **Part 2 of the Judicature Modernisation Act 2013**”; and

(b) replace “under section 74” with “under **section 308** of that Act”.

In rule 23.1(2)(b), replace “(section 56 of the Judicature Act 1908)” with “(see **section 170 of the Judicature Modernisation Act 2013**)”.

In rule 23.1(3), replace “under section 56(4) of the Judicature Act 1908” with “under **section 170(5) of the Judicature Modernisation Act 2013**”.

In rule 28.7(1), replace “section 56G of the Act” with “under **section 84** of the Trans-Tasman Proceedings Act 2010”.

In rule 28.11(3)(b), replace “section 56D of the Act” with “**section 81** of the Trans-Tasman Proceedings Act 2010”.

Revoke Part 29.

High Court Rules 2016—continued

In rule 30.3(1) and (2), replace “under Part 1 of the Judicature Amendment Act 1972” with “under **Part 3 of the Judicature Modernisation Act 2013**”.

In rule 31.39, replace “coming into force of these rules applies” with “commencement of the Schedule of the Judicature (High Court Rules) Amendment Act 2008 applies”.

In Schedule 1, form G 22, paragraph 5, replace “under section 56G of the Judicature Act 1908 of New Zealand. Section 56G of the Judicature Act 1908 provides” with “under **section 84** of the Trans-Tasman Proceedings Act 2010 of New Zealand. **Section 84** of the Trans-Tasman Proceedings Act 2010 provides”.

In Schedule 1, form G 23, paragraph 2, statement A and statement B, replace “section 56 of the Judicature Act 1908” with “**section 84** of the Trans-Tasman Proceedings Act 2010” in each place.

Insert the following **Schedule 1AA** as the first schedule to appear after the last rule of the principal rules:

Schedule 1AA
Transitional, savings, and related provisions

r 1.4A

Part 1
Provisions relating to Part 1 of the Judicature Modernisation Act 2013 as enacted

1 **References to enactments not yet in force**

- (1) A reference in these rules to an enactment not yet in force (**enactment A**) is, until enactment A comes into force, a reference to the provision that (with or without modification) enactment A will replace or that corresponds to enactment A.
- (2) To avoid doubt, **subclause (1)** does not affect the application of section 22 of the Interpretation Act 1999 (references to repealed enactments).
- (3) In this clause, **enactment** means the whole or a part of **Part 1, Part 2, Part 3, Part 4, or Part 5 of the Judicature Modernisation Act 2013** or any other Act, regulations, or rules.

2 **Other transitional provisions applying**

- (1) **Part 2 of Schedule 4 of the Judicature Modernisation Act 2013** contains further provisions about how proceedings that are begun before **Part 1 of the Judicature Modernisation Act 2013** comes into force are to be dealt with, including—
 - (a) the High Court Rules under which those proceedings are to be continued, completed, and enforced:

High Court Rules 2016—*continued*

- (b) the application of Part 2 of the former High Court Rules (which relates to the Commercial List):
 - (c) the continued effect of certain transitional provisions in the former High Court Rules.
- (2) In this clause, **former High Court Rules**, means the High Court Rules as in force immediately before the commencement of this clause.

Schedule 2
Categories of information for purposes of sections 171 and 171A

ss 171, 171A

Court record information

Part A Description of court record information

Item	Category	Description
1	Formal court record	<p>Any of the following kept in the registry of the court that relate to a criminal, civil, or family proceeding:</p> <ul style="list-style-type: none">(a) a register or index:(b) any published list that gives notice of a hearing:(c) a document that—<ul style="list-style-type: none">(i) may be accessed under an enactment other than this Act; or(ii) constitutes notice of its content to the public:(d) a judgment, order, or minute of the court, including any record of the reasons given by a Judge or other judicial officer:(e) the rolls of barristers and solicitors kept under section 56 of the Lawyers and Conveyancers Act 2006 or any former corresponding enactment <p>The permanent court record, as prescribed by rule 7.2 of the Criminal Procedure Rules 2012 (as from time to time amended or replaced)</p>
2	Court file	<p>A collection of documents in the custody and control of the court that relate to a criminal, civil, or family proceeding, or <u>civil proceedings (including family proceedings)</u> for example, applications, submissions, and supporting affidavits, but excluding notes made by or for a judicial officer for his or her personal use</p>
3	Information relating to particular cases	<p>Information held by the Ministry of Justice in hard copy form, or on the Ministry's data sets or databases, for the purpose of assisting with the management of court proceedings</p>
4	Electronic records of hearings	

Part B Permitted information

Item	Category	Description
	Permitted information	<ul style="list-style-type: none">(1) The permanent court record, as prescribed by rule 7.2 of the Criminal Procedure Rules 2012 (as from time to time amended or replaced)(2) Information that any of the following orders have been made in respect of a person:<ul style="list-style-type: none">(a) any protection order under the Domestic Violence Act 1995 <u>or Sentencing Act 2002</u>:(b) any restraining order under the Harassment Act 1995:(c) any extended supervision order under the Parole Act 2002:(d) <u>any non-contact order under the Victims' Orders Against Violent Offenders Act 2014</u>:(e) <u>any public protection order under the Public Safety (Public Protection Orders) Act 2014</u>(3) Information that any probation report exists in respect of a person

Ministry of Justice information

Item	Category	Description
1	Separate or collated administrative information and statistics taken primarily from case management systems to enable the ministry to efficiently budget, plan, and administer the court system	Includes information on the relative costs of proceedings, use of courtrooms, and deployment of court staff
2	Case-level information held in ISIS (the justice sector data warehouse) that is combined with Police, Corrections, and other government agency data to support policy formation, statistics, and research for the justice sector	<u>Case-level information, where all personal identification details are removed to ensure that the identity of any individual cannot be derived from the published information or data</u>
3	Information relating to court staff personnel matters	
4	Aggregate information about judicial expenditure	Includes information relating to judicial travel
5	Information on operational matters	Includes information about court buildings, resources, support systems, and other operational matters
6	Information held by or on behalf of the Rules Committee	
7	Statistics (counts, averages, trends, etc) and performance measures (to assess achievement against operating targets, etc) about court processes and case outcomes	Data that is extracted from case-level transactions, where all personal identification details are removed and outputs are checked to ensure that the identity of any individual cannot be derived from the published data
8	Correspondence and other information relating to liaison between the judiciary and the Ministry of Justice about the management and administration of judicial matters	
9	Minutes of joint committee meetings of the judiciary at which representatives of the Ministry of Justice are present	

Judicial information

Item	Category
1	Information about individual judicial expenditure
2	Judicial communications not relating to particular cases
3	Information about a Judge that relates to the Judge's performance of his or her role and function as a Judge
4	Internal communications, via email or in hard copy, between Judges and between Judges and administrative personnel about judicial administrative and management matters
5	Minutes of committee meetings of the judiciary that relate to the management and administration of judicial affairs (but not including the Rules Committee)

**Proposed amendments to
Judicature Modernisation Bill**

Schedule 2

Item	Category
6	Judicial personnel matters, such as salary, leave, and sabbatical records, that have not been anonymised, including allocations of technology, personal expenses records, judicial training programmes, and attendance at overseas conferences
7	Separate or collated information relating to the rostering of Judges, judicial activity information, and judicial activity statistics that identify particular Judges
8	Judicial communications, including Judges' papers or notes relating to particular cases

Schedule 3

Consequential amendments relating to Senior Courts

s 180(b)

Part 1

Amendments to Acts

Administration Act 1969 (1969 No 52)

In section 59, replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

Admiralty Act 1973 (1973 No 119)

In section 11(1), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

In section 13(2), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Adoption Act 1955 (1955 No 93)

In section 28A(a), replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

Animal Products Act 1999 (1999 No 93)

In section 155(3), replace “section 14 of the Supreme Court Act 2003” with “**section 75 of the Judicature Modernisation Act 2013**”.

Animal Welfare Act 1999 (1999 No 142)

In section 156G(3), replace “section 14 of the Supreme Court Act 2003” with “**section 75 of the Judicature Modernisation Act 2013**”.

Arbitration Act 1996 (1996 No 99)

In section 16(a), replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

Biosecurity Act 1993 (1993 No 95)

In section 154F(3), replace “section 14 of the Supreme Court Act 2003” with “**section 75 of the Judicature Modernisation Act 2013**”.

Canterbury Earthquake Recovery Act 2011 (2011 No 12)

In section 70(4), replace “Supreme Court Act 2003” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Care of Children Act 2004 (2004 No 90)

In section 135B(2), replace “section 100A of the Judicature Act 1908” with “**section 153 of the Judicature Modernisation Act 2013**”.

In section 141(3), replace “section 88B of the Judicature Act 1908” with “**sections 162 to 165 of the Judicature Modernisation Act 2013**”.

In section 146(1), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

In section 147(1), replace “section 100A of the Judicature Act 1908” with “**section 153 of the Judicature Modernisation Act 2013**”.

Child Support Act 1991 (1991 No 142)

In section 226D(2), replace “section 100A of the Judicature Act 1908” with “**section 153 of the Judicature Modernisation Act 2013**”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)

In section 448(2)(a), replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

Citizens Initiated Referenda Act 1993 (1993 No 101)

In section 58A, replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Civil List Act 1979 (1979 No 33)

In section 27(7), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Commerce Act 1986 (1986 No 5)

In section 97(1), replace “section 66 of the Judicature Act 1908” with “**section 57 of the Judicature Modernisation Act 2013**”.

Commissions of Inquiry Act 1908 (1908 No 25)

In section 13(1), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

In section 13(3), replace “section 56A(1) of the Judicature Act 1908” with “**section 40 of the Judicature Modernisation Act 2013**”.

In section 13(3), replace “section 56B of the Judicature Act 1908” with “**section 41 of the Judicature Modernisation Act 2013**”.

In section 13(4), replace “section 56A(1) of the Judicature Act 1908” with “**section 40 of the Judicature Modernisation Act 2013**”.

In section 13(4), replace “section 56B of the Judicature Act 1908” with “**section 41 of the Judicature Modernisation Act 2013**”.

Commissions of Inquiry Act 1908 (1908 No 25)—*continued*

In section 13A(1)(a), replace “section 56A(1) of the Judicature Act 1908” with “**section 40 of the Judicature Modernisation Act 2013**”.

In section 13A(1)(b), replace “section 56B of the Judicature Act 1908” with “**section 41 of the Judicature Modernisation Act 2013**”.

In section 13A(2)(a), replace “section 56A(1) of the Judicature Act 1908” with “**section 40 of the Judicature Modernisation Act 2013**”.

In section 13A(2)(b), replace “section 56B of the Judicature Act 1908” with “**section 41 of the Judicature Modernisation Act 2013**”.

In section 13B, replace “section 56C of the Judicature Act 1908” with “**section 161 of the Judicature Modernisation Act 2013**” in each place.

In section 13C, replace “section 56A(1) of the Judicature Act 1908” with “**section 40 of the Judicature Modernisation Act 2013**”.

In section 13C, replace “section 56B of the Judicature Act 1908” with “**section 41 of the Judicature Modernisation Act 2013**”.

In section 13D, replace “section 56A(1) of the Judicature Act 1908” with “**section 40 of the Judicature Modernisation Act 2013**”.

In section 13D, replace “section 56B of the Judicature Act 1908” with “**section 41 of the Judicature Modernisation Act 2013**”.

In section 14, replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

Construction Contracts Act 2002 (2002 No 46)

In section 81(2)(b), replace “section 51B of the Judicature Act 1908” with “**section 152 of the Judicature Modernisation Act 2013**”.

Cook Islands Act 1915 (1915 No 40)

In section 175, replace “Sections 47 to 49 of the Judicature Act 1908” with “**Sections 28 to 30 of the Judicature Modernisation Act 2013**”.

In section 175, replace “within the meaning of section 47 aforesaid, and Commissioners in the Cook Islands may be appointed by a Judge of the High Court” with “of New Zealand, and Commissioners in the Cook Islands may be appointed by a Judge of the High Court of New Zealand”.

Coroners Act 2006 (2006 No 38)

~~In section 34(5), replace “section 2 of the Judicature Act 1908” with “**section 4(1) of the Judicature Modernisation Act 2013**”.~~

~~In section 34(5), delete “(as defined in section 2 of the Judicature Act 1908)”.~~

Court Martial Appeals Act 1953 (1953 No 100)

In section 2(1), definition of **Court of Appeal**, replace “Part 2 of the Judicature Act 1908” with “**subpart 3 of Part 1 of the Judicature Modernisation Act 2013**”.

In section 4(6), replace “superior” with “senior”.

In section 10(2), replace “section 14 of the Supreme Court Act 2003” with “**section 75 of the Judicature Modernisation Act 2013**”.

In section 26(1), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Courts (Remote Participation) Act 2010 (2010 No 94)

In section 3, definition of **Court of Appeal**, replace “Part 2 of the Judicature Act 1908” with “**subpart 3 of Part 1 of the Judicature Modernisation Act 2013**”.

In section 3, definition of **Supreme Court**, replace “section 4 of the Supreme Court Act 2003” with “**section 65 of the Judicature Modernisation Act 2013**”.

Crimes Act 1961 (1961 No 43)

In section 2(1), definition of **Supreme Court**, replace “section 6 of the Supreme Court Act 2003” with “**section 66 of the Judicature Modernisation Act 2013**”.

In section 406A(4), replace “section 14 of the Supreme Court Act 2003” with “**section 75 of the Judicature Modernisation Act 2013**”.

Criminal Procedure Act 2011 (2011 No 81)

In section 5, definition of **rules of court**, replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

Replace section 213(1) with:

- (1) All rights of appeal to the Supreme Court under this Part are subject to **subpart 4 of Part 1 of the Judicature Modernisation Act 2013**. *See*, especially, **sections 73 to 75** of that Act.

In section 314(5), replace “section 99A of the Judicature Act 1908” with “**section 174 of the Judicature Modernisation Act 2013**”.

In section 316(6), replace “section 99A of the Judicature Act 1908” with “**section 174 of the Judicature Modernisation Act 2013**”.

In section 318(4), replace “section 99A of the Judicature Act 1908” with “**section 174 of the Judicature Modernisation Act 2013**”.

In section 325(3), replace “section 15(2) of the Supreme Court Act 2003” with “**section 76 of the Judicature Modernisation Act 2013**”.

In section 333(1), after “~~Court of Appeal~~”, insert “(of whom at least 1 must hold office under **section 43 of the Judicature Modernisation Act 2013**)”.

Criminal Procedure Act 2011 (2011 No 81)—continued

In section 333(2) and (4), after “~~Court of Appeal~~”, insert “(whether holding office under **section 43 or 46 of the Judicature Modernisation Act 2013**)” in each place.

In section 386(1), replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

Criminal Proceeds (Recovery) Act 2009 (2009 No 8)

Repeal sections 206 and 207 and the cross-heading above section 206.

Criminal Records (Clean Slate) Act 2004 (2004 No 36)

In section 22(1) and (2), replace “section 51B of the Judicature Act 1908” with “**section 152 of the Judicature Modernisation Act 2013**”.

In section 22(2), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

In section 22(3), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Crown Proceedings Act 1950 (1950 No 54)

In section 22(1), replace “each district constituted under the Judicature Act 1908” with “a district”.

In section 29(2), replace “Section 55 of the Judicature Act 1908” with “**Section 38 of the Judicature Modernisation Act 2013**”.

In Schedule 1, replace the item relating to the Judicature Act 1908 with: **Part 1 of the Judicature Modernisation Act 2013 (2013 No 00)**.

Customs and Excise Act 1996 (1996 No 27)

In section 110(4), replace “section 55 of the Judicature Act 1908” with “**section 38 of the Judicature Modernisation Act 2013**”.

Declaratory Judgments Act 1908 (1908 No 220)

In section 6, replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Replace section 7 with:

7 Removal of summons into Court of Appeal

An originating summons under section 3 may be removed into the Court of Appeal in the same manner as the matters specified in **section 60 of the Judicature Modernisation Act 2013** are removable, and **section 60** of that Act applies to any originating summons removed into the court.

Domestic Actions Act 1975 (1975 No 53)

In section 9A(a), replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

Electoral Act 1993 (1993 No 87)

In section 234(1), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Electricity Industry Act 2010 (2010 No 116)

In section 71(2), replace “Section 66 of the Judicature Act 1908” with “**Section 57 of the Judicature Modernisation Act 2013**”.

Electronic Transactions Act 2002 (2002 No 35)

In the Schedule, Part 4, paragraph (1), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Employment Relations Act 2000 (2000 No 24)

In section 214(1), replace “section 66 of the Judicature Act 1908” with “**section 57 of the Judicature Modernisation Act 2013**”.

In section 214A(4), replace “section 14 of the Supreme Court Act 2003” with “**section 75 of the Judicature Modernisation Act 2013**”.

In section 218, replace “section 66 of the Judicature Act 1908” with “**section 57 of the Judicature Modernisation Act 2013**”.

Employment Relations Amendment Act 2016 (2016 No 9)

In new section 214AA(3), replace “Section 66 of the Judicature Act 1908” with “**section 57 of the Judicature Modernisation Act 2013**”.

Environment Canterbury (Transitional Governance Arrangements) Act 2016 (2016 No 20)

In section 27, replace “Section 66 of the Judicature Act 1908” with “**section 57 of the Judicature Modernisation Act 2013**”.

Evidence Act 2006 (2006 No 69)

In section 199(1), replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

In section 200(1), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

In section 202(3)(a), replace “superior” with “senior”.

Extradition Act 1999 (1999 No 55)

In section 103, replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Family Proceedings Act 1980 (1980 No 94)

In section 162D(2), replace “section 100A of the Judicature Act 1908” with “**section 153 of the Judicature Modernisation Act 2013**”.

Family Protection Act 1955 (1955 No 88)

In section 15(3), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Food Act 2014 (2014 No 32)

In section 340(3), replace “section 14 of the Supreme Court Act 2003” with “**section 75 of the Judicature Modernisation Act 2013**”.

In section 365(3), replace “section 14 of the Supreme Court Act 2003” with “**section 75 of the Judicature Modernisation Act 2013**”.

Gas Act 1992 (1992 No 124)

In section 43ZJ(2), replace “Section 66 of the Judicature Act 1908” with “**Section 57 of the Judicature Modernisation Act 2013**”.

Goods and Services Tax Act 1985 (1985 No 141)

In section 78(4), replace “section 94A(1) of the Judicature Act 1908” with “**section 74A(1) of the Property Law Act 2007**”.

In section 78(4), replace “section 94A(2) of the Judicature Act 1908” with “**section 74A(2) of the Property Law Act 2007**”.

Government Superannuation Fund Act 1956 (1956 No 47)

In section 72, definition of **Judge**, paragraph (a), replace “section 4 of the Judicature Act 1908” with “**section 100 of the Judicature Modernisation Act 2013**”.

In section 72, definition of **temporary Judge**, paragraph (a), replace “section 11 of the Judicature Act 1908” with “**section 112 of the Judicature Modernisation Act 2013**”.

In section 81A, definition of **Judge**, paragraph (a), replace “section 4 of the Judicature Act 1908” with “**section 100 of the Judicature Modernisation Act 2013**”.

In section 81A, definition of **temporary Judge**, paragraph (a), replace “section 11 of the Judicature Act 1908” with “**section 112 of the Judicature Modernisation Act 2013**”.

In section 81X, definition of **Associate Judge**, replace “section 26C of the Judicature Act 1908” with “**section 100 of the Judicature Modernisation Act 2013**”.

Governor-General Act 2010 (2010 No 122)

In section 17(3), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Greater Christchurch Regeneration Act 2016 (2016 No 14)

In section 120(3), replace “Supreme Court Act 2003” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Habeas Corpus Act 2001 (2001 No 31)

In section 3, definition of **High Court Rules**, replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

In section 7(7), replace “Section 51E of the Judicature Act 1908” with “**Section 150 of the Judicature Modernisation Act 2013**”.

In section 15(1), replace “sections 7 to 10 of the Supreme Court Act 2003” with “**sections 68 to 71 of the Judicature Modernisation Act 2013**”.

In section 16(1), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

In section 20(1) and (2), replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

Harmful Digital Communications Act 2015 (2015 No 63)

In section 27(1), replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

Immigration Act 2009 (2009 No 51)

In section 246(1), replace “Section 66 of the Judicature Act 1908” with “**Section 57 of the Judicature Modernisation Act 2013**”.

In section 249B(2), replace “Section 66 of the Judicature Act 1908” with “**Section 57 of the Judicature Modernisation Act 2013**”.

Replace section 251 with:

251 Relationship with Part 1 of Judicature Modernisation Act 2013

Part 1 of the Judicature Modernisation Act 2013 is subject to sections 247, 248, 249, 250, and 262.

Insolvency Act 2006 (2006 No 55)

In section 442(1), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Insolvency (Cross-border) Act 2006 (2006 No 57)

In section 9, replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

Insurance (Prudential Supervision) Act 2010 (2010 No 111)

In section 43(1), replace “section 66 of the Judicature Act 1908” with “**section 57 of the Judicature Modernisation Act 2013**”.

Insurance (Prudential Supervision) Act 2010 (2010 No 111)—*continued*

In section 225(1), replace “section 66 of the Judicature Act 1908” with “**section 57 of the Judicature Modernisation Act 2013**”.

Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 (2004 No 38)

In section 5, definition of **Judge**, replace paragraph (b) with:

- (b) includes a person who holds office as an acting Judge, or an acting Associate Judge; but

In section 31(3)(b), replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

Juries Act 1981 (1981 No 23)

Repeal section 34.

Land Transfer Act 1952 (1952 No 52)

In section 224, replace “Judicature Amendment Act 1930” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Land Valuation Proceedings Act 1948 (1948 No 50)

In section 18A(1), replace “section 66 of the Judicature Act 1908” with “**section 57 of the Judicature Modernisation Act 2013**”.

Law Reform Act 1936 (1936 No 31)

In section 17(5), replace “Section 94 of the Judicature Act 1908” with “**Section 281 of the Judicature Modernisation Act 2013**”.

In section 94(5), replace “Section 94 of the Judicature Act 1908” with “**Section 281 of the Judicature Modernisation Act 2013**”.

Lawyers and Conveyancers Act 2006 (2006 No 1)

In section 49(3)(a), replace “the superior” with “a senior”.

In section 53(1)(a), replace “the superior” with “a senior”.

In section 53(1), replace “that superior” with “that senior” in each place.

In section 54(1), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

In section 254(1), replace “section 66 of the Judicature Act 1908” with “**section 57 of the Judicature Modernisation Act 2013**”.

In section 276(a), replace “the superior” with “a senior”.

Legislation Act 2012 (2012 No 119)

In the Schedule, repeal the item relating to the Judicature Act 1908.

Limitation Act 2010 (2010 No 110)

In section 13, replace “section 16A of the Judicature Act 1908” with “**section 12 of the Judicature Modernisation Act 2013**”.

Local Government Official Information and Meetings Act 1987 (1987 No 174)

In section 35, replace “section 66 of the Judicature Act 1908” with “**section 57 of the Judicature Modernisation Act 2013**”.

Local Government (Rating) Act 2002 (2002 No 6)

In section 67(2)(b), replace “section 100A of the Judicature Act 1908” with “**section 153 of the Judicature Modernisation Act 2013**”.

In section 70(2), replace “section 100A of the Judicature Act 1908” with “**section 153 of the Judicature Modernisation Act 2013**”.

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)

In section 9(1), definition of **High Court Rules**, replace “the Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

In section 108, replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93)

In section 46(7), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Non-bank Deposit Takers Act 2013 (2013 No 104)

In section 63(1), replace “section 66 of the Judicature Act 1908” with “**section 57 of the Judicature Modernisation Act 2013**”.

Niue Act 1966 (1966 No 38)

In section 128, replace “Sections 47 to 49 of the Judicature Act 1908” with “**Sections 28 to 30 of the Judicature Modernisation Act 2013**”.

In section 128, replace “section 47” with “section 28”.

Official Information Act 1982 (1982 No 156)

In section 2(1), definition of **official information**, paragraph (c), replace “section 51B of the Judicature Act 1908” with “**section 152 of the Judicature Modernisation Act 2013**”.

In section 32C, replace “section 66 of the Judicature Act 1908” with “**section 57 of the Judicature Modernisation Act 2013**”.

Patents Act 2013 (2013 No 68)

In section 215(3), replace “sections 7 and 8 of the Supreme Court Act 2003” with “**sections 68 and 69 of the Judicature Modernisation Act 2013**”.

PGG Trust Limited Act 1989 (1989 No 1 (P))

In section 17, replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Property (Relationships) Act 1976 (1976 No 166)

In section 39B(1), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

In section 53(1) and (4), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

In section 53(2), replace “section 100A of the Judicature Act 1908” with “**section 153 of the Judicature Modernisation Act 2013**”.

Protection of Personal and Property Rights Act 1988 (1988 No 4)

In section 111(a), replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

In section 114, replace “section 17 of the Judicature Act 1908” with “**section 13 of the Judicature Modernisation Act 2013**”.

Reciprocal Enforcement of Judgments Act 1934 (1934 No 11)

In section 2(1), definition of judgments given in the superior courts of New Zealand, replace “superior” with “senior”.

In section 3(1A), (1B), (1C), (2), (2A), and (3), replace “superior” with “senior” in each place.

In section 3B(1), replace “superior” with “senior” in each place.

In section 10(1), replace “superior” with “senior” in each place.

Replace section 13 with:

13 Section 170 of Judicature Modernisation Act 2013 modified

Section 170 of the Judicature Modernisation Act 2013 applies only in respect of any judgments, decrees, rules, and orders that, being enforceable under that section, are not enforceable in New Zealand in accordance with this Act.

Referenda (Postal Voting) Act 2000 (2000 No 48)

In section 80(2), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Resource Management Act 1991 (1991 No 69)

In section 149V(6), replace “sections 12 to 15 of the Supreme Court Act 2003” with “**sections 73 to 76 of the Judicature Modernisation Act 2013**”.

In section 149V(7), replace “section 14 of the Supreme Court Act 2003” with “**section 75 of the Judicature Modernisation Act 2013**”.

Road User Charges Act 2012 (2012 No 1)

In section 71(3), replace “section 14 of the Supreme Court Act 2003” with “**section 75 of the Judicature Modernisation Act 2013**”.

Rugby World Cup 2011 (Empowering) Act 2010 (2010 No 123)

In Schedule 2, clause 9(2), replace “sections 12 to 14 of the Supreme Court Act 2003” with “**sections 73 to 75 of the Judicature Modernisation Act 2013**”.

In Schedule 2, clause 9(3), replace “section 14 of the Supreme Court Act 2003” with “**section 75 of the Judicature Modernisation Act 2013**”.

Social Security Act 1964 (1964 No 136)

In section 12S(1), replace “Supreme Court Act 2003” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Te Ture Whenua Maori Act 1993 (1993 No 4)

In section 58B(3), replace “section 14 of the Supreme Court Act 2003” with “**section 75 of the Judicature Modernisation Act 2013**”.

Terrorism Suppression Act 2002 (2002 No 34)

In section 58(3), replace “Supreme Court Act 2003” with “**Part 1 of the Judicature Modernisation Act 2013**”.

Trustee Act 1956 (1956 No 61)

In section 72(4), replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

United Nations Convention on the Law of the Sea Act 1996 (1996 No 69)

In section 16, replace “section 51C of the Judicature Act 1908” with “**section 145 of the Judicature Modernisation Act 2013**”.

Weathertight Homes Resolution Services Act 2006 (2006 No 84)

In section 125(2)(b), replace “section 51B of the Judicature Act 1908” with “**section 152 of the Judicature Modernisation Act 2013**”.

Part 2

Amendments to other enactments

~~Companies Act 1955 Liquidation Regulations 1994 (SR 1994/129)~~

~~In regulation 2, definition of High Court Rules, replace “Schedule 2 of the Judicature Act 1908” with “**Schedule 1 of the Judicature Modernisation Act 2013**”.~~

Companies Act 1993 Liquidation Regulations 1994 (SR 1994/130)

In regulation 2, definition of **High Court Rules**, replace “Schedule 2 of the Judicature Act 1908” with “**Schedule 1 of the Judicature Modernisation Act 2013**”.

Constituency Election Petition Rules 2008 (SR 2008/383)

In rule 3, replace the definition of **High Court Rules** with:

High Court Rules means the High Court Rules in **Schedule 1 of the Judicature Modernisation Act 2013**

Criminal Proceedings (Enforcement of Fines) Rules 2011 (SR 2011/397)

In regulation 3, definition of **High Court Rules**, replace “Schedule 2 of the Judicature Act 1908” with “**Schedule 1 of the Judicature Modernisation Act 2013**”.

Family Courts Rules 2002 (SR 2002/261)

In regulation 8, definition of **HCRs** or **High Court Rules**, replace “Schedule 2 of the Judicature Act 1908” with “**Schedule 1 of the Judicature Modernisation Act 2013**”.

High Court Fees Regulations 2013 (SR 2013/226)

In regulation 4, definition of **Act**, replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

In regulation 4, definition of **High Court Rules**, replace “Schedule 2” with “**Schedule 1**”.

Lawyers and Conveyancers Act (Lawyers: Admission) Rules 2008 (SR 2008/195)

In regulation 4(1), definition of **High Court Rules**, replace “Schedule 2 of the Judicature Act 1908” with “**Schedule 1 of the Judicature Modernisation Act 2013**”.

Court of Appeal (Civil) Rules 2005 (SR 2005/69)

In rule 26B(2)(b), replace “section 100B of the Judicature Act 1908” with **section 157 of the Judicature Modernisation Act 2013**.

In rule 26B(4), replace “section 100B of the Judicature Act 1908” with **section 157 of the Judicature Modernisation Act 2013**.

In rule 31(5), replace “section 64 of the Judicature Act 1908” with “**section 60 of the Judicature Modernisation Act 2013**”.

Court of Appeal Fees Regulations 2001 (SR 2001/309)

In regulation 3, replace the definition of **Act** with:

Act means **Part 1 of the Judicature Modernisation Bill 2013**

Criminal Procedure Rules 2012 (SR 2012/415)

In rule 2.8(6)(b), replace “sections 27 to 29 of the Judicature Act 1908” with “**sections 31 to 33 of the Judicature Modernisation Act 2013**”.

Health (Retention of Health Information) Regulations 1996 (SR 1996/343)

In regulation 8(2)(b), replace “Judicature Act 1908” with “Companies Act 1993”.

High Court Fees Regulations 2013 (SR 2013/226)

In regulation 4, definition of Act, replace “Judicature Act 1908” with “**Part 1 of the Judicature Modernisation Act 2013**”.

In the Schedule, item 34, replace “section 55 of the Judicature Act 1908” with “**section 38 of the Judicature Modernisation Act 2013**”.

Judicial Superannuation Determination 2006 (SR 2006/37)

Replace clause 5(1)(a) with:

- (a) for Judges of the High Court and Associate Judges of the High Court, is 37.5% of his or her salary:

Maori Land Court Rules 2011 (SR 2011/374)

In rule 6.19(1)(a), replace “superior” with “senior”.

In the Schedule, Form 7, replace “superior” with “senior”.

In the Schedule, Form 8, replace “superior” with “senior”.

Schedule 3A
Consequential amendments relating to new publishing requirements
for High Court Rules, etc

s 180(c)

Part 1
Amendments to Acts

Accident Compensation Act 2001 (2001 No 49)

In section 162(5), replace “High Court Rules” with “High Court Rules **2016**”.

Admiralty Act 1973 (1973 No 119)

In section 13(1A), replace “High Court Rules” with “High Court Rules **2016**”.

Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87)

In section 46(2), replace “High Court Rules” with “High Court Rules **2016**”.

Animal Products Act 1999 (1999 No 93)

In section 154(2), replace “High Court Rules” with “High Court Rules **2016**”.

Animal Welfare Act 1999 (1999 No 142)

In section 153(2), replace “High Court Rules” with “High Court Rules **2016**”.

In section 156G(2), replace “High Court Rules” with “High Court Rules **2016**”.

Biosecurity Act 1993 (1993 No 95)

In section 154F(2), replace “High Court Rules” with “High Court Rules **2016**”.

Care of Children Act 2004 (2004 No 90)

In section 88(b), replace “High Court Rules” with “High Court Rules **2016**”.

In section 143(4), replace “High Court Rules” with “High Court Rules **2016**”.

Child Support Act 1991 (1991 No 142)

In section 120(1A), replace “High Court Rules” with “High Court Rules **2016**”.

In section 120(3A), replace “High Court Rules” with “High Court Rules **2016**”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)

In section 346(1), replace “High Court Rules” with “High Court Rules **2016**”.

Civil Aviation Act 1990 (1990 No 98)

In section 69(2), replace “High Court Rules” with “High Court Rules **2016**”.

Companies Act 1993 (1993 No 105)

In section 239AES(2)(c), replace “High Court Rules” with “High Court Rules 2016”.

In section 239AES(3), replace “High Court Rules” with “High Court Rules 2016”.

In section 271A(3)(c), replace “High Court Rules” with “High Court Rules 2016”.

In section 271A(4), replace “High Court Rules” with “High Court Rules 2016”.

Coroners Act 2006 (2006 No 38)

In section 34(5), replace “High Court Rules” with “High Court Rules 2016”.

In section 35(5), replace “High Court Rules” with “High Court Rules 2016”.

Domestic Violence Act 1995 (1995 No 86)

In section 91(2), replace “High Court Rules” with “High Court Rules 2016”.

Electricity Act 1992 (1992 No 122)

In section 14(1A), replace “High Court Rules” with “High Court Rules 2016”.

Employment Relations Act 2000 (2000 No 24)

In section 160(4), replace “High Court Rules” with “High Court Rules 2016”.

In section 173(4), replace “High Court Rules” with “High Court Rules 2016”.

In section 190(3), replace “High Court Rules” with “High Court Rules 2016”.

Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 (2010 No 12)

In section 54(2), replace “High Court Rules” with “High Court Rules 2016”.

Environment Canterbury (Transitional Governance Arrangements) Act 2016 (2016 No 20)

In section 26(2), replace “High Court Rules” with “High Court Rules 2016”.

In Schedule 2, clause 5(2), replace “High Court Rules” with “High Court Rules 2016”.

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)

In the heading to section 112, replace “High Court Rules” with “High Court Rules 2016”.

In section 112, replace “High Court Rules” with “High Court Rules 2016”.

Family Proceedings Act 1980 (1980 No 94)

In section 174(1B), replace “High Court Rules” with “High Court Rules 2016”.

Family Protection Act 1955 (1955 No 88)

In section 15(1A), replace “High Court Rules” with “High Court Rules 2016”.

Food Act 2014 (2014 No 32)

In section 339(3), replace “High Court Rules” with “High Court Rules 2016”.

In section 364(2), replace “High Court Rules” with “High Court Rules 2016”.

Gas Act 1992 (1992 No 124)

In section 15(1A), replace “High Court Rules” with “High Court Rules 2016”.

Governor-General Act 2010 (2010 No 122)

In section 17(2), replace “High Court Rules” with “High Court Rules 2016”.

Habeas Corpus Act 2001 (2001 No 31)

In section 3, repeal the definition of **High Court Rules**.

In section 3, definition of **working day**, replace “High Court Rules” with “High Court Rules 2016”.

In section 7(1), replace “High Court Rules” with “High Court Rules 2016”.

In section 10(3), replace “High Court Rules” with “High Court Rules 2016”.

In section 21, replace “High Court Rules” with “High Court Rules 2016”.

Harassment Act 1997 (1997 No 92)

In section 34(2), replace “High Court Rules” with “High Court Rules 2016”.

Hazardous Substances and New Organisms Act 1996 (1996 No 30)

In section 126(2), replace “High Court Rules” with “High Court Rules 2016”.

In section 126(3), replace “High Court Rules” with “High Court Rules 2016”.

Inquiries Act 2013 (2013 No 60)

In section 24(2), replace “High Court Rules” with “High Court Rules 2016”.

Insolvency Act 2006 (2006 No 55)

In section 35(d), replace “High Court Rules” with “High Court Rules 2016”.

Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (2003 No 116)

In section 133(2), replace “High Court Rules” with “High Court Rules 2016”.

International Crimes and International Criminal Court Act 2000 (2000 No 26)

In section 124(3)(b)(iii), replace “High Court Rules” with “High Court Rules 2016”.

In section 124(4)(b), replace “High Court Rules” with “High Court Rules 2016”.

Land Transport Management Act 2003 (2003 No 118)

In section 144(2), replace “High Court Rules” with “High Court Rules 2016”.

In section 145(3), replace “High Court Rules” with “High Court Rules 2016”.

Law Reform (Testamentary Promises) Act 1949 (1949 No 33)

In section 5A(1A), replace “High Court Rules” with “High Court Rules **2016**”.

Local Government (Rating) Act 2002 (2002 No 6)

Replace section 66(1) with:

- (1) Despite rule 17.52 of the High Court Rules **2016**, a charging order issued under rule 17.41 or 17.42 for a judgment of rates, and registered against a rating unit under rule 17.48, continues in force until a memorandum of satisfaction is registered under rule 17.51.

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)

In section 9(1), repeal the definition of **High Court Rules**.

In section 99(1)(b), replace “High Court Rules” with “High Court Rules **2016**”.

In section 125(3)(b), replace “High Court Rules” with “High Court Rules **2016**”.

Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93)

In section 46(6), replace “High Court Rules” with “High Court Rules **2016**”.

Personal Property Securities Act 1999 (1999 No 126)

In section 167A(1)(b)(iv), replace “High Court Rules” with “High Court Rules **2016**”.

Property (Relationships) Act 1976 (1976 No 166)

In section 39(3), replace “High Court Rules” with “High Court Rules **2016**”.

In section 65(2)(c)(ii), replace “High Court Rules” with “High Court Rules **2016**”.

Protection of Personal and Property Rights Act 1988 (1988 No 4)

In section 83(3), replace “High Court Rules” with “High Court Rules **2016**”.

In section 83A, replace “High Court Rules” with “High Court Rules **2016**”.

Public Safety (Public Protection Orders) Act 2014 (2014 No 68)

In section 105(2), replace “High Court Rules” with “High Court Rules **2016**”.

Radiation Safety Act 2016 (2016 No 6)

In section 52(2), replace “High Court Rules” with “High Court Rules **2016**”.

Railways Act 2005 (2005 No 37)

In section 71(2), replace “High Court Rules” with “High Court Rules **2016**”.

In section 72(4), replace “High Court Rules” with “High Court Rules **2016**”.

In section 90(2), replace “High Court Rules” with “High Court Rules **2016**”.

Residential Tenancies Act 1986 (1986 No 120)

In section 119(2), replace “High Court Rules” with “High Court Rules 2016”.

Resource Management Act 1991 (1991 No 69)

In section 149V(3)(c), replace “High Court Rules” with “High Court Rules 2016”.

In section 299(2), replace “High Court Rules” with “High Court Rules 2016”.

In section 308I(2), replace “High Court Rules” with “High Court Rules 2016”.

Road User Charges Act 2012 (2012 No 1)

In section 70(2), replace “High Court Rules” with “High Court Rules 2016”.

Sentencing Act 2002 (2002 No 9)

In section 129E(6)(a), replace “High Court Rules” with “High Court Rules 2016”.

In section 129EA(6)(a), replace “High Court Rules” with “High Court Rules 2016”.

In section 139(2)(a), replace “High Court Rules” with “High Court Rules 2016”.

Submarine Cables and Pipelines Protection Act 1996 (1996 No 22)

In section 26(3), replace “High Court Rules” with “High Court Rules 2016”.

In section 32(5), replace “High Court Rules” with “High Court Rules 2016”.

Summary Proceedings Act 1957 (1957 No 87)

In section 88A(4)(b), replace “High Court Rules” with “High Court Rules 2016”.

Tax Administration Act 1994 (1994 No 166)

In section 138B(1)(c), replace “High Court Rules” with “High Court Rules 2016”.

In section 138B(2)(c), replace “High Court Rules” with “High Court Rules 2016”.

In section 138B(3)(c), replace “High Court Rules” with “High Court Rules 2016”.

In section 138B(4)(d), replace “High Court Rules” with “High Court Rules 2016”.

In section 138C(b), replace “High Court Rules” with “High Court Rules 2016”.

Veterans’ Support Act 2014 (2014 No 56)

In section 233(2), replace “High Court Rules” with “High Court Rules 2016”.

Part 2**Amendments to other enactments****Companies Act 1955 Liquidation Regulations 1994 (SR 1994/129)**

In regulation 2, revoke the definition of **High Court Rules**.

In regulation 3(3), replace “High Court Rules” with “High Court Rules 2016”.

In regulation 15(2), replace “High Court Rules” with “High Court Rules 2016”.

Companies Act 1955 Liquidation Regulations 1994 (SR 1994/129)—continued

In regulation 40(1), replace “High Court Rules” with “High Court Rules 2016”.

In regulation 40(2), replace “High Court Rules” with “High Court Rules 2016”.

Companies Act 1993 Liquidation Regulations 1994 (SR 1994/130)

In regulation 2, revoke the definition of **High Court Rules**.

In regulation 3(3), replace “High Court Rules” with “High Court Rules 2016”.

In regulation 15(2), replace “High Court Rules” with “High Court Rules 2016”.

In regulation 40(1), replace “High Court Rules” with “High Court Rules 2016”.

In regulation 40(2), replace “High Court Rules” with “High Court Rules 2016”.

Constituency Election Petition Rules 2008 (SR 2008/383)

In rule 3, replace the definition of **High Court Rules** with:

High Court Rules means the High Court Rules 2016

Court Martial Appeal Court Rules 2008 (SR 2008/238)

In rule 22(1), replace “High Court Rules” with “High Court Rules 2016”.

Court of Appeal (Access to Court Documents) Rules 2009 (SR 2009/401)

In rule 3, definition of **interlocutory application**, replace “High Court Rules” with “High Court Rules 2016”.

In rule 3, definition of **originating application**, replace “High Court Rules” with “High Court Rules 2016”.

Court of Appeal (Civil) Rules 2005 (SR 2005/69)

In rule 3(1), definition of **working day**, after paragraph (a), insert:

(ab) if Anzac Day or Waitangi Day falls on a Saturday or a Sunday, the following Monday; or

In rule 11(2), replace “High Court Rules” with “High Court Rules 2016”.

In rule 11(3)(b), replace “High Court Rules” with “High Court Rules 2016”.

In rule 35(5), replace “High Court Rules” with “High Court Rules 2016”.

In rule 45(1)(c), replace “rules 369 to 376 of the High Court Rules” with “rules 9.17 to 9.25 of the High Court Rules 2016”.

In rule 53C(1)(a), replace “High Court Rules” with “High Court Rules 2016”.

In rule 53C(1)(b), replace “High Court Rules” with “High Court Rules 2016”.

In rule 53C(2), replace “High Court Rules” with “High Court Rules 2016” in each place.

In rule 53E(6), replace “Rules 54 to 59 of the High Court Rules” with “Rules 14.18 to 14.23 of the High Court Rules 2016”.

Court of Appeal (Civil) Rules 2005 (SR 2005/69)—continued

In rule 53H(2)(a)(i), replace “rule 48H(1) of the High Court Rules” with “rule 14.12(1) of the High Court Rules 2016”

Court of Appeal (Criminal) Rules 2001 (SR 2001/371)

In rule 3(1), definition of **working day**, after paragraph (a), insert:

(ab) if Anzac Day or Waitangi Day falls on a Saturday or a Sunday, the following Monday; or

In rule 18(1), replace “High Court Rules” with “High Court Rules 2016”.

Court of Appeal (List Election Petitions) Rules 1998 (SR 1998/326)

In the heading to rule 4, replace “High Court Rules” with “High Court Rules 2016”.

In rule 4(1), replace “High Court Rules” with “High Court Rules 2016”.

Criminal Procedure Rules 2012 (SR 2012/415)

In rule 6.1, definition of **interlocutory application**, replace “High Court Rules” with “High Court Rules 2016”.

In rule 6.1, definition of **originating application**, replace “High Court Rules” with “High Court Rules 2016”.

Criminal Proceedings (Enforcement of Fines) Rules 2011 (SR 2011/397)

In rule 3, replace “rules from time to time set out in Schedule 2 of the Judicature Act 1908 (as amended from time to time)” with “High Court Rules 2016”.

Criminal Proceeds (Recovery) Regulations 2009 (SR 2009/311)

In the Schedule, form 2, replace “High Court Rules” with “High Court Rules 2016”.

In the Schedule, form 4, replace “High Court Rules” with “High Court Rules 2016”.

District Courts Rules 2014 (LI 2014/179)

In rule 1.4(1), definition of **HCF**, replace “High Court Rules” with “High Court Rules 2016”.

In rule 1.4(1), definition of **High Court Rules**, replace “rules from time to time set out in Schedule 2 of the Judicature Act 1908 (as amended from time to time)” with “High Court Rules 2016”.

Employment Court Regulations 2000 (SR 2000/250)

In regulation 6(2)(a)(ii), replace “High Court Rules” with “High Court Rules 2016”.

In regulation 9(1), replace “High Court Rules” with “High Court Rules 2016”.

In regulation 9(2), replace “High Court Rules” with “High Court Rules 2016”.

In regulation 10(1), replace “High Court Rules” with “High Court Rules 2016”.

Evidence (Trans-Tasman Service of, and Compliance with, New Zealand Subpoenas and Australian Subpoenas Issued in Criminal Proceedings) Rules 2013 (SR 2013/353)

In rule 4(2), replace “High Court Rules” with “High Court Rules **2016**”.

Family Courts Rules 2002 (SR 2002/261)

In rule 8(1), definition of **HCRs** or **High Court Rules**, replace “rules from time to time set out in Schedule 2 of the Judicature Act 1908 (as amended from time to time)” with “High Court Rules **2016**”.

High Court Fees Regulations 2013 (SR 2013/226)

In regulation 4, definition of **appeal**, replace “High Court Rules” with “High Court Rules **2016**”.

In regulation 4, definition of **exempt application**, paragraph (a), replace “High Court Rules” with “High Court Rules **2016**”.

In regulation 4, definition of **High Court Rules**, replace “rules set out in Schedule 2 of the Act” with “High Court Rules **2016**”.

High Court Rules 2016 (LI 2016 No 00)

In rule 1.3, definition of **these rules**, after “High Court Rules”, insert “**2016**”.

In rule 3.2(1), after paragraph (g), insert:

(ga) if Anzac Day or Waitangi Day falls on a Saturday or a Sunday, the following Monday:

In rule 31.9(2), after paragraph (a), insert:

(ab) if Anzac Day or Waitangi Day fall on a Saturday or a Sunday, the following Monday; and

In rule 31.22(1)(b), replace “rule 1.9 or rule 31.6(2)” with “rule 1.9, 31.6(2)”.

In Schedule 1, form C 15, note, definition of **working day**, after paragraph (a), insert:

(ab) if Anzac Day or Waitangi Day falls on a Saturday or a Sunday, the following Monday; and

In Schedule 1, form C 16, note, definition of **working day**, after paragraph (a), insert:

(b) if Anzac Day or Waitangi Day falls on a Saturday or a Sunday, the following Monday; and

Joint Family Homes Regulations 1965 (SR 1965/65)

In regulation 20, replace “High Court Rules” with “High Court Rules **2016**”.

Land Transfer Regulations 2002 (SR 2002/213)

In Schedule 1, Part 1, item relating to discharge instrument, paragraph (c), replace “Rule 577, High Court Rules” with “Rule 17.51, High Court Rules **2016**”.

Lawyers and Conveyancers Act (Lawyers: Admission) Rules 2008 (SR 2008/195)

In rule 4(1), definition of **High Court Rules**, replace “High Court Rules set out in Schedule 2 of the Judicature Act 1908” with “High Court Rules **2016**”.

In the Schedule, form LA 1, replace “High Court Rules” with “High Court Rules **2016**”.

Proceeds of Crime Rules 1992 (SR 1992/166)

In the Schedule, replace “*High Court Rules*” with “*High Court Rules **2016***”.

Property (Relationships) Forms Regulations 2001 (SR 2001/379)

In Schedule 2, notes, replace “High Court Rules” with “High Court Rules **2016**”.

Supreme Court Rules 2004 (SR 2004/199)

In rule 3, definition of **working day**, after paragraph (a), insert:

- (ab) if Anzac Day or Waitangi Day falls on a Saturday or a Sunday, the following Monday; or

In rule 40(1)(c), replace “High Court Rules” with “High Court Rules **2016**”.

Trans-Tasman Proceedings Regulations and Rules 2013 (SR 2013/350)

In regulation 16(4)(a), replace “High Court Rules” with “High Court Rules **2016**”.

Schedule 4 Transitional provisions relating to Senior Courts

s 183

Part 1

Continuation of certain provisions of Supreme Court Act 2003

1 Application

Clauses 2 to 6 continue the application of certain provisions of the Supreme Court Act 2003 so far as they are applicable.

2 Imperial enactments ceasing to have effect in New Zealand

On 1 January 2004, the following Imperial enactments ceased to have effect as part of the law of New Zealand:

- (a) the Imperial enactments listed in Part 1 of Schedule 4 of the Supreme Court Act 2003;
- (b) the Imperial subordinate legislation listed in Part 2 of Schedule 4 of that Act.

Compare: 2003 No 53 s 49

3 Privy Council may still determine appeals in certain existing proceedings

- (1) The Privy Council may hear and determine, or continue to hear and determine,—
 - (a) an appeal against a final judgment of the Court of Appeal made before 1 January 2004, or made after 31 December 2003 in a proceeding whose hearing was completed before 1 January 2004, where—
 - (i) the matter in dispute on the appeal amounts to or is of the value of \$5,000 or upwards; or
 - (ii) the appeal involves, directly or indirectly, some claim or question to or respecting property or some civil right amounting to or of the value of \$5,000 or upwards; or
 - (b) an appeal arising out of a successful application to a New Zealand court (whether made before, on, or after 1 January 2004) for leave to appeal to the Privy Council against a decision of the Court of Appeal—
 - (i) made before 1 January 2004; or
 - (ii) made after 31 December 2003 in a proceeding whose hearing was completed before 1 January 2004; or
 - (c) an appeal arising out of a successful application to the Privy Council (whether made before, on, or after 1 January 2004) for special leave to appeal to it against a decision of the Court of Appeal—

- (i) made before 1 January 2004; or
 - (ii) made after 31 December 2003 in a proceeding whose hearing was completed before 1 January 2004.
- (2) **Subclause (1)** does not apply to an appeal if—
- (a) the Privy Council has not begun hearing the appeal; and
 - (b) all parties agree in writing that an application should be made to the Supreme Court for leave to appeal to the Supreme Court against the decision concerned.

Compare: 2003 No 53 s 50

4 **Limitation on right to appeal to Supreme Court in certain existing proceedings**

- (1) This subclause applies to a decision if—
- (a) it was made by any New Zealand court before 1 January 2004; or
 - (b) it was made by the Court of Appeal after 31 December 2003 in a proceeding whose hearing was completed before 1 January 2004.
- (2) There is no right to appeal to the Supreme Court against a decision to which **subclause (1)** applies if—
- (a) the Privy Council has already heard or begun hearing an appeal against it; or
 - (b) a New Zealand court has declined to give leave to appeal to the Privy Council against it and the Privy Council has not later given special leave to appeal against it; or
 - (c) the Privy Council has declined to give special leave to appeal against it; or
 - (d) all the parties to the proceeding in which it was made have not agreed in writing that an application should be made to the Supreme Court for leave to appeal to the Supreme Court against it.

- (3) **Subclause (2)** overrides **sections 68 to 71**.

Compare: 2003 No 53 s 51

5 **Transitional effect of sections 42 and 49 of Supreme Court Act 2003**

- (1) The following applications must be determined as if sections 42 and 49 of the Supreme Court Act 2003 had not been enacted:
- (a) all applications to a New Zealand court (whether made before, on, or after 1 January 2004) for leave to appeal to the Privy Council against—
 - (i) a decision of a New Zealand court made before 1 January 2004; or
 - (ii) a decision of the Court of Appeal delivered after 31 December 2003 in a proceeding whose hearing was completed before 1 January 2004;

- (b) all applications to the Privy Council (whether made before, on, or after 1 January 2004) for special leave to appeal to it against—
 - (i) a decision of a New Zealand court made before 1 January 2004; or
 - (ii) a decision of the Court of Appeal delivered after 31 December 2003 in a proceeding whose hearing was completed before 1 January 2004.
- (2) All appeals that, by virtue of **clause 3(1)**, the Privy Council may hear and determine, or continue to hear and determine, must be heard and determined as if—
 - (a) sections 42 and 49 of the Supreme Court Act 2003 had not been enacted; and
 - (b) the reference in section 112(1) of the Credit Contracts and Consumer Finance Act 2003 to the Supreme Court included a reference to the Privy Council.

Compare: 2003 No 53 s 52

6 No new rights of appeal against decisions made before 1 January 2004

- (1) A person does not have a right to appeal to a particular New Zealand court or the Privy Council on any grounds against a decision made before 1 January 2004 unless, when the decision was made, the person had the right to appeal against the decision to that court on those grounds.
- (2) **Subclause (1)** does not limit or affect the right of any person to appeal to a New Zealand court on any grounds against a decision made—
 - (a) on or after 1 January 2004; but
 - (b) on appeal against a decision—
 - (i) made before 1 January 2004; or
 - (ii) made at any time on appeal against a decision made before 1 January 2004.

Compare: 2003 No 53 s 54

Part 2

Other provisions relating to senior courts

7 Interpretation

In this Part, unless the context otherwise requires,—

judicial officer means a Judge, an acting Judge, a Registrar, or a Deputy Registrar of a senior court

proceedings includes actions and matters

relevant Act means the Judicature Act 1908 or the Supreme Court Act 2003.

*Judicial officers of senior courts***8 Judicial officers to continue in office**

- (1) This clause applies to every person who is a judicial officer under the relevant Act immediately before the commencement of this clause.
- (2) A judicial officer to whom this clause applies continues to hold his or her judicial office under the conditions of his or her appointment.

*Other officers of senior courts***9 Other officers of court to continue in office**

- (1) This clause applies to every person who is an officer of a court (other than a judicial officer as defined in **clause 7**) under the relevant Act immediately before the commencement of this clause.
- (2) An officer to whom this clause applies continues to hold his or her office subject to this Act.

*Proceedings and other matters***10 Proceedings, etc, continue under relevant Act**

- (1) All proceedings pending or in progress in a court operating under the relevant Act immediately before the commencement of this clause may be continued, completed, and enforced only under the relevant Act (including the relevant rules of court) as if that Act had not been repealed by this Act.
- (2) All jurisdictions, offices, appointments, Orders in Council, orders, warrants, rules, regulations, seals, forms, books, records, instruments, and generally all acts of authority that originated under the relevant Act or another enactment continued or repealed by this Act, and that are subsisting or in force on the commencement of this clause, have full effect as if they had originated under the corresponding provisions of this Act and, where necessary, must be treated as having originated under this Act.
- (3) This clause is subject to **clause 11**.

11 Proceedings subject to former High Court Rules

- (1) In this clause, **former High Court Rules 2016** means the High Court Rules **2016** as in force immediately before ~~the commencement of this clause~~ **1 March 2017**.
- (2) A proceeding that is pending ~~on the commencement of this clause~~ **1 March 2017** must be continued, completed, and enforced under the High Court Rules **2016** ~~set out in Schedule 1~~ as in force immediately after that date, except as provided in **subclause (3)**.
- (3) A proceeding that is pending ~~on the commencement of this clause~~ **1 March 2017** must be dealt with as if—

-
- (a) Part 29 of the former High Court Rules **2016** (if applicable) were in force;
 - (b) ~~the provisions of the former High Court Rules relating to interest on money claims (if applicable) were in force in place of the corresponding provisions of the High Court Rules set out in **Schedule 1**:~~
 - (c) the provisions of the former High Court Rules **2016** referring to section 26P of the Judicature Act 1908 were in force.

12 Continued effect of transitional provisions in former High Court Rules

- (1) The repeal of the Judicature Act 1908 does not affect the operation of the transitional provisions in—
 - (a) rule 9 of the High Court Amendment Rules 2009; or
 - (b) rule 7 of the High Court (Access to Court Documents) Amendment Rules 2009; or
 - (c) rule 5 of the High Court Amendment Rules 2010.
- (2) So far as the enactments referred to in **subclause (1)(a) to (c)** may be applicable, they continue to have effect as if the Judicature Act 1908 had not been repealed.

Schedule 5
Categories of information for purposes of sections 419 and 419A
(District Court)

ss 419, 419A

Court records information***Court record****Part A Description of court record information*

Item	Category	Description
1	Formal court record	<p>Any of the following kept in the registry of the court that relate to a criminal, civil, or family proceeding:</p> <p>(a) a register or index;</p> <p>(b) any published list that gives notice of a hearing;</p> <p>(c) a document that—</p> <p style="padding-left: 20px;">(i) may be accessed under an enactment other than this Act; or</p> <p style="padding-left: 20px;">(ii) constitutes notice of its content to the public;</p> <p>(d) a judgment, order, or minute of the court, including any record of the reasons given by a Judge or other judicial officer</p> <p>The permanent court record, as prescribed by rule 7.2 of the Criminal Procedure Rules 2012 (as from time to time amended or replaced)</p>
2	Court file	A collection of documents in the custody and control of the court that relate to a criminal, civil, or family proceeding, or civil proceedings (including family proceedings) for example, applications, submissions, and supporting affidavits, but excluding notes made by or for a judicial officer for his or her personal use
3	Information relating to particular cases	Information held by the Ministry of Justice in hard copy form, or on the Ministry's data sets or databases, for the purpose of assisting with the management of court proceedings
4	Electronic records of hearings	

Part B Permitted information

Item	Category	Description
	Permitted information	<p>(1) The permanent court record, as prescribed by rule 7.2 of the Criminal Procedure Rules 2012 (as from time to time amended or replaced)</p> <p>(2) Information that any of the following orders have been made in respect of a person:</p> <p>(a) any protection order under the Domestic Violence Act 1995 or Sentencing Act 2002;</p> <p>(b) any restraining order under the Harassment Act 1995;</p> <p>(c) any extended supervision order under the Parole Act 2002;</p> <p>(d) any non-contact order under the Victims' Orders Against Violent Offenders Act 2014;</p> <p>(e) any public protection order under the Public Safety (Public Protection Orders) Act 2014</p>

Item	Category	Description
		(3) Information that any probation report exists in respect of a person

Ministry of Justice information

Item	Category	Description
1	Separate or collated administrative information and statistics taken primarily from case management systems to enable the ministry to efficiently budget, plan, and administer the court system	Includes information on the relative costs of proceedings, use of courtrooms, and deployment of court staff.
2	Case- level information held in ISIS (the Justice Sector Data Warehouse) which that is combined with Police, Corrections, and other government agency data to support policy formation, statistics, and research for the Justice Sector.	<u>Case-level information, where all personal identification details are removed to ensure that the identity of any individual cannot be derived from the published information or data</u>
3	Information relating to court staff personnel matters	
4	Aggregate information about judicial expenditure	Includes information relating to judicial travel.
5	Information on operational matters	Includes information about court buildings, resources, support systems, and other operational matters.
6	Information held by or on behalf of the Rules Committee	
7	Statistics (counts, averages, trends, etc.) and performance measures (to assess achievement against operating targets, etc) about court processes and case outcomes	Data that is extracted from case-level transactions, where all personal identification details are removed and outputs are checked to ensure that the identity of any individual cannot be derived from the published data.
8	Correspondence and other information relating to liaison between the judiciary and the <u>Ministry of Justice</u> about the management and administration of judicial matters	
9	Minutes of joint committee meetings of the judiciary at which representatives of the ministry are present	

Judicial information

Item	Category
1	Information about individual judicial expenditure.
2	Judicial communications not relating to particular cases.
3	Information about a Judge that relates to the Judge's performance of his or her role and function as a Judge.
4	Internal communications, via email or in hard copy, between Judges and between Judges and administrative personnel about judicial administrative and management matters.
5	Minutes of committee meetings of the judiciary that relate to the management and administration of judicial affairs (but not including the Rules Committee).

Item	Category
6	Judicial personnel matters, such as salary, leave, and sabbatical records, that have not been anonymised, including allocations of technology, personal expenses records, judicial training programmes, and attendance at overseas conferences.
7	Separate or collated information relating to the rostering of Judges, judicial activity information, and judicial activity statistics that identify particular Judges.
8	Judicial communications, including Judges' papers or notes relating to particular cases.

Schedule 6 Consequential amendments relating to District Court

s 421T

Accident Compensation Act 2001 (2001 No 49)

In section 6(1), definition of Registrar, replace “a District Court” with “the District Court”.

In section 6(1), definition of specified registry, replace “a District Court” with “the District Court”.

Replace section 123(2)(d) with:

- (d) **sections 336 to 344 343 of the Judicature Modernisation Act 2013**; or

In section 149(1), replace “a District Court” with “the District Court”.

In section 149(2), replace “a District Court” with “the District Court”.

In section 149(4), replace “a District Court” with “the District Court”.

In section 149(6), replace “a District Court” with “the District Court”.

In section 149(7), replace “a District Court” with “the District Court”.

Replace section 150 with:

150 District Court Rules and this Act apply to appeal

An appeal under section 149 is dealt with in accordance with the District Court Rules made under **section 411 of the Judicature Modernisation Act 2013**, as modified by this Act and any regulations made under it.

In section 151(3)(c), replace “a District Court” with “the District Court”.

In section 162(1), replace “a District Court” with “the District Court”.

Replace section 162(5) with:

- (5) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under this section as if it were an appeal under **section 306** of that Act.

In section 328(b), replace “District Courts” with “the District Court”.

In Schedule 1, clause 53(1)(b), replace “a District Court” with “the District Court”.

In Schedule 1, clause 69(1)(b), replace “a District Court” with “the District Court”.

In Schedule 1, clause 73(1)(b), replace “a District Court” with “the District Court”.

Admiralty Act 1973 (1973 No 119)

In the Long Title, replace “District Courts” with “the District Court”.

Replace section 3(1)(b) with:

Admiralty Act 1973 (1973 No 119)—*continued*

- (b) may be exercised by the District Court *in personam* where the debt, demand, or damage or the value of the chattels claimed does not exceed the amount specified in **section 256 of the Judicature Modernisation Act 2013**, but the District Court does not, for the purposes of this Act, have jurisdiction *in rem*.

Replace section 3(3) with:

- (3) Nothing in this Act derogates from any common law or equitable jurisdiction of the High Court or the District Court.

Replace section 11(2) with:

- (2) Rules for the practice and procedure of the District Court in its admiralty jurisdiction may be made by the Governor-General from time to time, by Order in Council, under **section 411 of the Judicature Modernisation Act 2013**.

In section 13(1), replace “a District Court” with “the District Court”.

Replace section 13(1A) with:

- (1A) The High Court Rules and **sections 307 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under this section as if it were an appeal under **section 306** of that Act.

Adoption Act 1955 (1955 No 93)

In section 2, definition of **court**, replace “a Family Court or a District Court of civil jurisdiction” with “the Family Court or the District Court in its civil jurisdiction”.

In section 7(8)(a), replace “of a District Court” with “of the District Court”.

In section 8(5A), replace “a District Court” with “the District Court”.

In section 12(1A), replace “a District Court” with “the District Court”.

In section 13(3)(c), replace “a District Court” with “the District Court”.

In section 13(3)(d), replace “a District Court” with “the District Court”.

In section 13A, replace “a District Court” with “the District Court”.

In section 22A, replace “Family Courts Act 1980” with “Family Court Act 1980”.

Replace section 22A(a) with:

- (a) in the Family Court:

In section 23(3)(b), replace “a Family Court, a District Court” with “the Family Court, the District Court”.

Replace section 28A(b) and (c) with:

- (b) in the case of the District Court, under **section 411 of the Judicature Modernisation Act 2013**;
- (c) in the case of the Family Court, under section 16A of the Family Court Act 1980.

Adoption (Intercountry) Act 1997 (1997 No 109)

In section 20(1), replace “a District Court” with “the District Court”.

In section 20(2), replace “a District Court” with “the District Court”.

In section 20(6), replace “a District Court” with “the District Court”.

In section 20(8), replace “a District Court” with “the District Court”.

Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87)

In section 68(1), replace “a District Court” with “the District Court”.

Airport Authorities Act 1966 (1966 No 51)

In section 9(9), replace “a District Court” with “the District Court”.

Alcoholism and Drug Addiction Act 1966 (1966 No 97)

In section 8(3), replace “the Registrar or Deputy Registrar of a District Court” with “a Registrar or Deputy Registrar of the District Court”.

In section 23, replace “or a District Court” with “or the District Court”.

Animal Products Act 1999 (1999 No 93)

In section 91A(2), replace “a District Court” with “the District Court”.

In section 146(1), replace “a District Court” with “the District Court”.

In section 147(1), replace “a District Court” with “the District Court”.

In section 147(2), replace “a District Court” with “the District Court”.

Replace section 147(3) with:

- (3) Subject to modification by sections 148 to 156 and by any rules made under section 157, the District Court Rules made under **section 411 of the Judicature Modernisation Act 2013** apply to every application to the court under this section.

In section 148(2), replace “a District Court” with “the District Court”.

In section 152(1), replace “a District Court” with “the District Court”.

In section 154(1AA), replace “a District Court” with “the District Court”.

Replace section 154(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under this section as if it were an appeal under **section 306** of that Act.

In section 157, replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 157(a), replace “District Courts” with “the District Court”.

Animal Welfare Act 1999 (1999 No 142)

In section 136A(2), replace “a District Court” with “the District Court”.

In section 143(1), replace “a District Court” with “the District Court”.

In section 143(2), replace “a District Court” with “the District Court”.

Replace section 143(3) with:

- (3) Subject to modification by sections 145 to 155 and by any rules made under section 156, the District Court Rules made under **section 411 of the Judicature Modernisation Act 2013** apply to every application to the court under this section.

In section 144, replace “A District Court” with “The District Court”.

In section 146(2), replace “a District Court” with “the District Court”.

In section 151, replace “A District Court” with “The District Court”.

In section 153(1AA), replace “a District Court” with “the District Court”.

Replace section 153(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under this section as if it were an appeal under **section 306** of that Act.

In section 156, replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 156(a), replace “District Courts” with “the District Court”.

In section 156F(1), replace “a District Court” with “the District Court”.

In section 156F(9), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 156G(2), replace “sections 74 to 78 of the District Courts Act 1947” with “**sections 308 to 312 of the Judicature Modernisation Act 2013**”.

In section 156G(2)(a), replace “section 72 of the District Courts Act 1947” with “**section 306 of the Judicature Modernisation Act 2013**”.

In section 185(4), replace “a District Court” with “the District Court”.

In section 185(6), replace “a District Court” with “the District Court”.

Antarctica (Environmental Protection) Act 1994 (1994 No 119)

In section 45(6), replace “a District Court” with “the District Court”.

Arbitration Act 1996 (1996 No 99)

In section 10(2), replace “a District Court” with “the District Court”.

Replace section 16(b) with:

- (b) in the case of the District Court, under **section 411 of the Judicature Modernisation Act 2013**.

Arbitration Act 1996 (1996 No 99)—continued

In Schedule 1, article 9(2), replace “a District Court” with “the District Court”.

In Schedule 1, article 27(2)(a), replace “a District Court” with “the District Court”.

In Schedule 1, article 27(2)(b), replace “a District Court” with “the District Court”.

In Schedule 1, article 27(2)(c), replace “a District Court” with “the District Court”.

In Schedule 1, article 35(3)(b), replace “a District Court” with “the District Court”.

In Schedule 2, article 3(3), replace “a District Court” with “the District Court”.

In Schedule 2, article 7(1), replace “a District Court” with “the District Court”.

Armed Forces Discipline Act 1971 (1971 No 53)

In section 150F(3)(b), after “nearest”, insert “office of the”.

In section 150F(4), replace “a District Court” with “the District Court”.

In section 185(1), replace “any District Court” with “the District Court”.

Arms Act 1983 (1983 No 44)

In section 72A(4), replace “a District Court” with “the District Court”.

In section 72A(6), replace “a District Court” with “the District Court”.

Auctioneers Act 2013 (2013 No 148)

In section 11(2), replace “a District Court” with “the District Court”.

In section 22(1), replace “a District Court” with “the District Court”.

In section 22(3), replace “a District Court” with “the District Court”.

In section 22(4), replace “a District Court” with “the District Court”.

In section 23(1), replace “a District Court” with “the District Court”.

In section 23(3), replace “a District Court” with “the District Court”.

Auditor Regulation Act 2011 (2011 No 21)

In section 24(1), replace “a District Court” with “the District Court”.

In section 24(2), replace “a District Court” with “the District Court”.

In section 24(3), replace “to a District Court” with “to the District Court”.

In section 31(1), replace “a District Court” with “the District Court”.

In section 31(2), replace “to a District Court” with “to the District Court”.

Bail Act 2000 (2000 No 38)

In section 3, definition of **District Court**, replace “a District Court” with “the District Court”.

In section 3, definition of **Registrar**, replace “a District Court” with “the District Court”.

Bail Act 2000 (2000 No 38)—*continued*

In section 15(3), replace “a District Court” with “the District Court”.

In section 33(1), replace “a District Court” with “the District Court”.

In section 33(5), replace “a District Court or Registrar” with “the District Court or a Registrar”.

In section 35(2)(a), replace “a District Court, Registrar, or Police employee” with “the District Court, a Registrar, or a Police employee”.

In section 35(2)(a), replace “before a District Court” with “before the District Court”.

In section 37(7)(a), replace “a District Court, a judicial officer or Registrar of a District Court” with “the District Court, a judicial officer or Registrar of the District Court”.

In section 38, replace “a District Court” with “the District Court”.

In section 39(6)(a), replace “a District Court, Registrar, or Police employee” with “the District Court, a Registrar, or a Police employee”.

In section 40(5), replace “a District Court” with “the District Court”.

In section 41(1), replace “a District Court presided” with “the District Court presided”.

In section 41(2), replace “a District Court presided” with “the District Court presided”.

In section 41(4), replace “a District Court presided” with “the District Court presided”.

In section 42(2)(a), delete “appealed from”.

In section 42(3), replace “a District Court presided” with “the District Court presided”.

In section 42(6), replace “a District Court presided” with “the District Court presided”.

In section 43(1), replace “a District Court presided” with “the District Court presided”.

In section 43(3), replace “a District Court presided” with “the District Court presided”.

In section 43(3)(a), replace “the District Court to which the appeal was made, the Registrar of that court” with “the District Court, the Registrar of the office of the court at the place where the appeal was determined”.

In section 43(3)(b), replace “the District Court to which the appeal was made, the Registrar of the District Court appealed from” with “the District Court, the Registrar of the office of the District Court at the place where the appeal was determined”.

In section 43(4), replace “the District Court” with “the office of the District Court at the place where the appeal was determined”.

Bail Act 2000 (2000 No 38)—*continued*

In section 45(2)(a), delete “appealed from”.

In section 46(3)(b), replace “the District Court appealed from” with “the office of the District Court at the place where the decision appealed from was made”.

In section 46(4), replace “the District Court appealed from” with “the office of the District Court at the place where the decision appealed from was made”.

In section 47(4), replace “a District Court” with “the District Court”.

In section 51(1), replace “a District Court presided” with “the District Court presided”.

In section 53(1)(b), replace “a District Court presided” with “the District Court presided”.

In section 53(3), replace “the District Court dealing with the appeal” with “the District Court at the place where the appeal is being dealt with”.

In section 56, replace “a District Court” with “the District Court”.

Biosecurity Act 1993 (1993 No 95)

In section 154E(1), replace “a District Court” with “the District Court”.

In section 154E(9), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 154F(2), replace “sections 74 to 78 of the District Courts Act 1947” with “**sections 308 to 312 of the Judicature Modernisation Act 2013**”.

In section 154F(2)(a), replace “section 72 of the District Courts Act 1947” with “**section 306 of the Judicature Modernisation Act 2013**”.

Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16)

In section 2, replace the definition of **Family Court** with:

Family Court means the division of the District Court known, in accordance with **section 4** of the Family Court Act 1980, as the Family Court

In section 15(2)(b)(i), replace “a Family Court” with “the Family Court”.

In section 15(2)(b)(ii), replace “a Family Court” with “the Family Court”.

In section 15A(2), replace “the Family Court” with “the office of the Family Court”.

In section 15A(5), replace “a Family Court” with “the Family Court” in each place.

In section 76(4), replace “a Family Court, a District Court” with “the Family Court, the District Court”.

In section 17(2), replace “to the Family Court” with “to the office of the Family Court”.

In section 18(5), replace “to the Family Court” with “to the office of the Family Court”.

In section 19(3)(b), replace “a Family Court” with “the Family Court”.

Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16)

—continued

In section 28(1), replace “a Family Court” with “the Family Court”.

In section 29(1), replace “a Family Court” with “the Family Court”.

In section 59(1), replace “the Family Court” with “the office of the Family Court”.

In section 62E(1), replace “The Registrar of a Family Court” with “A Registrar of the Family Court”.

In section 76(4), replace “a Family Court, a District Court” with “the Family Court, the District Court”.

In section 77(8), replace “a Family Court, a District Court” with “the Family Court, the District Court”.

In section 78(3), replace “a Family Court, a District Court” with “the Family Court, the District Court”.

In section 85(1), replace “the Family Court” with “the office of the Family Court”.

In section 85(2), replace “the Family Court” with “the office of the Family Court”.

In section 85(3), replace “A Family Court to which” with “The Family Court at the office where”.

Building Act 2004 (2004 No 72)

In section 126(1), replace “a District Court” with “the District Court”.

In section 126(2), replace “a District Court” with “the District Court”.

In section 130(1), replace “a District Court” with “the District Court”.

In section 130(3)(a)(ii), replace “a District Court” with “the District Court”.

In section 156(1), replace “a District Court” with “the District Court”.

In section 156(2), replace “a District Court” with “the District Court”.

In section 158(1), replace “a District Court” with “the District Court”.

In section 158(3)(a)(ii), replace “a District Court” with “the District Court”.

In section 182(1), replace “a District Court” with “the District Court”.

In section 190(3), replace “a District Court” with “the District Court”.

In section 208(1), replace “a District Court” with “the District Court”.

In section 209(1)(b), replace “District Courts Rules” with “District Court Rules”.

In section 211(1), replace “a District Court” with “the District Court”.

In section 220(2), replace “a District Court” with “the District Court”.

In section 220(3), replace “a District Court” with “the District Court”.

In section 226(1)(b), replace “a District Court” with “the District Court”.

In section 227(1), replace “A District Court” with “The District Court”.

In section 330(2), replace “a District Court” with “the District Court”.

Building Act 2004 (2004 No 72)—continued

In section 381(1), replace “a District Court” with “the District Court”.

Building (Earthquake-prone Buildings) Amendment Act 2016 (2016 No 22)

In new section 133AS(2), replace “a District Court” with “the District Court”.

In new section 133AS(3), replace “a District Court” with “the District Court”.

Building Societies Act 1965 (1965 No 22)

In section 2(1), replace the definition of **court** with:

court means the District Court in any case where the District Court has jurisdiction under **Part 2 of the Judicature Modernisation Act 2013** in relation to this Act or to building societies, and in any other case means the High Court or a Judge of the High Court

In section 113(1), replace “a District Court” with “the District Court”.

Care of Children Act 2004 (2004 No 90)

In section 7A(1), replace “a Family Court” with “the Family Court”.

In section 25(1), replace “the Registrar of a Family Court” with “a Registrar of the Family Court”.

Replace section 30(1)(b) with:

(b) the Family Court.

In section 30(2), replace “A Family Court” with “The Family Court”.

In section 30(3), replace “to a Family Court” with “to the Family Court”.

In section 30(3)(b), replace “a Family Court” with “the Family Court”.

In section 30(4)(a), replace “a Family Court” with “the Family Court”.

In section 32(1)(a)(i), replace “a Family Court” with “the Family Court”.

In section 32(1)(a)(ii), replace “a Family Court” with “the Family Court”.

In section 34(3), replace “a Family Court” with “the Family Court” in each place.

In section 35(1), replace “a Family Court” with “the Family Court”.

In section 46F(1), replace “a Family Court” with “the Family Court”.

In section 46G(1), replace “a Family Court” with “the Family Court”.

In section 46R(2), replace “a Family Court” with “the Family Court”.

In section 46R(3)(a), replace “a Family Court” with “the Family Court”.

In section 53(1), replace “to a court if it is a Family Court” with “if the Family Court is”.

In section 58, definition of **approved provider**, paragraph (a)(iii), replace “Family Courts” with “Family Court”.

Care of Children Act 2004 (2004 No 90)—continued

In section 72(2), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 73(2), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 74(3), replace “a Family Court” with “the Family Court”.

In section 77(1), replace “or of a District Court” with “or of the District Court”.

In section 77B(2), replace “a District Court” with “the District Court”.

In section 81(1), replace “the Registrar of a District Court” with “a Registrar of the District Court”.

In section 81(3), replace “a District Court” with “the District Court”.

In section 88, replace “a District Court” with “the District Court”.

In section 101(1), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 101(2), replace “Every Family Court and every District Court has the jurisdiction, and has” with “The Family Court and the District Court have the jurisdiction, and have”.

In section 117(3), replace “of a District Court” with “of the District Court”.

In section 118(4), replace “a District Court” with “the District Court”.

In section 119(1), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 121(3), replace “a District Court” with “the District Court”.

In section 123(3), replace “a District Court or a Family Court” with “the District Court or the Family Court”.

In section 125(1), replace “in a Family Court” with “in the Family Court”.

In section 125(1)(a), replace “no Family Court has” with “the Family Court does not have”.

In section 125(1)(b), replace “a Family Court” with “the Family Court”.

In section 125(2), replace “A Family Court” with “The Family Court”.

In section 125(2)(a), replace “a Family Court” with “the Family Court”.

In section 125(3), replace “a Family Court” with “the Family Court”.

In section 125(4), replace “before a District Court” with “before the District Court”.

In section 125(6), replace “a Family Court” with “the Family Court”.

In section 127(1), replace “a Family Court” with “the Family Court”.

In section 127(3)(a), replace “the Registrar of the Family Court” with “the Registrar of the office of the Family Court”.

In section 127(5), replace “a Family Court” with “the Family Court”.

Care of Children Act 2004 (2004 No 90)—continued

In section 127(5), replace “the Registrar of the Family Court” with “a Registrar of the Family Court”.

In section 131(1)(a), replace “Family Courts” with “Family Court”.

In section 135(1)(a), replace “Family Courts” with “Family Court”.

In section 135B(1), replace “a District Court” with “the District Court”.

In section 135B(2), replace “section 113 or 123 of the District Courts Act 1947 or section 100A of the Judicature Act 1908” with “**section 402 or 413 of the Judicature Modernisation Act 2013** or **section 153 of the Judicature Modernisation Act 2013**”.

In section 139, replace “Family Courts” with “Family Court”.

In section 139(a), replace “a Family Court” with “the Family Court”.

In section 139A(1)(a), replace “a Family Court” with “the Family Court”.

In section 143(1), replace “a Family Court” with “the Family Court”.

In section 143(3), replace “a Family Court” with “the Family Court”.

Replace section 143(4) with:

- (4) The High Court Rules and **sections 307 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under this section as if it were an appeal under **section 306** of that Act.

In section 143(5), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 145(1)(b), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 146(2), replace “the Family Courts Act 1980” with “the Family Court Act 1980”.

In section 146(2), replace “of Family Courts” with “of the Family Court”.

In section 146(4), replace “section 122 of the District Courts Act 1947” with “**section 411 of the Judicature Modernisation Act 2013**”.

In section 146(4)(a), replace “District Courts” with “the District Court”.

Chartered Professional Engineers of New Zealand Act 2002 (2002 No 17)

In section 35(2), replace “a District Court” with “the District Court”.

Replace section 37(4) with:

- (4) An appeal to the District Court is a rehearing and must be conducted in accordance with the District Court Rules made under **section 411 of the Judicature Modernisation Act 2013**.

In section 38(1), replace “a District Court” with “the District Court”.

Child Support Act 1991 (1991 No 142)

In section 2(1), replace the definition of **Family Court** with:

Family Court means the division of the District Court known, in accordance with **section 4** of the Family Court Act 1980, as the Family Court

In section 2(1), definition of **step-parent**, replace “a Family Court” with “the Family Court”.

In section 7(1)(h), replace “a Family Court” with “the Family Court”.

In section 64(4)(b), replace “any District Court” with “the District Court”.

In section 88(4)(c), replace “a Family Court” with “the Family Court”.

In section 89(5)(b), replace “a Family Court” with “the Family Court”.

In section 89X(1), replace “a Family Court” with “the Family Court”.

In section 89X(2), replace “a Family Court” with “the Family Court”.

In section 89X(5)(a), replace “a Family Court” with “the Family Court”.

In section 89Y(1)(a)(ii), replace “a Youth Court” with “the Youth Court”.

In section 89Z(1)(c)(ii), replace “a Youth Court” with “the Youth Court”.

In section 89Z(3)(a), replace “a Youth Court” with “the Youth Court”.

In section 89ZA(1)(b), replace “a Youth Court” with “the Youth Court”.

In section 93(c), replace “a Family Court” with “the Family Court”.

In section 95(3), replace “a Family Court” with “the Family Court”.

In section 96L(1)(b), replace “a Family Court” with “the Family Court”.

In section 96L(1)(c), replace “a Family Court” with “the Family Court”.

In section 96P(1), replace “a Family Court” with “the Family Court”.

In section 96P(2), replace “a Family Court” with “the Family Court”.

In section 96P(5)(a), replace “a Family Court” with “the Family Court”.

In section 96ZF(1), replace “a Family Court” with “the Family Court”.

In section 96ZF(2), replace “a Family Court” with “the Family Court”.

In section 96ZF(5)(a), replace “a Family Court” with “the Family Court”.

In section 97, replace “District Courts, and Family Courts” with “the District Court, and the Family Court”.

In section 99(1), replace “a Family Court” with “the Family Court”.

In section 99(2), replace “a Family Court” with “the Family Court”.

In section 99(6), replace “a Family Court” with “the Family Court”.

In section 102(1), replace “a Family Court” with “the Family Court”.

In section 103(1), replace “a Family Court” with “an office of the Family Court”.

Child Support Act 1991 (1991 No 142)—*continued*

In section 103(4), replace “A Family Court hearing an appeal under this section shall” with “When hearing an appeal under this section, the Family Court must”.

In section 103(5), replace “a Family Court” with “the Family Court”.

In section 103A(1), replace “a Family Court” with “the Family Court”.

In section 103A(2)(b), replace “a Family Court” with “the Family Court”.

In section 103B(1), replace “a Family Court” with “the Family Court”.

In section 103B(2), replace “a Family Court” with “the Family Court”.

In section 103B(3)(b), replace “a Family Court” with “the Family Court”.

In section 103C(1), replace “a Family Court” with “the Family Court”.

In section 103C(2)(b), replace “a Family Court” with “the Family Court”.

In section 103D(1), replace “a Family Court” with “the Family Court”.

In section 103D(2)(a), replace “a Family Court” with “the Family Court”.

In section 103D(2)(b), replace “a Family Court” with “the Family Court”.

In section 103E(1), replace “a Family Court” with “the Family Court”.

In section 104(1), replace “a Family Court” with “the Family Court”.

In section 104(2)(b)(iii), replace “a Family Court” with “the Family Court”.

In section 105(1), replace “a Family Court” with “the Family Court”.

In section 108(1), replace “a Family Court” with “the Family Court”.

In section 108(3), replace “A Family Court” with “The Family Court”.

In section 109(1), replace “a Family Court” with “the Family Court”.

In section 111(1), replace “a Family Court” with “the Family Court”.

In section 112(1), replace “a Family Court” with “the Family Court” in each place.

In section 112(2), replace “a Family Court” with “the Family Court”.

In section 113(1), replace “A Family Court” with “The Family Court”.

In section 113(3), replace “a Family Court” with “the Family Court”.

In section 116(1), replace “a Family Court” with “the Family Court”.

In section 117(1), replace “a Family Court” with “the Family Court”.

In section 118(2), replace “a Family Court or a District Court, nor the refusal of a Family Court or a District Court” with “the Family Court or the District Court, nor the refusal of the Family Court or the District Court”.

In section 120(1), replace “a Family Court” with “the Family Court”.

Replace section 120(1A) with:

(1A) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

Child Support Act 1991 (1991 No 142)—*continued*

In section 120(2), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 120(3), replace “, against the decision, against an order or declaration of a Family Court” with “against an order or declaration of the Family Court”.

Replace section 120(3A) with:

(3A) The High Court Rules and **sections 309 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (3) as if it were an appeal under **section 306** of that Act.

In section 123(2), replace “Family Courts” with “Family Court”.

Replace section 123(2)(a) with:

(a) in the Family Court:

In section 124, replace “Family Courts” with “Family Court”.

Replace section 124(a) with:

(a) in the Family Court:

In section 127, replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 169(9), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 180(3)(c), replace “a District Court” with “the District Court”.

In the heading to section 183, replace “**of distress**” with “**to seize property**”.

In section 183(1), replace “warrant of distress” with “warrant to seize property”.

In section 183(2), replace “warrant of distress” with “warrant to seize property”.

In section 183(3), replace “of distress” with “to seize property” in each place.

In section 183(3), replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 183(4), replace “warrant of distress” with “warrant to seize property”.

In section 183(5), replace “warrant of distress” with “warrant to seize property”.

In section 183(6), replace “warrant of distress” with “warrant to seize property”.

In section 183(7), replace “warrant of distress” with “warrant to seize property”.

In section 183(9), replace “No distress” with “No seizure of property”.

In section 183(9), replace “warrant of distress” with “warrant to seize property”.

Replace section 183(10) with:

(10) **Section 357 of the Judicature Modernisation Act 2013** does not apply in relation to a warrant to seize property issued under this section.

In section 184(1), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

Child Support Act 1991 (1991 No 142)—*continued*

In section 187(1), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 188(4), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 188(13), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 190(1), replace “the District Court or Family Court” with “District Court or Family Court at the office of the court”.

In section 196(9), replace “a District Court” with “the District Court”.

In section 197, replace “a District Court” with “the District Court”.

In section 199(2), replace “a District Court” with “the District Court”.

In section 207(1), replace “a District Court” with “the District Court”.

In section 226B(1)(a), replace “Family Courts” with “Family Court”.

In section 226D(1), replace “a District Court” with “the District Court”.

In section 226D(2), replace “section 113 or 123 of the District Courts Act 1947” with “**section 402 or 413 of the Judicature Modernisation Act 2013**”.

In section 227(1), replace “A Family Court or District Court” with “The Family Court or District Court”.

In section 227(2), replace “A Family Court or District Court” with “The Family Court or District Court”.

In section 229(1), replace “a Family Court or District Court” with “the Family Court or District Court”.

In section 233(1), replace “the Registrar of a Family Court or District Court” with “a Registrar of the Family Court or District Court”.

In section 233(2), replace “the Registrar of a Family Court or District Court” with “a Registrar of the Family Court or District Court”.

In section 234(1), replace “District Courts” with “the District Court”.

In section 234(1A), replace “Family Courts Act 1980 regulating the practice and procedure of Family Courts” with “Family Court Act 1980 regulating the practice and procedure of the Family Court”.

In section 234(2), replace “Family Courts” with “Family Court”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)

In section 2(1), definition of **court**, replace “a Family Court, and in relation to Parts 4 and 5, means a Youth Court” with “the Family Court, and in relation to Parts 4 and 5, means the Youth Court”.

In section 2(2)(d), replace “a Youth Court” with “the Youth Court”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)—*continued*

In section 2(3), replace “a District Court” with “the District Court”.

In section 2B(1)(c)(ii), replace “a Youth Court” with “the Youth Court”.

In section 2B(1)(d)(ii), replace “a Youth Court” with “the Youth Court”.

In section 2B(2)(a)(i), replace “a Youth Court” with “the Youth Court”.

In section 2B(2)(a)(ii), replace “a Youth Court” with “the Youth Court”.

In section 10(1), replace “a Family Court or a Youth Court” with “the Family Court or the Youth Court”.

In section 10(1)(a), replace “a Youth Court” with “the Youth Court”.

In section 10(2), replace “a Family Court or a Youth Court” with “the Family Court or the Youth Court”.

In section 10(2)(a), replace “a Youth Court” with “the Youth Court”.

In section 11, replace “a Family Court or a Youth Court” with “the Family Court or the Youth Court”.

In section 84(1)(d), replace “a District Court” with “the District Court”.

In the heading to section 150, replace “**Family Courts**” with “**Family Court**”.

In section 150, replace “a Family Court” with “the Family Court”.

In the heading to section 151, replace “**District Courts**” with “**District Court**”.

In section 151, replace “a District Court” with “the District Court”.

In section 151, replace “a Family Court” with “the Family Court”.

In section 160, replace “a Family Court” with “the Family Court”.

In section 162(1)(a), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 162(4), replace “a District Court” with “the District Court”.

In section 166(1), replace “a Family Court” with “the Family Court”.

In section 206A(1)(a), replace “a Family Court” with “the Family Court”.

In section 207D(1)(g), replace “a Youth Court” with “the Youth Court”.

In section 207K(1)(f), replace “a Youth Court” with “the Youth Court”.

In section 207Q(1)(d), replace “a Youth Court” with “the Youth Court”.

In section 237, replace “a Youth Court or, as the case requires, a Family Court” with “the Youth Court or, as the case requires, the Family Court”.

In section 238(1), replace “a Youth Court” with “the Youth Court”.

In section 241, replace “A Youth Court” with “The Youth Court”.

In section 243, replace “a District Court” with “the District Court”.

In section 243, replace “a Youth Court” with “the Youth Court”.

In section 245(1), replace “a Youth Court” with “the Youth Court”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)—*continued*

In section 246, replace “a Youth Court” with “the Youth Court”.

In section 247(e), replace “a Youth Court” with “the Youth Court”.

In section 248(1)(a)(i), replace “a District Court” with “the District Court”.

In section 248(1)(a)(ii), replace “a Youth Court” with “the Youth Court”.

In the cross-heading above section 272, replace “Youth Courts” with “Youth Court”.

In the heading to section 272, replace “Youth Courts” with “Youth Court”.

In section 272(1A)(a), replace “a Family Court” with “the Family Court”.

In section 272(1B)(b), replace “a Youth Court” with “the Youth Court”.

In section 272(1B)(b), replace “a District Court” with “the District Court”.

In section 272(1B)(c), replace “a Youth Court” with “the Youth Court”.

In section 272(2A)(a), replace “a Youth Court” with “the Youth Court”.

In section 272(3), replace “a Youth Court” with “the Youth Court”.

In section 272(5), replace “a Youth Court” with “the Youth Court”.

In section 272(5)(a), replace “a Youth Court” with “the Youth Court”.

In section 272A(1)(c), replace “a Youth Court” with “the Youth Court”.

In section 272A(1)(d), replace “a Youth Court” with “the Youth Court”.

In section 273(2), replace “A Youth Court” with “The Youth Court”.

In section 275(2), replace “a Youth Court” with “the Youth Court”.

In section 275(3)(a), replace “a Youth Court” with “the Youth Court”.

In section 275(3)(a), replace “a District Court” with “the District Court”.

In section 276(3), replace “in a Youth Court” with “in the Youth Court”.

In section 276(4), replace “in a Youth Court” with “in the Youth Court”.

In section 276(5), replace “in a Youth Court” with “in the Youth Court”.

In section 277(7), replace “in a Youth Court” with “in the Youth Court”.

In section 277(8), replace “in a Youth Court” with “in the Youth Court”.

In section 277(9), replace “a Youth Court” with “the Youth Court”.

In section 277(9)(a), replace “a District Court” with “the District Court”.

In section 277(9)(b), replace “a District Court” with “the District Court”.

In section 277A(3)(a), replace “a District Court” with “the District Court”.

In section 277A(4)(a), replace “section 4A of the District Courts Act 1947” with “**section 254 of the Judicature Modernisation Act 2013**”.

In section 278(1), replace “a Youth Court” with “the Youth Court”.

In section 278(3), replace “a Youth Court” with “the Youth Court”.

In section 281(1), replace “a Youth Court” with “the Youth Court”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)—*continued*

In section 281(2), replace “A Youth Court” with “The Youth Court”.

In section 282(1), replace “a Youth Court” with “the Youth Court”.

In section 283, replace “A Youth Court” with “The Youth Court”.

In section 283(d), replace “a District Court” with “the District Court” in each place.

In section 283(h), replace “a District Court” with “the District Court”.

In section 283(j), replace “a Youth Court” with “the Youth Court” in each place.

In section 283(o)(i), replace “a District Court” with “the District Court”.

In section 285(6), replace “a District Court” with “the District Court”.

In section 291, replace “a Youth Court” with “the Youth Court”.

In section 293, replace “a District Court” with “the District Court”.

In section 293(a), replace “a Youth Court” with “the Youth Court”.

In section 293A(1), replace “a Youth Court” with “the Youth Court” in each place.

In section 293A(1), replace “a District Court” with “the District Court”.

In section 293A(2), replace “a Youth Court” with “the Youth Court”.

In section 293A(3), replace “a Youth Court” with “the Youth Court”.

In section 293A(4), replace “a Youth Court” with “the Youth Court”.

In section 293A(5), replace “a Youth Court” with “the Youth Court”.

In section 294(a), replace “a Youth Court” with “the Youth Court”.

In section 294(b), replace “a District Court” with “the District Court”.

In section 298(1), replace “a Youth Court” with “the Youth Court”.

In section 298(3), replace “No Youth Court shall” with “The Youth Court must not”.

In section 307(1), replace “a Youth Court” with “the Youth Court”.

In section 308A(1)(c), replace “a District Court” with “the District Court” in each place.

In section 311(1), replace “a Youth Court” with “the Youth Court”.

In section 311(2), replace “a Youth Court” with “the Youth Court”.

In section 311(2A), replace “a Youth Court” with “the Youth Court”.

In section 316(1), replace “A Youth Court” with “The Youth Court”.

In the heading to section 321, replace “**Courts**” with “**Court**”.

In section 321(1), replace “Youth Courts and to proceedings in such courts” with “the Youth Court and to proceedings in that court”.

In section 321(2), replace “every Youth Court and its officers shall have all the powers and duties of a District Court” with “, the Youth Court and its officers have all the powers and duties of the District Court”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)—*continued*

In section 321(3), replace “in a Youth Court” with “in the Youth Court”.

Replace section 321(4) with:

(4) Any officer of the District Court may act as an officer of the Youth Court.

In section 321(5), replace “a Youth Court” with “the Youth Court”.

In section 323(1), replace “a Youth Court” with “the Youth Court”.

In section 324(2)(d), replace “a District Court” with “the District Court”.

In section 326(1), replace “a Youth Court” with “the Youth Court”.

In section 329(1), replace “a Youth Court” with “the Youth Court”.

In section 330(1), replace “a Youth Court” with “the Youth Court”.

In section 330(2), replace “a Youth Court” with “the Youth Court”.

In section 330(3), replace “a Youth Court” with “the Youth Court”.

In the cross-heading above section 331, replace “Youth Courts” with “Youth Court”.

In section 331, replace “a Youth Court” with “the Youth Court”.

In section 332(1), replace “a Youth Court” with “the Youth Court”.

In section 332(2), replace “a Youth Court” with “the Youth Court”.

In section 333(1), replace “a Family Court” with “the Family Court”.

In section 336, replace “a Family Court” with “the Family Court”.

In the cross-heading above section 341, replace “Family Courts” with “Family Court”.

In the heading to section 341, replace “Family Courts” with “Family Court”.

In section 341(1), replace “a Family Court” with “the Family Court”.

In section 341(3), replace “a Family Court” with “the Family Court”.

Replace section 346(1) with:

(1) The High Court Rules and **sections 308 to 311 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under section 341 as if it were an appeal under **section 306** of that Act.

In section 346(2), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 348(2), replace “a Family Court” with “the Family Court”.

In section 350(1), replace “a Family Court” with “the Family Court”.

In section 350(1), replace “the Family Court whose decision or order is appealed against is situated” with “the Family Court is situated”.

In section 351(1), replace “a Youth Court” with “the Youth Court”.

In section 352(a), replace “a Youth Court” with “the Youth Court”.

In section 353(1), replace “a Youth Court” with “the Youth Court”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)—*continued*

In section 354(1), replace “a Youth Court” with “the Youth Court”.

In section 354(2), replace “a Youth Court” with “the Youth Court”.

In section 355(3)(a), replace “a District Court were references to a Youth Court” with “the District Court were references to the Youth Court”.

Repeal section 355(3)(b).

In section 355(3)(c), replace “in a Youth Court” with “in the Youth Court”.

In section 356(1), replace “a Youth Court” with “the Youth Court” in each place.

In section 357, replace “a Youth Court” with “the Youth Court”.

In section 359(1), replace “a Youth Court” with “the Youth Court”.

In section 371(1), replace “a Family Court or a Youth Court or, where it is not practicable to apply to a Family Court or a Youth Court, to a District Court” with “the Family Court or the Youth Court or, where it is not practicable to apply to the Family Court or the Youth Court, to the District Court”.

In section 376(5), replace “a District Court” with “the District Court”.

In section 392(1), replace “A Family Court” with “The Family Court”.

Replace the cross-heading above section 433 with:

Youth Court

Replace section 433 with:

433 Establishment of Youth Court

The District Court has a division known as the Youth Court.

In section 435(3), replace “of a Youth Court” with “of the Youth Court”.

In section 435A(3), replace “of a Youth Court” with “of the Youth Court”.

In section 435A(4), replace “of a Youth Court” with “of the Youth Court”.

Replace section 435A(6) with:

(6) This section is subject to **section 207 of the Judicature Modernisation Act 2013**.

In section 436(1), replace “in a Youth Court” with “in the Youth Court”.

In section 436(2), replace “a Youth Court” with “the Youth Court”.

In section 437A, replace “Family Courts” with “Family Court”.

Replace section 437A(a) with:

(a) in the Family Court:

In section 439(4), replace “a District Court” with “the District Court” in each place.

In section 445(1), replace “a Family Court or a Youth Court” with “the Family Court or the Youth Court”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)—*continued*

In section 445(2), replace “A Family Court” with “The Family Court”.

In section 448(1), replace “Youth Courts” with “the Youth Court”.

In section 448(2), replace “Youth Courts” with “the Youth Court”.

Replace section 448(2)(b) with:

- (b) in the case of the District Court, under **section 411 of the Judicature Modernisation Act 2013**:

Replace section 448(2)(c) with:

- (c) in the case of the Family Court, under section 16A of the Family Court Act 1980.

In section 448A(2), replace “Youth Courts” with “Youth Court” in each place.

In section 448A(4), replace “District Courts” with “District Court” in each place.

In section 456A(1)(b), replace “a Youth Court” with “the Youth Court”.

In section 456A(1)(c), replace “a Youth Court” with “the Youth Court” in each place.

In section 456A(2)(a), replace “a Family Court” with “the Family Court”.

In section 456A(2)(c), replace “a District Court” with “the District Court”.

In section 456A(2)(c), replace “a Youth Court” with “the Youth Court”.

In section 456A(2)(d), replace “a Youth Court” with “the Youth Court”.

In the Schedule 1 heading, replace “Courts and to proceedings in such courts” with “Court and to proceedings in Youth Court”.

In Schedule 1, replace clause 1 with:

- 1 **Part 2 of the Judicature Modernisation Act 2013**, except that—
- (a) where any provisions of this Act conflict with any of the provisions of **Part 2 of the Judicature Modernisation Act 2013**, the provisions of this Act prevail:
- (b) nothing in **section 254 of the Judicature Modernisation Act 2013** applies in respect of Youth Court Judges or the business of the Youth Court.

In Schedule 1, clause 2(a), replace “District Courts even though they may be heard and determined in Youth Courts” with “the District Court even though they may be heard and determined in the Youth Court”.

In Schedule 1, clause 3A(a)(ii)(B), replace “a Youth Court” with “the Youth Court”.

In Schedule 1, clause 3A(g)(i), replace “a Youth Court” with “the Youth Court”.

In Schedule 1, clause 3A(g)(ii), replace “a Youth Court” with “the Youth Court”.

In Schedule 1, clause 3A(j), replace “a Youth Court” with “the Youth Court”.

Christchurch District Drainage Act 1951 (1951 No 21)

In section 43A(5), replace “a District Court” with “the District Court”.

Civil Aviation Act 1990 (1990 No 98)

In section 6(4), replace “a District Court” with “the District Court”.

In section 7(4), replace “a District Court” with “the District Court”.

In section 9(4), replace “a District Court” with “the District Court”.

In section 11I(4), replace “a District Court” with “the District Court”.

In section 17(7), replace “a District Court” with “the District Court”.

In section 18(5), replace “a District Court” with “the District Court”.

In section 21(5), replace “a District Court” with “the District Court”.

In section 27P, replace “a District Court” with “the District Court”.

In section 41(5), replace “a District Court” with “the District Court”.

In section 62(3), replace “by a District Court” with “by the District Court”.

In section 64(1), replace “a District Court” with “the District Court”.

In section 64(2), replace “a District Court” with “the District Court”.

In section 66(1), replace “a District Court” with “the District Court”.

Replace section 69(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

Civil Defence Emergency Management Act 2002 (2002 No 33)

In section 77(1), replace “a District Court” with “the District Court”.

In section 77(2), replace “a District Court” with “the District Court”.

Civil Union Act 2004 (2004 No 102)

In section 36(1), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 36(1), replace “of Family Courts” with “of the Family Court”.

In section 36(2), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 36(2)(b), replace “District Courts” with “the District Court”.

Climate Change Response Act 2002 (2002 No 40)

In section 115(1), replace “a District Court” with “the District Court”.

In section 145(1), replace “a District Court” with “the District Court”.

Commissions of Inquiry Act 1908 (1908 No 25)

In section 4(1), replace “a District Court” with “the District Court”.

Commonwealth Countries Act 1977 (1977 No 31)

In section 2(5), definition of **court**, replace “any District Court” with “the District Court”.

In section 2(5), replace the definition of **District Court** with:

District Court includes—

- (a) the Family Court; and
- (b) the Youth Court

Companies Act 1993 (1993 No 105)

Replace section 185A with:

185A Jurisdiction of District Court

- (1) The District Court has jurisdiction to exercise any power conferred by sections 182 to 185 in any case where—
 - (a) the occasion for the exercise of the power arises in the course of civil proceedings properly before the court; or
 - (b) the amount of the claim or the value of the property or relief claimed or in issue is not more than \$350,000; or
 - (c) the parties agree, in accordance with **section 263 of the Judicature Modernisation Act 2013**, that the District Court has jurisdiction to determine the proceedings.
- (2) For the purposes of **sections 268 to 270 of the Judicature Modernisation Act 2013**, an application made to the District Court under any of sections 182 to 185 is deemed to be a proceeding.

Construction Contracts Act 2002 (2002 No 46)

In section 5, definition of **court**, paragraph (b), replace “a District Court” with “the District Court”.

In section 5, definition of **tribunal**, replace paragraph (b) with:

- (b) the Disputes Tribunal established under **section 4** of the Disputes Tribunal Act 1988

In section 52(1), replace “a District Court” with “the District Court”.

Replace section 52(2) with:

- (2) ~~The District Court has the jurisdiction to hear and determine an application for review under this section despite any limits imposed on the District Court in its ordinary civil jurisdiction by **sections 256 to 261 of the Judicature Modernisation Act 2013**.~~

In section 71A(1), replace “a District Court” with “the District Court”.

Replace section 71A(2) with:

Construction Contracts Act 2002 (2002 No 46)—*continued*

(2) The District Court has the jurisdiction to hear and determine an application for review under this section despite any limits imposed on the District Court in its ordinary civil jurisdiction by **sections 256 to 261 of the Judicature Modernisation Act 2013**.

In section 71B(1), replace “the District Court” with “the office of the District Court”.

In section 71C(1)(c), replace “a District Court” with “the District Court”.

In section 71C(3), replace “A District Court’s” with “The District Court’s”.

In section 73(3)(a), replace “a District Court” with “the District Court”.

In section 77, replace “District Courts Rules 1992” with “District Court Rules 2014”.

In section 78, replace “District Courts Rules 1992” with “District Court Rules 2014”.

Replace section 81(1) with:

(1) In addition to all other powers conferred by **Part 2 of the Judicature Modernisation Act 2013**, the Governor-General may, by Order in Council, make rules regulating the practice and procedure of the District Court in proceedings under this Act.

In section 81(3), replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Consumer Guarantees Act 1993 (1993 No 91)

In section 23A(2), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 38(1)(a), replace “Disputes Tribunal” with “the Disputes Tribunal”.

In section 39(1), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 39A(2), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 46A(1)(a)(iii), replace “a Disputes Tribunal” with “the Disputes Tribunal” in each place.

In section 47(1), replace “any Disputes Tribunal established under section 4 of the Disputes Tribunals Act 1988 and having” with “the Disputes Tribunal established under section 4 of the Disputes Tribunal Act 1988 if it has”.

In section 47(2)(b), replace “a District Court” with “the District Court”.

In section 47(2)(b)(i), replace “\$200,000” with “\$350,000”.

In section 47(3), replace “A District Court” with “The District Court”.

In section 47(3)(a), replace “\$200,000” with “\$350,000”.

In section 47(3)(b), replace “\$200,000” with “\$350,000”.

In section 47(3)(c), replace “\$200,000” with “\$350,000”.

In section 47(3)(d), replace “\$200,000” with “\$350,000”.

In section 47(4), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 47(5), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

Consumer Guarantees Act 1993 (1993 No 91)—*continued*

In section 47(6), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 47(6), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

Contractual Remedies Act 1979 (1979 No 11)

In section 4(4), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 4(4), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

Copyright Act 1994 (1994 No 143)

In section 122B(4)(b), replace “a District Court” with “the District Court”.

In section 122I(1)(b), replace “a District Court” with “the District Court”.

In section 122O(6), replace “a District Court” with “the District Court”.

In section 122P(1), replace “A District Court” with “The District Court”.

In section 122P(5), replace “a District Court” with “the District Court”.

In section 122Q(2), replace “A District Court” with “The District Court”.

In section 122R(1), replace “a District Court” with “the District Court”.

In section 134F(2), replace “a District Court” with “the District Court”.

In section 144F(2), replace “a District Court” with “the District Court”.

In section 219(1), replace “a District Court” with “the District Court”.

In section 219(2), replace “a District Court” with “the District Court”.

In section 222(2), replace “a District Court” with “the District Court”.

Coroners Act 2006 (2006 No 38)

In section 10(1)(b), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

In section 10(3), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

In section 108(8), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

In section 109(2)(a), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

In section 110(6), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

In section 114(3), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

In Schedule 3, clause 1(b)(ii), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

Coroners Act 2006 (2006 No 38)—*continued*

In Schedule 3, clause 13, replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

Corrections Act 2004 (2004 No 50)

In section 185(2), replace “any District Court” with “the District Court”.

In section 189(4), replace “a District Court” with “the District Court”.

Costs in Criminal Cases Act 1967 (1967 No 129)

In section 7(1)(b), replace “a District Court” with “the District Court”.

Courts (Remote Participation) Act 2010 (2010 No 94)

In section 3, replace the definition of **Community Magistrate** with:

Community Magistrate has the same meaning as in **section 185 of the Judicature Modernisation Act 2013**

In section 3, replace the definition of **District Court** with:

District Court includes—

- (a) the Family Court and the Youth Court; and
- (b) the District Court sitting in its admiralty jurisdiction

In section 3, definition of **New Zealand Court**, paragraph (a), replace “a District Court” with “the District Court”.

Courts Security Act 1999 (1999 No 115)

In section 2, definition of **presiding judicial officer**, paragraph (f), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

Replace section 3(5)(c) and (d) with:

- (c) the District Court;
- (d) the following divisions of the District Court:
 - (i) the Disputes Tribunal;
 - (ii) the Family Court;
 - (iii) the Youth Court;

In section 24(1)(f), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

In section 33(1), replace “section 112 of the District Courts Act 1947” with “**section 161 of the Judicature Modernisation Act 2013**”.

Credit Contracts and Consumer Finance Act 2003 (2003 No 52)

In section 9A(2)(d), replace “a District Court” with “the District Court”.

Credit Contracts and Consumer Finance Act 2003 (2003 No 52)—continued

In section 58(4), replace “a Disputes Tribunal established under **section 4** of the Disputes Tribunals Act 1988” with “the Disputes Tribunal established under section 4 of the Disputes Tribunal Act 1988”.

In section 85(a), replace “a District Court” with “the District Court”.

Replace section 86 with:

86 Jurisdiction of District Court

- (1) The District Court may hear and determine proceedings for offences against any of the provisions of this Act.
- (2) The District Court may hear and determine applications for orders under any of the provisions of this Act if—
 - (a) the occasion for the exercise of the power arises in the course of civil proceedings properly before the court; or
 - (b) in the case of—
 - (i) a revolving credit contract that has a credit limit, the credit limit does not exceed \$350,000; or
 - (ii) any other credit contract, the total of all advances made and agreed to be made under the credit contract does not exceed \$350,000; or
 - (iii) a consumer lease, the cash price of the goods hired does not exceed \$350,000; or
 - (iv) a buy-back transaction, the amount of the consideration paid by the transferee under the transaction does not exceed \$350,000; or
 - (ba) in the case of an application for an order under any of the provisions of this Act, the relief claimed does not exceed \$350,000; or
 - (c) the parties agree, in accordance with **section 263 of the Judicature Modernisation Act 2013**, that the District Court has jurisdiction to hear and determine the application.
- (2A) **Subsection (2)(b) does not limit subsection (2)(a), (c), or (d).**
- (3) The District Court does not have jurisdiction to hear and determine applications for injunctions under section 96.
- (4) For the purposes of **sections 268 to 270 of the Judicature Modernisation Act 2013**, an application made to the District Court for an order under this Act is to be treated as a proceeding.

In the heading to section 87, replace “Disputes Tribunals” with “Disputes Tribunal”.

In section 87(1), replace “A Disputes Tribunal established under section 4 of the Disputes Tribunals Act 1988” with “The Disputes Tribunal established under **section 4** of the Disputes Tribunal Act 1988”.

Credit Contracts and Consumer Finance Act 2003 (2003 No 52)—*continued*

In section 87(2), replace “A Disputes Tribunal established under section 4 of the Disputes Tribunals Act 1988” with “The Disputes Tribunal established under **section 4** of the Disputes Tribunal Act 1988”.

In section 87(2), delete “appropriate”.

In section 87(3), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 87(4), replace “a Tribunal” with “the Tribunal”.

In section 87(5), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 87(5), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

In section 108(1), replace “A District Court” with “The District Court”.

In section 108(1A), replace “a District Court” with “the District Court”.

In section 109(1), replace “a District Court” with “the District Court”.

In section 112(1), replace “a District Court” with “the District Court”.

In section 143(2), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

Credit (Repossession) Act 1997 (1997 No 85)

Replace section 39 with:

39 Jurisdiction of District Court

The District Court has jurisdiction to exercise any power conferred by any of the provisions of this Act in any case where—

- (a) the occasion for the exercise of the power arises in the course of civil proceedings properly before the court; or
- (b) the total amount in respect of which an order of the court is sought is not more than \$350,000; or
- (c) the parties agree, in accordance with **section 263 of the Judicature Modernisation Act 2013**, that the District Court has jurisdiction to hear and determine the application.

Crimes Act 1961 (1961 No 43)

In section 2(1), replace the definition of **Judge** with:

Judge, in relation to the District Court, or **District Court Judge** means a Judge who holds a warrant under **section 195 of the Judicature Modernisation Act 2013** to conduct jury trials

In section 2(1), definition of **Registrar**, paragraph (b), replace “a District Court” with “the District Court”.

In section 19(6), replace “a District Court” with “the District Court”.

Crimes Act 1961 (1961 No 43)—continued

In section 19(8), replace “a District Court” with “the District Court” in each place.

In section 19(9), replace “a District Court” with “the District Court” in each place.

In section 19(12)(c), replace “a District Court” with “the District Court”.

In section 406(1)(a), replace “a District Court” with “the District Court”.

Criminal Disclosure Act 2008 (2008 No 38)

In section 6(1), definition of **criminal proceedings**, paragraph (a)(ii), replace “a Youth Court” with “the Youth Court”.

In section 12(2), replace “a Youth Court” with “the Youth Court”.

In section 12(4)(b), replace “a Youth Court” with “the Youth Court”.

In section 20(b), replace “a Youth Court” with “the Youth Court”.

In section 24(1)(b), replace “a Youth Court” with “the Youth Court”.

In section 33(3)(a)(ii), replace “a District Court” with “the District Court”.

Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)

In section 2(1), definition of **charged**, replace “a District Court” with “the District Court”.

In section 2(1), definition of **conviction**, paragraph (a), replace “a Youth Court” with “the Youth Court”.

In section 2(1), definition of **District Court**, replace “a Youth Court” with “the Youth Court”.

In section 26(ab)(iii), replace “a Youth Court” with “the Youth Court”.

In section 26(ac)(i), replace “a Youth Court” with “the Youth Court”.

In section 26A(2)(b)(i), replace “a Youth Court” with “the Youth Court”.

In section 26A(2)(b)(ii), replace “a Youth Court” with “the Youth Court”.

In section 26A(2)(b)(iii), replace “a District Court (rather than a Youth Court)” with “the District Court (rather than the Youth Court)”.

In section 26A(3)(b), replace “a Youth Court” with “the Youth Court”.

Replace section 26A(4) with:

(4) The retention periods and effect of certain subsequent offences are as follows:

<u>Sentence or order</u>	<u>Retention period for order or conviction</u>	<u>Retention period for subsequent offence</u>
<u>Section 26(a) or (ab): section 283(a) to (n) order made by the Youth Court</u>	<u>10 years after date of that section 283 order</u>	<u>If a section 282 order is subsequently made during that 10-year period after the offence is proved, a further retention period of</u>

Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)—continued

<u>Sentence or order</u>	<u>Retention period for order or conviction</u>	<u>Retention period for subsequent offence</u>
<u>Section 26(a) or (ab): section 283(o) order made by the Youth Court but no imprisonment</u>	<u>10 years after date of section 283(o) order</u>	<u>4 years applies and runs concurrently with the 10-year period.</u> <u>If a section 282 order is subsequently made during that 10-year period after the offence is proved, a further retention period of 4 years applies and runs concurrently with the 10-year period.</u>
<u>Section 26(a) or (ab): convicted by the District Court but no imprisonment</u>	<u>10 years after date of conviction</u>	<u>If a section 282 order is subsequently made during that 10-year period after the offence is proved, a further retention period of 4 years applies and runs concurrently with the 10-year period.</u>
<u>Section 26(ac): section 282 order made after offence proved</u>	<u>4 years after date of section 282 order</u>	<u>If a section 283 order is subsequently made during that 4-year period, a further retention period of 10 years applies and runs concurrently with the 4-year period.</u> <u>If the person is subsequently convicted by the District Court without imprisonment during that 4-year period, a further retention period of 10 years applies and runs concurrently with the 4-year period.</u> <u>If another section 282 order is subsequently made during that 4-year period after the offence is proved, a further retention</u>

Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)—continued

<u>Sentence or order</u>	<u>Retention period for order or conviction</u>	<u>Retention period for subsequent offence</u> <u>period of 4 years applies and runs concurrently with the first 4-year period.</u>
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In section 26A(5)(b), in the second example, replace “a District Court” with “the District Court”.

In section 26B(1)(a)(ii), replace “a Youth Court” with “the Youth Court”.

Criminal Procedure Act 2011 (2011 No 81)

In section 4(1)(c), replace “a District Court” with “the District Court”.

In section 4(1)(f), replace “a District Court” with “the District Court”.

In section 4(1)(i), replace “a District Court” with “the District Court”.

In section 4(1)(m), replace “a District Court” with “the District Court”.

Replace section 4(1)(y) and the heading above that paragraph with:

Jurisdiction of District Court

- (y) Part 7 contains provisions about the jurisdiction of the District Court. These set out the jurisdiction of Community Magistrates and Justices to conduct various proceedings and to sentence offenders. They also require a District Court Judge conducting jury trials to hold a jury trial warrant under **Part 2 of the Judicature Modernisation Act 2013**:

In section 5, definition of **level of trial court**, replace “a District Court” with “the District Court”.

In section 5, definition of **rules of court**, replace “section 122 of the District Courts Act 1947” with “**section 411 of the Judicature Modernisation Act 2013**”.

In section 7(3), replace “any Youth Court” with “the Youth Court”.

In section 7(3), replace “a Youth Court” with “the Youth Court”.

In the cross-heading above section 9, replace “*District Courts*” with “*District Court*”.

In the heading to section 9, replace “**District Courts**” with “**District Court**”.

In section 9(1), replace “a District Court” with “the District Court”.

In section 9(2), replace “a District Court” with “the District Court”.

In section 9(3), replace “a District Court” with “the District Court”.

In section 9(4), replace “a District Court” with “the District Court” in each place.

In section 14(1), replace “District Court” with “office of the District Court”.

In section 14(2)(a), after “another”, insert “office of the”.

In section 14(2)(b), replace “a District Court” with “an office of the District Court”.

Criminal Procedure Act 2011 (2011 No 81)—continued

In section 14(3), after “correct”, insert “office of the”.

In section 34(2), replace “before a District Court” with “before the District Court”.

In section 34(3), replace “a District Court” with “the District Court”.

In section 35(1), replace “the District Court in which the charging document was filed” with “the District Court at the place where the charging document was filed”.

In section 35(2), replace “the District Court in which the charging document was filed” with “the District Court at the place where the charging document was filed”.

In section 35(3)(b), replace “section 4A of the District Courts Act 1947” with “**section 254 of the Judicature Modernisation Act 2013**”.

In section 36(1), replace “the District Court in which the charging document was filed” with “the District Court at the place where the charging document was filed”.

In section 36(3)(b), replace “section 4A of the District Courts Act 1947” with “**section 254 of the Judicature Modernisation Act 2013**”.

In section 71(3), replace “the District Court that is dealing with the proceeding before the trial in accordance with section 35” with “the District Court at the place where the proceeding is being dealt with in accordance with section 35”.

In section 71(4)(a), replace “section 4A of the District Courts Act 1947” with “**section 254 of the Judicature Modernisation Act 2013**”.

In section 72(3), replace “a District Court” with “the District Court”.

In section 72(4)(b), replace “a District Court” with “the District Court”.

In section 72(5)(a), replace “section 4A of the District Courts Act 1947” with “**section 254 of the Judicature Modernisation Act 2013**”.

In section 73(3), replace “a District Court” with “the District Court”.

In section 73(4)(b), replace “a District Court” with “the District Court”.

In section 73(5), replace “a District Court, means a District Court that has jurisdiction” with “the District Court, means the District Court at the place where the court has jurisdiction—the District Court” in each place.

In section 73(6)(a), replace “section 4A of the District Courts Act 1947” with “**section 254 of the Judicature Modernisation Act 2013**”.

In section 74(4), replace “the District Court that is dealing with the proceeding” with “the District Court at the place where the court is dealing with the proceeding”.

In section 78(4)(c), replace “a District Court” with “the District Court”.

In section 95(1)(b), replace “a District Court” with “the District Court”.

In section 114(2), replace “a District Court” with “the District Court”.

In section 157(1), replace “to a District Court” with “to the District Court”.

In section 157(3), replace “a District Court” with “the District Court”.

In section 171(3), replace “a District Court” with “the District Court”.

Criminal Procedure Act 2011 (2011 No 81)—continued

In section 172(3), replace “a District Court” with “the District Court”.

In section 173(1), replace “a District Court” with “the District Court”.

In section 180(2)(b), replace “a District Court” with “the District Court”.

Replace section 219(a) with:

- (a) the District Court presided over by a District Court Judge, if the appeal is against a decision of the District Court presided over by 1 or more Community Magistrates or 1 or more Justices of the Peace; or

In section 219(b), replace “a District Court presided” with “the District Court presided”.

In section 224(a), replace “a District Court” with “the District Court”.

Replace 230(a) with:

- (a) the District Court presided over by a District Court Judge, if the appeal is against a conviction entered by the District Court presided over by 1 or more Community Magistrates or 1 or more Justices of the Peace; or

In section 230(b), replace “a District Court presided” with “the District Court presided”.

In section 238(a), replace “a District Court” with “the District Court”.

Replace section 247(a) with:

- (a) the District Court presided over by a District Court Judge, if the appeal is against a sentence imposed by the District Court presided over by 1 or more Community Magistrates or 1 or more Justices of the Peace; or

In section 247(b), replace “a District Court presided” with “the District Court presided”.

In section 247(c), replace “a District Court presided” with “the District Court presided”.

In section 248(1)(a), replace “a District Court” with “the District Court”.

In section 254(a), replace “a District Court” with “the District Court”.

Replace section 261(a) with:

- (a) the District Court presided over by a District Court Judge, if the finding of contempt was made by the District Court presided over by 1 or more Community Magistrates or 1 or more Justices of the Peace; or

In section 261(b), replace “a District Court presided” with “the District Court presided”.

In section 262(1)(a), replace “a District Court” with “the District Court”.

In section 265(a), replace “a District Court” with “the District Court”.

Replace section 272(a) with:

Criminal Procedure Act 2011 (2011 No 81)—continued

- (a) the District Court presided over by a District Court Judge, if the appeal is against a decision of the District Court presided over by 1 or more Community Magistrates or 1 or more Justices of the Peace; or

In section 272(b), replace “a District Court presided” with “the District Court presided”.

In section 277(a), replace “a District Court” with “the District Court”.

Replace section 284(a) with:

- (a) the District Court presided over by a District Court Judge, if the appeal is against a decision of the District Court presided over by 1 or more Community Magistrates or 1 or more Justices of the Peace; or

In section 284(b), replace “a District Court presided” with “the District Court presided”.

In section 285(1)(a), replace “a District Court” with “the District Court”.

In section 290(a), replace “a District Court” with “the District Court”.

Replace section 297(a) with:

- (a) the District Court presided over by a District Court Judge, if the appeal is against a ruling by the District Court presided over by 1 or more Community Magistrates or 1 or more Justices of the Peace; or

In section 297(b), replace “a District Court presided” with “the District Court presided”.

In section 300(2), replace “A District Court” with “The District Court”.

In section 304(a), replace “a District Court” with “the District Court”.

In section 313(1)(a), replace “a District Court” with “the District Court”.

In section 328(1), replace “a District Court” with “the District Court”.

In section 330, replace “a District Court” with “the District Court”.

In section 339(2)(a), replace “a District Court” with “the District Court”.

In section 341(1), replace “a District Court” with “the District Court”.

In the Part 7 heading, replace “Courts” with “Court”.

In section 353(1), replace “a District Court presided” with “the District Court presided”.

Replace section 354 and the cross-heading above section 354 with:

Jurisdiction of District Court in relation to jury trials

354 Jurisdiction of District Court in relation to jury trials

- (1) This section applies if the trial of a proceeding is to be a jury trial and the level of trial court is the District Court.

Criminal Procedure Act 2011 (2011 No 81)—continued

- (2) Only the District Court at a place appointed under **section 191(5) of the Judicature Modernisation Act 2013** has jurisdiction to conduct a jury trial.
- (3) Only the District Court presided over by a District Court Judge who holds a warrant under **section 195 of the Judicature Modernisation Act 2013** to conduct jury trials has jurisdiction to conduct the jury trial or exercise any of the powers of the court under subpart 8 of Part 3 in relation to the proceeding.

In section 355(1), replace “A District Court” with “The District Court”.

In section 355(2), replace “A District Court” with “The District Court”.

In section 355(3), replace “A District Court” with “The District Court”.

In section 356(1), replace “A District Court” with “The District Court”.

In section 356(1)(a), replace “a District Court” with “the District Court”.

In section 356(2), replace “A District Court” with “The District Court”.

In section 357(2), replace “a District Court” with “the District Court”.

Replace section 357(3) with:

- (3) The District Court presided over by 1 or more Community Magistrates may not impose on any person for any offence a sentence of imprisonment (within the meaning of section 4(1) of the Sentencing Act 2002).

In section 357(4), replace “A District Court” with “The District Court”.

In section 358(1), replace “a District Court” with “the District Court”.

In section 358(2), replace “a District Court” with “the District Court”.

In section 359, replace “A District Court” with “The District Court”.

In section 360(1), replace “A District Court” with “The District Court” and replace “a District Court presided” with “the District Court presided”.

In section 360(2), replace “a District Court” with “the District Court”.

In section 360(3), replace “A District Court” with “The District Court”.

In section 361(1), replace “A District Court” with “The District Court”.

In section 361(4), replace “a District Court” with “the District Court”.

In section 362(1), replace “a District Court” with “the District Court”.

In section 362(2), replace “a District Court” with “the District Court”.

In section 362(3), replace “a District Court” with “the District Court”.

In section 362(4), replace “a District Court” with “the District Court”.

In section 363(1), replace “a District Court presided” with “the District Court presided” in each place.

In section 363(2), replace “A District Court” with “The District Court”.

In section 366, replace “a District Court presided” with “the District Court presided”.

Criminal Procedure Act 2011 (2011 No 81)—*continued*

In section 368(1), replace “of a District Court” with “of the District Court”.

In section 369(1)(a), replace “a District Court presided” with “the District Court presided”.

In section 370(3), replace “a District Court presided” with “the District Court presided”.

In section 371(1)(a), replace “a District Court” with “the District Court”.

In section 371(2), replace “A District Court” with “The District Court”.

In section 372(1), replace “a District Court presided” with “the District Court presided”.

In section 380(2), replace “a Youth Court” with “the Youth Court”.

In section 380(4), replace “a Youth Court” with “the Youth Court”.

In section 383(1), replace “a District Court” with “the District Court”.

In section 386(1), replace “section 122(1) of the District Courts Act 1947” with “**section 411(1) of the Judicature Modernisation Act 2013**”.

In section 386(5), replace “District Courts” with “the District Court”.

Criminal Records (Clean Slate) Act 2004 (2004 No 36)

In section 4, definition of **registrar**, replace “a District Court” with “the District Court” in each place.

In section 9(1), replace “a District Court” with “the District Court”.

In section 9(2), replace “a District Court” with “the District Court”.

In section 10(1), replace “a District Court” with “the District Court”.

In section 10(3), replace “a District Court” with “the District Court”.

In section 10(8), replace “A District Court” with “The District Court”.

In section 12(1), replace “a District Court” with “the District Court”.

In section 19(3)(f), replace “a Family Court’s” with “the Family Court’s”.

In section 22(1), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 22(1)(a), replace “District Courts” with “the District Court”.

In section 22(1)(b), replace “District Courts” with “the District Court”.

In section 22(3), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Crown Minerals Act 1991 (1991 No 70)

In section 52, replace “a District Court” with “the District Court”.

In section 58(1), replace “a District Court” with “the District Court”.

Crown Minerals Act 1991 (1991 No 70)—continued

In section 78(1), replace “a District Court” with “the District Court”.

In section 99L(1), replace “a District Court” with “the District Court”.

In section 99L(4), replace “a District Court” with “the District Court”.

Crown Pastoral Land Act 1998 (1998 No 65)

In section 19(1), replace “a District Court” with “the District Court”.

In section 19(2), replace “a District Court” with “the District Court”.

In section 23Q(4), replace “a District Court” with “the District Court”.

In section 23Q(6), replace “a District Court” with “the District Court”.

Crown Proceedings Act 1950 (1950 No 54)

In section 2(1), definition of **court**, replace “a District Court constituted under the District Courts Act 1947, a Disputes Tribunal constituted under the Disputes Tribunals Act 1988” with “the District Court constituted under **Part 2 of the Judicature Modernisation Act 2013**, the Disputes Tribunal constituted under the Disputes Tribunal Act 1988”.

In section 15(1), replace “a District Court” with “the District Court”.

In section 29(2),—

- (a) replace “section 109 of the District Courts Act 1947” with “**section 392 of the Judicature Modernisation Act 2013**”; and
- (b) replace “in a District Court” with “in the District Court”.

In Schedule 1, replace the item relating to the District Courts Act 1947 with:

Part 2 of the Judicature Modernisation Act 2013 (2013 No 00)

Cultural Property (Protection in Armed Conflict) Act 2012 (2012 No 118)

In section 14, definition of **Registrar**, paragraph (a), replace “a District Court” with “the District Court”.

Customs and Excise Act 1996 (1996 No 27)

In section 110(4), replace “Section 109 of the District Courts Act 1947” with “**Section 392 of the Judicature Modernisation Act 2013**”.

In section 259, replace “a District Court” with “the District Court”.

Defamation Act 1992 (1992 No 105)

In section 2(1), definition of **Judge**, paragraph (b), replace “a District Court” with “the District Court”.

In section 48(1), replace “a District Court” with “the District Court”.

In section 48(4), replace “a District Court” with “the District Court”.

In Schedule 1, Part 1, item 5(b), replace “a District Court” with “the District Court”.

Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64)

In section 7(4), replace “a District Court” with “the District Court”.

Disputes Tribunals Act 1988 (1988 No 110)

~~In section 1(1), replace “Tribunals” with “Tribunal”.~~

In section 2, replace “a Tribunal” with “the Tribunal” in each place.

In section 2, definition of **Registrar**, replace “the Registrar of the District Court of which the Tribunal is a division pursuant to section 4(4)” with “a Registrar of the District Court”.

In section 2, definition of **Tribunal**, replace “a Disputes Tribunal established” with “the Disputes Tribunal established as a division of the District Court” .

In the Part 1 heading, replace “**Tribunals**” with “**Tribunal**”.

Replace section 4 with:

4 Disputes Tribunal is division of District Court

- (1) The District Court has a division known as the Disputes Tribunal.
- (2) Each Disputes Tribunal that is in existence immediately before this section comes into force ceases to be a division of the District Court and is constituted an office of the Tribunal.

4A Offices of Tribunal

~~The Minister of the Crown who is responsible for the Ministry of Justice may from time to time, by notice in the *Gazette*,—~~

- (a) establish such offices of the Tribunal as that Minister thinks fit; and
- (b) disestablish an office of the Tribunal and direct how the records of that office must be dealt with.

In section 5(1), replace “a Tribunal” with “the Tribunal”.

Replace section 6(1) with:

- (1) Subject to any directions given under subsection (2), a Registrar must determine the days, times, and places of the regular sessions of the Tribunal.

In section 6C(1)(c), replace “Tribunals” with “Tribunal”.

In section 8(2)(a), delete “of a District Court”.

In the heading to Part 2 heading, replace “**Tribunals**” with “**Tribunal**”.

In the heading to section 10, replace “**Tribunals**” with “**Tribunal**”.

In section 10(1), replace “a Tribunal” with “the Tribunal”.

In section 10(1A), replace “A Tribunal” with “The Tribunal”.

In section 10(2), replace “A Tribunal” with “The Tribunal”.

In section 10(3), replace “a Tribunal” with “the Tribunal”.

Disputes Tribunals Act 1988 (1988 No 110)—*continued*

In section 11(1)(b)(i), replace “a Tribunal” with “the Tribunal”.

In section 11(1)(c), replace “a Tribunal” with “the Tribunal”.

In section 11(2), replace “a Tribunal” with “the Tribunal”.

In section 11(5), replace “a Tribunal” with “the Tribunal”.

In section 11(7), replace “a Tribunal” with “the Tribunal”.

In section 11(9), replace “A Tribunal” with “The Tribunal”.

In section 12(1), replace “a Tribunal” with “the Tribunal” in each place.

In section 12(3), replace “a Tribunal” with “the Tribunal” in each place.

In section 13(1), replace “a Tribunal” with “the Tribunal” in each place.

In section 13(2), replace “a Tribunal” with “the Tribunal”.

In section 14, replace “a Tribunal” with “the Tribunal”.

In section 15, replace “a Tribunal” with “the Tribunal”.

In section 16(1)(a), replace “a Tribunal” with “the Tribunal”.

In section 16(2), replace “a Tribunal” with “the Tribunal”.

In section 16(4), replace “a Tribunal” with “the Tribunal”.

In section 17(1), replace “a Tribunal” with “the Tribunal” in each place.

In section 17(2), replace “a Tribunal” with “the Tribunal” in each place.

In section 18(4), replace “a Tribunal” with “the Tribunal”.

In section 18(4A), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Bill 2013**”.

In section 18(7), replace “a Tribunal” with “the Tribunal”.

In section 19(1), replace “A Tribunal” with “The Tribunal”.

In section 19(1A), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Bill 2013**”.

In section 19(1C), replace “section 84I(3) of the District Courts Act 1947” with “**section 339(3) of the Judicature Modernisation Act 2013**”.

In section 19(1D), replace “any District Court and, if so filed, sections 79(5C) and 84F to 84N of the District Courts Act 1947” with “the District Court and, if so filed, **sections 321(2) and 336 to 344 of the Judicature Modernisation Act 2013**”.

In section 19(1E), replace “section 84F of the District Courts Act 1947” with “**section 336 of the Judicature Modernisation Act 2013**”.

In section 19(2), replace “a Tribunal” with “the Tribunal”.

In section 19(3), replace “a Tribunal” with “the Tribunal”.

In section 19(4), replace “a Tribunal” with “the Tribunal”.

Disputes Tribunals Act 1988 (1988 No 110)—*continued*

In section 19(6), replace “a Tribunal” with “the Tribunal”.

In section 19(7), replace “a Tribunal” with “the Tribunal”.

In section 19(8), replace “a Tribunal” with “the Tribunal”.

In section 20(1), replace “a Tribunal” with “the Tribunal”.

In section 20(3), replace “a Tribunal” with “the Tribunal”.

In section 21(1), replace “A Tribunal” with “The Tribunal”.

In section 21(2), replace “A Tribunal” with “The Tribunal”.

In section 21(3), replace “a Tribunal” with “the Tribunal”.

In section 21(5), replace “a Tribunal” with “the Tribunal”.

In section 22(1), replace “A Tribunal” with “The Tribunal”.

In section 23, replace “a Tribunal” with “the Tribunal” in each place.

In the Part 3 heading, replace “**Tribunals**” with “**Tribunal**”.

In section 24(1), after “appropriate”, insert “office of the”.

In section 24(2), after “appropriate”, insert “office of the”.

Replace section 24(3) and (4) with:

- (3) Where a claim is lodged with an office of the Tribunal, or transferred to that office under section 37, and the Tribunal is satisfied that the claim can be more conveniently or fairly heard in some other office of the Tribunal, the Tribunal may order that the proceedings be transferred to that other office.
- (4) Where a claim is lodged with an office of the Tribunal, or transferred to that office under section 37, the Registrar may, on the application of any party, if all the parties to the claim consent, order that the proceedings be transferred to another office of the Tribunal.

In section 25(2), replace “a Tribunal” with “the Tribunal”.

In section 26(2), replace “A Tribunal” with “The Tribunal”.

In section 27(1), replace “a Tribunal” with “the Tribunal”.

In section 27(2), replace “a Tribunal” with “the Tribunal”.

In section 27(4), replace “a Tribunal” with “the Tribunal”.

In section 27(5), ~~definition of proceedings in a Tribunal~~, replace “a Tribunal” with “**the Tribunal**”.

In section 27(5)(a), replace “a Tribunal” with “the Tribunal” in each place.

In section 28(2), replace “a Tribunal” with “the Tribunal” in each place.

In section 28(3), replace “a Tribunal” with “the Tribunal”.

In section 28(4), replace “a Tribunal” with “the Tribunal”.

In section 28(5)(a), replace “a Tribunal” with “the Tribunal”.

Disputes Tribunals Act 1988 (1988 No 110)—*continued*

In section 29(1), replace “a Tribunal” with “the Tribunal” in each place.

In section 29(3), replace “a Tribunal” with “the Tribunal”.

In section 30(1), replace “a Tribunal” with “the Tribunal”.

In section 31, replace “a Tribunal” with “the Tribunal”.

In section 32, replace “a Tribunal” with “the Tribunal”.

In section 33(1), replace “a Tribunal” with “the Tribunal”.

In section 33(2), replace “a Tribunal” with “the Tribunal”.

In section 34(1), replace “a Tribunal” with “the Tribunal”.

In section 34(1)(e), replace “a District Court” with “the District Court”.

In section 35(1), replace “a Tribunal” with “the Tribunal” in each place.

In section 35(5), replace “a Tribunal” with “the Tribunal”.

In section 35(6), replace “a Tribunal” with “the Tribunal”.

In section 36(1), replace “a Tribunal” with “the Tribunal”.

In section 36(1), replace “a District Court” with “the District Court”.

In section 36(2), replace “a Tribunal” with “an office of the Tribunal”.

In section 36(2), replace “a District Court” with “the District Court” in each place.

Replace section 36(3) with:

- (3) The Tribunal may order that proceedings commenced in, or transferred to, the Tribunal may be transferred to a Motor Vehicle Disputes Tribunal specified by it if the proceedings—
- (a) are within the jurisdiction of a Motor Vehicle Disputes Tribunal constituted under section 82 of the Motor Vehicles Sales Act 2003; and
 - (b) would, in the opinion of the Tribunal, more properly be determined by a Motor Vehicle Disputes Tribunal.

In section 36(4), replace “a Tribunal” with “the Tribunal”.

In section 37(1), replace “a Tribunal” with “the Tribunal” in each place.

In section 37(1), replace “in a District Court” with “in the District Court”.

In section 37(2), replace “a Tribunal” with “the Tribunal” in each place.

In section 37(3), replace “A Tribunal” with “The Tribunal”.

In section 38(4), replace “a Tribunal’s” with “the Tribunal’s”.

In section 38(5), replace “A Tribunal” with “The Tribunal”.

In section 38(6), replace “a Tribunal” with “the Tribunal”.

In section 38(7), replace “A Tribunal” with “The Tribunal”.

In section 38(8), replace “a Tribunal” with “the Tribunal”.

Disputes Tribunals Act 1988 (1988 No 110)—continued

In section 39(1), replace “a Tribunal” with “the Tribunal”.

In section 39(2), replace “a Tribunal” with “the Tribunal”.

In section 39(3), replace “a Tribunal” with “the Tribunal”.

In section 39(3), replace “Tribunals” with “the Tribunal”.

In section 40(1), replace “a Tribunal” with “the Tribunal”.

In section 40(2), replace “A Tribunal” with “The Tribunal”.

In section 40(4), replace “A Tribunal” with “The Tribunal”.

In section 41(1), replace “A Tribunal” with “The Tribunal”.

In section 41(2), replace “a Tribunal” with “the Tribunal”.

In section 43(1), replace “a Tribunal” with “the Tribunal”.

In section 43(3)(a), replace “a Tribunal” with “the Tribunal”.

Replace section 43(4)(a) with:

- (a) any proceedings within the jurisdiction of the Tribunal have been commenced in the District Court; and

In section 43(4)(b), replace “a Tribunal” with “the Tribunal”.

In section 43(4)(c), replace “a Tribunal” with “the Tribunal” in each place.

In section 43(4)(e), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 44, replace “a Tribunal” with “the Tribunal”.

Replace section 45(1) with:

- (1) Every order made by the Tribunal requiring a party to pay money or deliver specific property to another party is taken to be an order of the District Court and, subject to this section, may be enforced accordingly.

In section 45(2), replace “a District Court” with “the District Court”.

Replace section 47(1) with:

- (1) Where a term of an agreed settlement approved by the Tribunal under section 18(3) provides for a party to pay money or deliver specific property to another party, that term is taken to be an order of the District Court and, subject to this section, may be enforced accordingly.

In section 47(2)(a), replace “a Tribunal” with “the Tribunal”.

In section 48, replace “section 113 of the District Courts Act 1947” with “**section 402 of the Judicature Modernisation Act 2013**”.

In section 49(1), replace “a Tribunal” with “the Tribunal”.

In section 49(2)(c), replace “a Tribunal” with “the Tribunal”.

In section 50(1), replace “a Tribunal may appeal to a District Court” with “the Tribunal may appeal to the District Court”.

Disputes Tribunals Act 1988 (1988 No 110)—*continued*

In section 50(3), delete “of which the Tribunal is a division,”.

In section 51(2), replace “a Tribunal” with “the Tribunal”.

In section 52, replace “section 57 of the District Courts Act 1947” with “**section 289 of the Judicature Modernisation Act 2013**”.

In section 53(1)(b), replace “a District Court” with “the District Court”.

In section 54, replace “a Tribunal” with “the Tribunal” in each place.

In section 55, replace “a Tribunal” with “the Tribunal” in each place.

In section 55, replace “a District Court” with “the District Court”.

In section 56(1)(a), replace “a Tribunal” with “the Tribunal” in each place.

In section 56(1)(b), replace “a Tribunal” with “the Tribunal”.

In section 56(1)(c), replace “a Tribunal” with “the Tribunal”.

In section 56(1)(d), replace “a Tribunal” with “the Tribunal”.

In section 56(2), replace “a Tribunal” with “the Tribunal”.

In section 57, replace “Tribunals” with “the Tribunal”.

In section 58(2), replace “a Tribunal” with “the Tribunal”.

In section 58(3)(a), replace “a Tribunal” with “the Tribunal”.

In section 60(1)(a), replace “Tribunals” with “the Tribunal”.

In section 60(2)(b), replace “Tribunals” with “the Tribunal”.

In section 60(2)(c), replace “Tribunals” with “the Tribunal”.

In section 60(2)(e), replace “Tribunals” with “the Tribunal”.

In section 60(2)(ga), replace “Tribunals” with “the Tribunal”.

Replace section 60(2)(k) with:

- (k) the transfer of proceedings—
 - (i) from the District Court or the High Court to the Tribunal:
 - (ii) from the Tribunal to the District Court or a Motor Vehicle Disputes Tribunal referred to in section 36(3):
 - (iii) from one office of the Tribunal to another:

Replace section 60(2)(l) with:

- (l) the removal of orders of, or agreed settlements approved by, the Tribunal into the District Court for enforcement:

In section 60(2)(m), replace “Tribunals” with “the Tribunal”.

In the heading to section 83 ~~heading~~, replace “**Disputes Tribunals**” with “**Disputes Tribunal**”.

In section 83, replace “a Disputes Tribunal” with “the Disputes Tribunal” in each place.

Disputes Tribunals Act 1988 (1988 No 110)—*continued*

In the Schedule 1 heading, replace “**Tribunals**” with “**Tribunal**”.

In Schedule 1, in the Part 1 heading, replace “**Tribunals**” with “**Tribunal**”.

In Schedule 1, in the Part 2 heading, replace “**Tribunals**” with “**Tribunal**”.

Disputes Tribunals Amendment Act 2011 (2011 No 37)

~~In section 4, new section 18(4A) of the principal Act, replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.~~

~~In section 5, new section 19(1A) of the principal Act, replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.~~

~~In section 5, new section 19(1C) of the principal Act, replace “section 84I(3) of the District Courts Act 1947” with “**section 339(3) of the Judicature Modernisation Act 2013**”.~~

~~In section 5, new section 19(1D) of the principal Act, replace “any District Court and, if so filed, sections 79(5C) and 84F to 84N of the District Courts Act 1947” with “the District Court and, if so filed, **sections 321(2) and 336 to 344 of the Judicature Modernisation Act 2013**”.~~

~~In section 5, new section 19(1E) of the principal Act, replace “section 84F of the District Courts Act 1947” with “**section 336 of the Judicature Modernisation Act 2013**”.~~

Dog Control Act 1996 (1996 No 13)

In section 27(1), replace “a District Court” with “the District Court”.

In section 28(4), replace “a District Court” with “the District Court”.

In section 61(1), replace “a District Court” with “the District Court”.

In section 64(1), replace “a District Court” with “the District Court”.

In section 70(4), replace “a District Court” with “the District Court”.

In section 71(6), replace “a District Court” with “the District Court”.

Domestic Actions Act 1975 (1975 No 53)

In section 8(7), replace “a District Court” with “the District Court” in each place.

In section 9(1), replace “a Family Court” with “the Family Court” in each place.

In section 9(2), replace “a Family Court” with “the Family Court” in each place.

Replace section 9A(b) with:

- (b) in the case of the Family Court, under section 16A of the Family Court Act 1980.

Domestic Violence Act 1995 (1995 No 86)

In section 2, definition of **court**, replace “a Family Court or a” with “the Family Court or the”.

Domestic Violence Act 1995 (1995 No 86)—*continued*

In section 54(2), replace “section 31(1)(d) of the District Courts Act 1947” with “**section 261(2)(c) of the Judicature Modernisation Act 2013**”.

In section 81(2A)(a), replace “Family Courts” with “Family Court”.

Replace section 91(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 91(3), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 124A, definition of **District Court**, replace “a District Court” with “the District Court”.

In section 124A, definition of **Registrar**, replace “a District Court” with “the District Court”.

In section 124L(3), replace “a District Court” with “the District Court”.

In section 124L(4), replace “a District Court” with “the District Court”.

In section 124M(1), replace “a District Court within” with “the District Court within”.

In section 124M(1)(b), replace “a District Court” with “the District Court”.

In section 124M(3), replace “a District Court or” with “the District Court or a”.

In section 124N(1), replace “If a District Court” with “If the District Court”.

In section 124N(2), replace “If a District Court” with “If the District Court”.

In section 124O(2), replace “A District Court or” with “The District Court or a”.

In section 124O(6), replace “a District Court” with “the District Court”.

In section 124P(1), replace “a District Court” with “the District Court”.

In section 125, replace “Family Courts Act 1980” with “Family Court Act 1980”.

Replace section 125(a) with:

- (a) in the Family Court:

In section 126(1), replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 126(1)(a), replace “District Courts” with “the District Court”.

In section 126(1A), replace “Family Courts Act 1980 relating to the practice and procedure of Family Courts” with “Family Court Act 1980 relating to the practice and procedure of the Family Court”.

In section 126(2), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 126(2)(i), replace “District Courts” with “the District Court”.

In section 126(2)(i), replace “District Courts, Family Courts,” with “the District Court, the Family Court.”.

Domestic Violence Act 1995 (1995 No 86)—*continued*

In section 126(2)(j), replace “District Courts Rules 2009” with “District Court Rules **2014**”.

Education Act 1989 (1989 No 80)

In section 409(1), replace “a District Court” with “the District Court”.

In section 409(2), replace “a District Court” with “the District Court”.

Electoral Act 1993 (1993 No 87)

In section 95A(2), replace “District Courts Rules 1992” with “District Court Rules 2014”.

In section 95D(1), replace “a District Court” with “the District Court”.

In section 95D(2), replace “a District Court” with “the District Court”.

In section 96(3), replace “District Courts Rules 1992” with “District Court Rules 2014”.

In section 97(1), replace “a District Court” with “the District Court”.

In section 205I(1), replace “a District Court” with “the District Court”.

In section 206G(1), replace “a District Court” with “the District Court”.

In section 206ZA(1), replace “a District Court” with “the District Court”.

Electricity Act 1992 (1992 No 122)

In section 9(2), replace “the District Court” with “the office of the District Court”.

In section 9(2), replace “any other District Court” with “any other office of the District Court”.

In section 10, replace “a District Court” with “the District Court”.

In section 12(1), replace “a District Court” with “the District Court”.

In section 13(3), replace “any District Court” with “the District Court”.

In section 14(1), replace “a District Court ” with “the District Court”.

Replace section 14(1A) with:

(1A) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 14(2), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 27(1), replace “a District Court” with “the District Court”.

In section 28(1), replace “a District Court” with “the District Court”.

In section 28(2), replace “a District Court” with “the District Court”.

In section 31(1), replace “a District Court” with “the District Court”.

Electricity Act 1992 (1992 No 122)—*continued*

In section 96(2)(b), replace “a District Court” with “the District Court”.

In section 102(2)(b), replace “a District Court” with “the District Court”.

In section 106(3)(b), replace “a District Court” with “the District Court”.

In section 147ZA(1), replace “a District Court” with “the District Court”.

In section 147ZB(b), replace “a District Court” with “the District Court”.

In section 147ZC(3), replace “a District Court” with “the District Court”.

In section 147ZC(4), replace “a District Court” with “the District Court”.

In section 147ZD(1), replace “A District Court” with “The District Court”.

In section 147ZE, replace “a District Court” with “the District Court”.

In section 147ZF(1), replace “a District Court” with “the District Court”.

Electricity Industry Act 2010 (2010 No 116)

In section 97(2), replace “a District Court” with “the District Court”.

In section 97(3), replace “a District Court” with “the District Court”.

In section 97(4), replace “a District Court” with “the District Court”.

In section 98(2), replace “a District Court” with “the District Court”.

Electronic Transactions Act 2002 (2002 No 35)

In the Schedule, Part 4, replace items (2) to (5) with:

- (2) the District Court reconstituted under **section 188 of the Judicature Modernisation Act 2013**;
- (3) the Family Court established under the Family Court Act 1980;
- (4) the Youth Court established under the Children, Young Persons, and Their Families Act 1989;
- (5) the Disputes Tribunal established under the Dispute Tribunal Act 1988;

Employment Relations Act 2000 (2000 No 24)

In section 141(1), replace “any District Court” with “the District Court”.

In section 162, replace “a District Court” with “the District Court”.

In section 225(4)(b), replace “a District Court” with “the District Court”.

In Schedule 2, clause 7(1), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In Schedule 2, clause 7(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In Schedule 2, clause 7(2), replace “a District Court” with “the District Court”.

In Schedule 2, clause 7(3), replace “a District Court” with “the District Court”.

Employment Relations Act 2000 (2000 No 24)—*continued*

In Schedule 3, clause 8(1), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In Schedule 3, clause 8(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In Schedule 3, clause 8(2), replace “a District Court” with “the District Court”.

In Schedule 3, clause 8(3), replace “a District Court” with “the District Court”.

In Schedule 3, clause 13(1), replace “a District Court may make under section 56A or 56B of the District Courts Act 1947” with “the District Court may make under **section 287 or 288** of the **Judicature Modernisation Act 2013**”.

In Schedule 3, clause 13(2), replace “section 56A or section 56B of the District Courts Act 1947” with “**section 287 or 288** of the **Judicature Modernisation Act 2013**”.

Employment Relations Amendment Act 2016

In new section 135A, replace “a District Court” with “the District Court”.

In new section 142H, replace “a District Court” with “the District Court”.

In new section 142R, replace “a District Court” with “the District Court”.

Energy (Fuels, Levies, and References) Act 1989 (1989 No 140)

In section 37A, replace “a District Court” with “the District Court”.

Engineering Associates Act 1961 (1961 No 70)

In section 23(9), replace “a District Court” with “the District Court”.

Evidence Act 2006 (2006 No 69)

In section 4(1), definition of **court**, replace “any” with “the”.

In section 4(1), replace the definition of **District Court** with:

District Court includes—

- (a) the Family Court; and
- (b) the Youth Court

In section 110(6)(a), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 110(6)(b), replace “a Youth Court” with “the Youth Court”.

In section 150, definition of **relevant court**, paragraph (a), replace “a District Court” with “the District Court”.

In section 158(5), replace “any District Court” with “the District Court”.

In section 168A(3)(a), replace “any” with “the”.

In section 168A(3)(b), replace “that” with “the”.

Evidence Act 2006 (2006 No 69)—*continued*

In section 200(1), replace “the District Courts Act 1947, and the Family Courts Act 1980,” with “**Part 2 of the Judicature Modernisation Act 2013,** and the Family Court Act 1980.”.

Extradition Act 1999 (1999 No 55)

In section 22(2), replace “a District Court” with “the District Court”.

In section 43(2), replace “A District Court” with “The District Court”.

In section 68(1), replace “a District Court” with “the District Court”.

In section 69(1), replace “a District Court” with “the District Court”.

In section 70(1)(a), replace “a District Court” with “the District Court”.

In section 70(2)(a), replace “a District Court” with “the District Court”.

In section 70(2), replace “any District Court” with “the District Court”.

In section 73(4)(a), replace “a District Court” with “the District Court” in each case.

In section 73(4)(b), replace “a District Court” with “the District Court” in each case.

In section 79(1), replace “a District Court” with “the District Court”.

In section 102(1)(e), replace “District Courts” with “the District Court”.

Fair Trading Act 1986 (1986 No 121)

In section 36B(2), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

In section 37(a), replace “a District Court” with “the District Court”.

In section 37(ab), replace “a District Court” with “the District Court”.

Replace section 37(d) with:

- (d) applications for orders under section 46B to enforce an undertaking involving a sum that, in total, exceeds \$350,000 or, if greater, the amount specified in **section 256 of the Judicature Modernisation Act 2013**:

In section 37(e), replace “a District Court” with “the District Court”.

In section 37(f), replace “a District Court” with “the District Court”.

In the heading to section 38, replace “**District Courts**” with “**District Court**”.

In section 38(1), replace “District Courts” with “District Court”.

Replace section 38(1)(c) with:

- (c) applications for orders under section 46B to enforce an undertaking involving a sum that, in total, does not exceed \$350,000 or, if greater, the amount specified in **section 256 of the Judicature Modernisation Act 2013**:

Fair Trading Act 1986 (1986 No 121)—*continued*

In the heading to section 39, replace “Disputes Tribunals” with “Disputes Tribunal”.

In section 39(1), replace “a Disputes Tribunal established under section 4 of the Disputes Tribunals Act 1988 shall have” with “the Disputes Tribunal established under **section 4** of the Disputes Tribunal Act 1988 has”.

In section 43(1), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 43A, replace “a Disputes Tribunal” with “the Disputes Tribunal”.

Replace section 43B(1) with:

- (1) The District Court must not make an order under section 43 if a value or amount described in subsection (3) exceeds \$350,000 or, if greater, the amount specified in **section 256 of the Judicature Modernisation Act 2013**.

In section 43B(2), replace “A Disputes Tribunal” with “The Disputes Tribunal”.

In section 43B(2)(b), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

In section 43B(2)(c), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

In section 46, replace “a District Court” with “the District Court” in each place.

In section 46C(1), replace “A District Court” with “The District Court”.

In section 46D, replace “a District Court” with “the District Court”.

In section 46G(1), replace “a District Court” with “the District Court”.

In section 46H(1), replace “a District Court” with “the District Court”.

In section 46I(1), replace “a District Court” with “the District Court”.

Family Courts Act 1980 (1980 No 161)

Repeal the Long Title.

~~In the section 1 heading, delete “Short”.~~

~~In section 1(1), replace “Courts” with “Court”.~~

In section 2, replace the definition of **District Courts Rules** with:

District Court Rules means the rules made under **section 411 of the Judicature Modernisation Act 2013**

In section 2, definition of **Family Courts Rules**, replace “**Courts**” with “**Court**”.

Replace section 4 with:

4 Establishment of Family Court

The District Court has a division known as the Family Court.

In section 5(1), replace “Family Courts” with “the Family Court”.

Family Courts Act 1980 (1980 No 161)—*continued*

In section 7(2), replace “pursuant to section 10 of the District Courts Act 1947 and also including any acting District Court Judge appointed pursuant to section 10A of that Act” with “under **section 214 of the Judicature Modernisation Act 2013**”.

In section 8(1), replace “Courts” with “Court”.

In section 8(2), replace “Family Courts to perform any function conferred on them” with “the Family Court to perform any function conferred on it”.

In section 8(3), replace “a Family Court, shall for the purposes of the District Courts Act 1947 be” with “the Family Court, is for the purposes of the **Part 2 of the Judicature Modernisation Act 2013**”.

In section 9(3), replace “sittings of a Family Court” with “sessions of the Family Court”.

In section 9(3), replace “the sittings” with “the sessions”.

In section 9(4), replace “sittings of a Family Court shall be” with “sessions of the Family Court are”.

Replace section 9(6) with:

(6) This section is subject to **section 207 of the Judicature Modernisation Act 2013**.

In section 10(2), replace “a Family Court” with “the Family Court”.

In section 10(3), replace “a Family Court” with “the Family Court”.

In the heading to section 11, replace “**Courts**” with “**Court**”.

In section 11(1), replace “A Family Court shall hear and determine all such proceedings as are to be heard and determined by such a court” with “The Family Court must hear and determine all the proceedings that are to be heard and determined by the court”.

In section 11(2), replace “on a Family Court” with “on the Family Court”.

In section 11(3), replace “prevent a District Court” with “prevent the District Court”.

In section 11A(1), replace “a Family Court” with “the Family Court”.

In section 11B(1), replace “a Family Court” with “the Family Court”.

In section 11B(3), replace “a Family Court” with “the Family Court”.

In section 11D(a), replace “a Family Court” with “the Family Court”.

In section 11D(f), replace “a Family Court” with “the Family Court”.

In the heading to section 12, replace “**Courts**” with “**Court**”.

In section 12, replace “Family Courts Rules are in force, all proceedings in a Family Court (and all proceedings in a District Court” with “Family Court Rules are in force, all proceedings in the Family Court (and all proceedings in the District Court”.

Replace section 12A(3) with:

Family Courts Act 1980 (1980 No 161)—*continued*

- (3) The courts referred to in subsection (1)(b) are as follows:
- (a) the Family Court:
 - (b) the District Court having concurrent jurisdiction with the Family Court:
 - (c) the District Court acting under section 15:
 - (d) the District Court hearing a proceeding under section 151 of the Children, Young Persons, and Their Families Act 1989:
 - (e) any other court hearing a proceeding that is—
 - (i) under an Act specified in subsection (2); and
 - (ii) not a criminal proceeding; and
 - (iii) one in which the court receives evidence or further evidence.

In section 13, replace “A Family Court” with “The Family Court”.

In section 14, replace “a Family Court” with “the Family Court”.

In the heading to section 15, replace “**Courts**” with “**Court**”.

In section 15, replace “a District Court” with “the District Court”.

In section 15(a), replace “a Family Court” with “the Family Court”.

In section 15(c)(ii), replace “a Family Court” with “the Family Court”.

Replace section 16 with:

16 Application of Part 2 of Judicature Modernisation Act 2013

- (1) Subject to **subsections (2) to (4), Part 2 of the Judicature Modernisation Act 2013** applies, with any necessary modifications, to the Family Court and Family Court Judges in the same manner and to the same extent as it applies to the District Court and District Court Judges.
- (2) Where any of the provisions of this Act conflict with any of the provisions of **Part 2 of the Judicature Modernisation Act 2013**, the provisions of this Act prevail.
- (3) Nothing in **sections 207 and 254 of the Judicature Modernisation Act 2013** applies in respect of Family Court Judges or the business of the Family Court.
- (4) Nothing in **sections 307 to 312 of the Judicature Modernisation Act 2013** applies to the Family Court, Family Court Judges, or the business of the Family Court, except to the extent that an enactment other than that Act provides.

In the heading to section 16A, replace “**Courts**” with “**Court**”.

In section 16A(1), replace “Family Courts” with “the Family Court”.

In section 16A(2)(a), replace “District Courts” with “District Court”.

In section 16A(2)(a), replace “a Family Court” with “the Family Court” in each place.

Family Courts Act 1980 (1980 No 161)—*continued*

In section 16A(2)(g), replace “Family Courts, or between a Family Court” with “the Family Court”.

In section 16A(2)(i), replace “Family Courts” with “the Family Court”.

In section 16B(1)(a), replace “a Family Court” with “the Family Court”.

In section 16B(1)(b), replace “Family Courts” with “the Family Court”.

In section 16B(1)(d), replace “Family Courts” with “the Family Court”.

Family Proceedings Act 1980 (1980 No 94)

In section 2, replace the definition of **Family Court** with:

Family Court means the division of the District Court known, in accordance with **section 4** of the Family Court Act 1980, as the Family Court

In section 2, definition of **Family Court Judge**, replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 4, replace “District Courts, and Family Courts” with “the District Court, and the Family Court”.

In section 21, replace “a Family Court” with “the Family Court”.

In section 22, replace “a Family Court” with “the Family Court”.

In section 24(2), replace “a Family Court” with “the Family Court”.

In section 25(1), replace “a Family Court” with “the Family Court”.

In section 28(1), replace “a Family Court” with “the Family Court”.

In section 28(2), replace “a Family Court” with “the Family Court”.

In section 30, replace “a Family Court” with “the Family Court”.

In section 31(2), replace “a Family Court” with “the Family Court”.

In section 33, replace “a Family Court” with “the Family Court”.

In section 34, replace “a Family Court” with “the Family Court”.

In section 38(1), replace “a Family Court” with “the Family Court”.

In section 45(1), replace “A Family Court” with “The Family Court”.

In section 45(2), replace “A Family Court” with “The Family Court”.

In section 50(1), replace “a Family Court” with “the Family Court”.

In section 68, replace “a Family Court” with “the Family Court”.

In section 69(1), replace “a Family Court” with “the Family Court”.

In section 70(1), replace “A Family Court” with “The Family Court”.

In section 71(2), replace “a Family Court” with “the Family Court”.

In section 71(4), replace “a Family Court” with “the Family Court”.

In section 78(1), replace “a Family Court” with “the Family Court”.

Family Proceedings Act 1980 (1980 No 94)—continued

In section 78(2), replace “a Family Court” with “the Family Court”.

In section 78(5), replace “a Family Court” with “the Family Court”.

In section 78(6), replace “a Family Court” with “the Family Court”.

In section 80, replace “a Family Court” with “the Family Court”.

In section 82(5), replace “a Family Court” with “the Family Court”.

In section 99(1), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 136, replace “the office of a District Court” with “the District Court”.

In section 137, replace “a District Court” with “the District Court”.

In section 138(2), replace “a District Court” with “the District Court”.

In section 139(2), replace “a District Court” with “the District Court”.

In section 142(1), replace “a District Court” with “the District Court”.

In section 142(5), replace “a District Court” with “the District Court”.

In section 142B(1), replace “A District Court” with “The District Court”.

In section 145, replace “the District Court” with “the office of the District Court”.

In section 145A, replace “a District Court” with “the District Court”.

In section 145F, replace “a Family Court” with “the Family Court”.

In section 145G(1), replace “a Family Court” with “the Family Court”.

In section 145I(3), replace “a Family Court” with “the Family Court”.

In section 146(1), replace “a District Court” with “the District Court”.

In section 146(1)(a), replace “of any other District Court which” with “at the office of the court that”.

In section 147(1), replace “a District Court” with “the District Court”.

In section 147(2), replace “a District Court” with “the District Court”.

In section 149(2), replace “the Registrar of a District Court” with “a Registrar of the District Court”.

In section 149(4), replace “the Registrar of a District Court” with “a Registrar of the District Court”.

In section 149(5), replace “a District Court” with “the District Court”.

In section 160(1), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 162B(1)(a), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 162D(1), replace “a District Court” with “the District Court”.

In section 162D(2), replace “section 113 or 123 of the District Courts Act 1947 or section 100A of the Judicature Act 1908” with “**section 402 or 413 of the Judi-**

Family Proceedings Act 1980 (1980 No 94)—*continued*

Judicature Modernisation Act 2013 or section 153 of the Judicature Modernisation Act 2013

In section 163(1), replace “A District Court or Family Court” with “The District Court or the Family Court”.

In section 163(2), replace “A District Court or Family Court” with “The District Court or the Family Court”.

In section 165(1), replace “a District Court or Family Court” with “the District Court or the Family Court”.

In section 169, replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 169(a), replace “a Family Court” with “the Family Court”.

In section 170, replace “a District Court or a Family Court” with “the District Court or the Family Court”.

In section 171(2), replace “a District Court or Family Court” with “the District Court or the Family Court”.

In section 172, replace “a District Court or a Family Court” with “the District Court or the Family Court” in each place.

In the heading to section 174 ~~heading~~, replace “**District Courts and Family Courts**” with “**District Court and Family Court**”.

In section 174(1AA), replace “a Family Court or District Court” with “the Family Court or the District Court”.

Replace section 174(1B) with:

(1B) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 174(2), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 174(3), replace “a Family Court” with “the Family Court”.

In section 175(2), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 182(1), replace “a Family Court” with “the Family Court”.

In section 182(2), replace “a Family Court” with “the Family Court”.

In section 188(1), replace “District Courts ” with “the District Court”.

In section 188(1A), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 188(1A), replace “of Family Courts” with “of the Family Court”.

In section 188(2), replace “Family Courts Act 1980” with “Family Court Act 1980”.

Family Protection Act 1955 (1955 No 88)

In section 3A(1), replace “a Family Court” with “the Family Court”.

Family Protection Act 1955 (1955 No 88)—*continued*

In section 3A(2), replace “A Family Court” with “The Family Court”.

In section 3A(4), replace “a Family Court” with “the Family Court” in each place.

In section 15(1AA), replace “a Family Court or District Court” with “the Family Court or the District Court”.

Replace section 15(1A) with:

(1A) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 15(2), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

Fencing Act 1978 (1978 No 50)

In section 2, replace the definition of **court** with:

court means—

- (a) the District Court under **Part 2 of the Judicature Modernisation Act 2013**;
- (b) the Disputes Tribunal with jurisdiction under section 24A

In the heading to section 23, replace “**District Courts Act 1947**” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 23(1), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In the heading to section 24A, replace “**Tribunals**” with “**Tribunal**”.

In section 24A(1), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 24A(1), replace “Tribunals” with “Tribunal”.

In section 24A(2), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 24A(2), replace “a Tribunal” with “the Tribunal”.

In section 24A(3), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 24A(3), replace “Tribunals” with “Tribunal”.

In section 27, replace “District Courts Rules 1992, or of the Disputes Tribunals Act 1988” with “District Court Rules 2014, or of the Disputes Tribunal Act 1988”.

In Schedule 1, form 2, replace “a District Court” with “the District Court”.

Fencing of Swimming Pools Act 1987 (1987 No 178)

In section 2, definition of **judicial officer**, replace “a District Court” with “the District Court”.

Films, Videos, and Publications Classification Act 1993 (1993 No 94)

In section 115(1), replace “before a District Court” with “before the District Court”.

Films, Videos, and Publications Classification Act 1993 (1993 No 94)—continued

In section 115(2), replace “before a District Court” with “before the District Court”.

Financial Advisers Act 2008 (2008 No 91)

In section 138(1), replace “a District Court” with “the District Court”.

Financial Reporting Act 2013 (2013 No 101)

In section 36P(1), replace “a District Court” with “the District Court”.

In section 36P(2), replace “a District Court” with “the District Court”.

In section 36P(5), replace “to a District Court” with “to the District Court”.

Financial Service Providers (Registration and Dispute Resolution) Act 2008 (2008 No 97)

In section 49F(2), replace “a District Court” with “the District Court”.

In section 49F(3), replace “a District Court” with “the District Court”.

In section 49F(4), replace “a District Court” with “the District Court”.

In section 49G(2), replace “a District Court” with “the District Court”.

Fisheries Act 1996 (1996 No 88)

In section 2(1), definition of **court**, replace “a District Court” with “the District Court”.

In section 78(5), replace “a District Court” with “the District Court”.

In section 78B(1), replace “a District Court” with “the District Court”.

In section 79(4), replace “a District Court” with “the District Court”.

In section 79B(2), replace “a District Court” with “the District Court”.

In section 80(6), replace “a District Court” with “the District Court”.

In section 80(6)(a), replace “Part 6 of the District Court Rules 1992” with “subpart 2 of Part 20 of the District Court Rules 2014”.

In section 106B(3), replace “a District Court” with “the District Court”.

In section 186X, replace “A District Court” with “The District Court”.

In section 186Z(1), replace “a District Court” with “the District Court”.

In section 296J(b), replace “a District Court” with “the District Court”.

In section 296J(c)(i), replace “a District Court” with “the District Court”.

In section 296J(c)(ii), replace “a District Court” with “the District Court”.

In section 296K(1), replace “a District Court” with “the District Court”.

In section 296L(1)(a), replace “a District Court” with “the District Court”.

In section 296L(1)(b), replace “a District Court” with “the District Court”.

In section 296V(2), replace “a District Court” with “the District Court”.

Food Act 1981 (1981 No 45)

In section 16(1), replace “a District Court” with “the District Court”.

In section 16(8), replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Food Act 2014 (2014 No 32)

In section 219(2)(b), replace “a District Court” with “the District Court”.

In section 317(2), replace “a District Court” with “the District Court”.

In section 317(3)(f), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 318(1), replace “a District Court” with “the District Court”.

In section 330(1)(a), replace “a District Court” with “the District Court”.

In section 331(1), replace “a District Court” with “the District Court”.

In section 331(2)(b), replace “the District Courts Rules 2009” with “the District Court Rules 2014”.

In section 335(1), replace “A District Court” with “The District Court”.

In section 337(1), replace “a District Court” with “the District Court”.

In section 337(3), replace “a District Court” with “the District Court”.

In section 339(1), replace “a District Court” with “the District Court”.

In section 339(3), replace “sections 74 to 78 of the District Courts Act 1947” with “**sections 308 to 312 of the Judicature Modernisation Act 2013**”.

In section 339(3)(a), replace “section 72 of the District Courts Act 1947” with “**section 306 of the Judicature Modernisation Act 2013**”.

In section 342(1)(a), replace “District Courts” with “the District Court”.

In section 342(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 360(2), replace “a District Court” with “the District Court”.

In section 362(1), replace “a District Court” with “the District Court”.

In section 362(3)(a), replace “a District Court” with “the District Court”.

Replace section 363(1) with:

- (1) An appeal under section 362 must, subject to that section, be made and determined in accordance with **Part 2 of the Judicature Modernisation Act 2013** and the District Court Rules 2014.

Replace section 364(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

Forest and Rural Fires Act 1977 (1977 No 52)

In section 65(1), replace “to a District Court” with “to the District Court”.

Freedom Camping Act 2011 (2011 No 61)

In section 24(2), replace “a District Court” with “the District Court”.

In section 30(6)(b), replace “a District Court” with “the District Court”.

In section 39(3), replace “a District Court” with “the District Court”.

In Schedule 2, form 3, paragraph 4, replace “a District Court” with “the District Court”.

Friendly Societies and Credit Unions Act 1982 (1982 No 118)

Replace section 78(3) with:

(3) Where the rules of a registered society or branch direct that disputes must be referred to Justices, or to a District Court Judge, or to the District Court, the dispute must be determined by way of action in the District Court, and the decision of that court is final.

In section 81(3), replace “a Disputes Tribunal established under the Disputes Tribunals Act 1988” with “the Disputes Tribunal established under the Disputes Tribunal Act 1988”.

In section 93(4), replace “a Disputes Tribunal established under the Disputes Tribunals Act 1988” with “the Disputes Tribunal established under the Disputes Tribunal Act 1988”.

Gambling Act 2003 (2003 No 51)

In section 112(2)(a), replace “200,000” with “350,000”.

In section 112(2)(b), replace “200,000” with “350,000”.

Gas Act 1992 (1992 No 124)

In section 10(2), replace “the District Court” with “the office of the District Court”.

In section 10(2), replace “any other District Court” with “any other office of the District Court”.

In section 11, replace “a District Court” with “the District Court”.

In section 13(1), replace “a District Court” with “the District Court”.

In section 14(3), replace “any District Court” with “the District Court”.

Replace section 15(1A) with:

(1A) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 15(2), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

Gas Act 1992 (1992 No 124)—continued

In section 28(1), replace “a District Court” with “the District Court”.

In section 29(1), replace “a District Court” with “the District Court”.

In section 29(2), replace “a District Court” with “the District Court”.

In section 32(1), replace “a District Court” with “the District Court”.

In section 43EB(3), replace “a District Court” with “the District Court”.

In section 43EB(4), replace “a District Court” with “the District Court”.

In section 43EC(2), replace “a District Court” with “the District Court”.

Government Roding Powers Act 1989 (1989 No 75)

In section 48(6), replace “the District Court” with “the office of the District Court”.

In section 50(3), replace “a District Court” with “the District Court”.

In section 54(5), replace “a District Court” with “the District Court”.

In section 54(6), replace “a District Court” with “the District Court”.

In section 54(7), replace “a District Court” with “the District Court”.

In section 54(8), replace “a District Court” with “the District Court”.

In section 55(3), replace “the District Court” with “the office of the District Court”.

In section 61(8), replace “the District Court” with “the office of the District Court”.

In section 74(3), replace “the District Court” with “the office of the District Court”.

In section 76(4), replace “nearest District Court” with “nearest office of the District Court”.

In section 77(3), replace “the District Court” with “the office of the District Court”.

In section 109(2), replace “a District Court” with “the District Court”.

Government Superannuation Fund Act 1956 (1956 No 47)

In section 72, definition of **Judge**, paragraph (e), replace “section 5A of the District Courts Act 1947” with “**section 207 of the Judicature Modernisation Act 2013**”.

In section 72, definition of **Judge**, paragraph (f), replace “section 5 of the District Courts Act 1947” with “**section 192 of the Judicature Modernisation Act 2013**”.

In section 72, definition of **temporary Judge**, paragraph (e), replace “section 10 or section 10A of the District Courts Act 1947” with “**section 214 of the Judicature Modernisation Act 2013**”.

In section 81A, definition of **Judge**, paragraph (e), replace “section 5 or section 5A of the District Courts Act 1947” with “**section 192 or 207 of the Judicature Modernisation Act 2013**”.

Government Superannuation Fund Act 1956 (1956 No 47)—*continued*

In section 81A, definition of **temporary Judge**, paragraph (e), replace “section 10 of the District Courts Act 1947” with “**section 214 of the Judicature Modernisation Act 2013**”.

Governor-General Act 2010 (2010 No 122)

Replace section 17(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

Greytown District Trust Lands Act 1979 (1979 No 4) (L)

In section 11(4), replace “a District Court” with “the District Court”.

In section 11(5), replace “a District Court” with “the District Court”.

Habeas Corpus Act 2001 (2001 No 31)

In section 13(1), replace “a Family Court” with “the Family Court”.

In section 13(2), replace “a Family Court” with “the Family Court”.

Harassment Act 1997 (1997 No 92)

In section 2(1), definition of **court**, replace “a District Court,” with “the District Court”.

In section 34(1AA), replace “a Family Court or” with “the Family Court or the”.

Replace section 34(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 34(3), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 42(1), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 42(1)(a), replace “District Courts” with “the District Court”.

In section 42(2)(g), replace “District Courts, Family Courts” with “the District Court, the Family Court”.

In section 42(2)(h), replace “District Courts Rules 2009” with “District Court Rules 2014”.

In section 42(3), replace “District Courts Rules 2009” with “District Court Rules 2014”.

Harmful Digital Communications Act 2015 (2015 No 63)

In section 4, definition of **application**, replace “a District Court” with “the District Court”.

In section 11(1), replace “a District Court” with “the District Court”.

In section 12(2), replace “a District Court” with “the District Court”.

In section 13(1), replace “a District Court” with “the District Court”.

In section 14(1), replace “A District Court” with “The District Court”.

In section 15(1)(a), replace “a District Court” with “the District Court”.

In section 17(1), replace “A District Court” with “The District Court”.

In section 17(1), replace “section 72 of the District Courts Act 1947” with “**section 306 of the Judicature Modernisation Act 2013**”.

In section 18(1), replace “A District Court” with “The District Court”.

In section 27(1), replace “section 122(1) of the District Courts Act 1947” with “**section 411 of the Judicature Modernisation Act 2013**”.

Health Act 1956 (1956 No 65)

In section 33(1), replace “a District Court presided” with “the District Court presided”.

In section 43(1), replace “a District Court” with “the District Court”.

In section 43(4), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 45(2), replace “a District Court” with “the District Court”.

In section 71(2), replace “a District Court” with “the District Court”.

In section 87(6), replace “a District Court” with “the District Court”.

In section 126(1), replace “a District Court” with “the District Court”.

In section 132(a), replace “a District Court” with “the District Court”.

Health and Disability Commissioner Act 1994 (1994 No 88)

Replace section 55(1)(b)(i) with:

- (i) the District Court; or

Health and Disability Services (Safety) Act 2001 (2001 No 93)

In section 48(2)(c), replace “a District Court” with “the District Court”.

In section 49(2)(d), replace “a District Court” with “the District Court”.

In section 51(1), replace “a District Court” with “the District Court”.

In section 51(2), replace “a District Court” with “the District Court”.

In section 51(3), replace “a District Court” with “the District Court”.

Health and Safety at Work Act 2015 (2015 No 70)

In section 95(1), replace “a District Court” with “the District Court”.

In section 97(2), replace “a District Court” with “the District Court”.

In section 122(1), replace “a District Court” with “the District Court”.

In section 127(1), replace “a District Court” with “the District Court”.

In section 135(1), replace “a District Court” with “the District Court”.

In Schedule 2, clause 18(1), replace “a District Court” with “the District Court”.

In Schedule 2, clause 19(4), replace “a District Court” with “the District Court”.

Health Practitioners Competence Assurance Act 2003 (2003 No 48)

In section 4(5), replace “a District Court” with “the District Court”.

In section 106(1), replace “a District Court” with “the District Court”.

In section 113(2)(a), replace “a District Court” with “the District Court”.

In Schedule 1, clause 11(2), replace “a District Court” with “the District Court”.

Holidays Amendment Act 2016 (2016 No 10)

In new section 76B, replace “a District Court” with “the District Court”.

Hotel Association of New Zealand Act 1969 (1969 No 139)

In section 13(1), replace “a District Court” with “the District Court”.

In section 13(2), replace “A District Court” with “The District Court”.

In section 16(1), replace “a District Court” with “the District Court”.

Housing Restructuring and Tenancy Matters Act 1992 (1992 No 76)

In section 63(1)(a)(iii), replace “a District Court, and providing that the District Courts Act 1947” with “the District Court, and providing that **Part 2 of the Judicature Modernisation Act 2013**”.

In section 135, replace “a District Court” with “the District Court”.

In section 136(1)(a)(iii), replace “a District Court” with “the District Court”.

In section 136(1)(a)(iii), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 186, replace “a District Court” with “the District Court”.

In section 187(1)(b), replace “a District Court” with “the District Court”.

In section 187(1)(b), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Human Assisted Reproductive Technology Act 2004 (2004 No 92)

In section 65(4), replace “Family Courts Act 1980 relating to the practice and procedure of Family Courts” with “Family Court Act 1980 relating to the practice and procedure of the Family Court”.

Human Rights Act 1993 (1993 No 82)

In section 92G(1)(b)(i), replace “a District Court” with “the District Court”.

In section 92H(1)(b)(i), replace “a District Court” with “the District Court”.

In section 92Q(2), replace “sections 29 to 34 of the District Courts Act 1947, be beyond the jurisdiction of a” with “**sections 256 to 261 of the Judicature Modernisation Act 2013**, be beyond the jurisdiction of the”.

In section 92V(1), replace “section 29(1) of the District Courts Act 1947” with “**section 256(1) of the Judicature Modernisation Act 2013**”.

In section 112, replace “a District Court” with “the District Court”.

In section 114(2), replace “any District Court” with “the District Court”.

Human Tissue Act 2008 (2008 No 28)

In section 6, definition of **Registrar**, replace “a District Court” with “the District Court”.

Hutt Valley Drainage Act 1967 (1967 No 3) (L)

In section 12(1), replace “any District Court” with “any office of the District Court”.

In section 45(3), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In the heading to section 62, replace “**District Courts**” with “**District Court**”.

In section 62, replace “any District Court” with “the District Court”.

In section 84(10)(a), replace “a District Court” with “the District Court”.

Immigration Advisers Licensing Act 2007 (2007 No 15)

In section 81(1), replace “a District Court” with “the District Court”.

In section 81(2)(b), replace “a District Court” with “the District Court”.

In section 82(1), replace “a District Court” with “the District Court”.

In section 82(3), replace “a District Court” with “the District Court”.

In section 84(1), replace “a District Court” with “the District Court”.

Impounding Act 1955 (1955 No 108)

In section 17, replace “a District Court” with “the District Court”.

In section 29, replace “a District Court” with “the District Court” in each place.

In section 30(1), replace “a District Court” with “the District Court”.

Impounding Act 1955 (1955 No 108)—continued

In section 55(1), replace “a District Court of civil jurisdiction” with “the District Court in its civil jurisdiction”.

In section 55(4), replace “a District Court” with “the District Court”.

Imprisonment for Debt Limitation Act 1908 (1908 No 80)

In section 3(2)(b), replace “a District Court under the Summary Proceedings Act 1957, or otherwise than under the District Courts Act 1947” with “the District Court under the Summary Proceedings Act 1957, or otherwise than under **Part 2 of the Judicature Modernisation Act 2013**”.

Independent Police Conduct Authority Act 1988 (1988 No 2)

In section 14(3), replace “the Registrar or Deputy Registrar of any District Court” with “a Registrar or Deputy Registrar of the District Court”.

Industrial and Provident Societies Act 1908 (1908 No 81)

In section 12, replace “a District Court” with “the District Court”.

In section 12(c), replace “a District Court” with “the District Court”.

In section 12(d), replace “a District Court” with “the District Court”.

In section 18(1), replace “a District Court” with “the District Court”.

In section 18(2), replace “Every District Court” with “The District Court”.

In section 18(3), replace “a District Court” with “the District Court”.

Industry Training and Apprenticeships Act 1992 (1992 No 55)

In section 50(1), replace “a District Court” with “the District Court”.

In section 50(3), replace “a District Court” with “the District Court”.

Inferior Courts Procedure Act 1909 (1909 No 13)

Replace section 2(a) and (b) with:

- (a) the District Court;
- (b) the Disputes Tribunal constituted under the Disputes Tribunal Act 1988;

In section 2(c), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 12(1A), replace “a District Court presided” with “the District Court presided”.

Insolvency Act 2006 (2006 No 55)

In section 35(b), replace “rule 638 of the District Courts Rules 1992” with “rule 19.78 of the District Court Rules 2014”.

In section 35(c), replace “rule 639(2)(c) of the District Courts Rules 1992” with “rule 19.79(3)(c) of the District Court Rules 2014”.

Insolvency Act 2006 (2006 No 55)—*continued*

In section 152(2), replace “a District Court” with “the District Court”.

In section 241(1), replace “200,000” with “350,000”.

In section 241(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 241(3), replace “200,000” with “350,000”.

In section 352(3), replace “a District Court” with “the District Court”.

In section 359(2), replace “a District Court” with “the District Court”.

Insurance (Prudential Supervision) Act 2010 (2010 No 111)

In section 222(1), replace “A District Court” with “The District Court”.

In section 222(3), replace “a District Court” with “the District Court”.

In section 224(1), replace “a District Court” with “the District Court”.

Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (2003 No 116)

In section 35(1)(c), replace “a Family Court” with “the Family Court”.

In section 116(1), replace “a Family Court” with “the Family Court”.

In section 119(1), replace “a Family Court” with “the Family Court”.

In section 130, replace “Courts” with “Court”.

In section 130(a), replace “a Family Court” with “the Family Court”.

In the heading to section 133, replace “Courts” with “Court”.

In section 133(1), replace “a Family Court” with “the Family Court”.

Replace section 133(2) with:

- (2) The High Court Rules and **sections 308 to 310 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 133(3), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 149, replace “Family Courts Act 1980 regulating the practice and procedure of Family Courts” with “Family Court Act 1980 regulating the practice and procedure of the Family Court”.

International Crimes and International Criminal Court Act 2000 (2000 No 26)

In section 39(1), replace “a District Court” with “the District Court”.

In section 41(1)(a), replace “a District Court” with “the District Court”.

In section 41(2), replace “a District Court” with “the District Court”.

In section 43(1), replace “a District Court” with “the District Court”.

**International Crimes and International Criminal Court Act 2000 (2000 No 26)—
continued**

In section 67(1), replace “a District Court” with “the District Court”.

In section 68(1), replace “a District Court” with “the District Court”.

In section 69(1), replace “A District Court” with “The District Court”.

In section 69(2), replace “Any District Court” with “The District Court”.

In section 69(2)(b), replace “a District Court” with “the District Court”.

In section 72(4)(a), replace “a District Court” with “the District Court” in each place.

In section 137(2)(b), replace “a District Court” with “the District Court”.

In section 137(5), replace “a District Court” with “the District Court”.

Joint Family Homes Act 1964 (1964 No 45)

In section 10(3)(b), replace “a District Court” with “the District Court”.

In section 10(3)(c), replace “a District Court” with “the District Court”.

In section 10(5), replace “a District Court” with “the District Court”.

Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 (2004 No 38)

In section 5, definition of **District Court Judge**, paragraph (a), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

In section 5, definition of **Head of Bench**, paragraph (f), replace “a District Court” with “the District Court”.

Juries Act 1981 (1981 No 23)

In section 2, definition of **Registrar**, replace “the District Court” with “the office of the District Court”.

In section 4, replace “a District Court” with “the District Court”.

In section 5(2), replace “a District Court” with “an office of the District Court”.

In section 8(e), replace “District Courts” with “the District Court”.

In section 8(h)(iv), replace “a District Court” with “the District Court”.

Justices of the Peace Act 1957 (1957 No 89)

In section 4C, replace “a District Court” with “the District Court”.

In section 5F(a), replace “a District Court” with “the District Court”.

In section 6(1), replace “~~every~~ the Registrar of every District Court” with “~~the~~ Every Registrar of the District Court”.

In section 7(1), replace “a District Court” with “the District Court”.

In section 8(1), replace “a District Court” with “the District Court”.

Lakes District Waterways Authority (Shotover River) Empowering Act 1985 (1985 No 2) (L)

In section 5(1), replace “the District Court” with “the office of the District Court”.

In section 5(4), replace “a District Court” with “the District Court”.

Land Act 1948 (1948 No 64)

In section 25(1), replace “any District” with “the office of the District”.

Replace section 25(4) with:

(4) **Sections 376 to 379 and 381 of the Judicature Modernisation Act 2013** apply to any proceedings under this section.

Land Drainage Act 1908 (1908 No 96)

In section 53(2), replace “any District Court” with “the District Court”.

In section 63(1)(a), replace “a District Court” with “the District Court”.

Land Transport Act 1998 (1998 No 110)

In section 2(1), definition of **court**, replace “a” with “the”.

In section 2(1), definition of **Registrar**, replace “a District Court” with “the District Court”.

In section 30(4B), replace “a District Court” with “the District Court”.

In section 91E(3)(f), replace “a District Court” with “the District Court”.

In section 95A(4), replace “A District Court” with “The District Court”.

In section 97(8), replace “a District Court” with “the District Court”.

In section 99(5), replace “by a District Court” with “by the District Court”.

In section 105(4), replace “by a District Court” with “by the District Court”.

In section 106(1), replace “a District Court” with “the District Court”.

In section 106(5), replace “a District Court” with “the District Court”.

In section 107(1), replace “a District Court” with “the District Court” in each place.

In section 107(2), replace “a District Court” with “the District Court”.

In section 107(4), replace “a District Court” with “the District Court”.

In section 108(1), replace “a District Court” with “the District Court”.

In section 109(1), replace “a District Court” with “the District Court”.

In section 110(1), replace “a District Court” with “the District Court”.

In section 110(1A), replace “a District Court” with “the District Court”.

In section 111(1), replace “a District Court” with “the District Court”.

In section 111(2), replace “a District Court” with “the District Court”.

Land Transport Act 1998 (1998 No 110)—continued

In section 111(3), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 135(2), replace “A District Court” with “The District Court”.

In section 158(d), replace “a District Court” with “the District Court” in each place.

In section 267(1), replace “a District Court” with “the District Court”.

Land Transport Management Act 2003 (2003 No 118)

In section 141(1), replace “a District Court” with “the District Court”.

In section 142(1), replace “Part 14 of the District Courts Rules 2009” with “**Part 00 18** of the District Court Rules 2014”.

In section 142(2), replace “Part 5 of the District Courts Act 1947” with “**subpart 9 of Part 2 of the Judicature Modernisation Act 2013**”.

In section 143(2), replace “a District Court” with “the District Court”.

Replace section 144(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

Land Valuation Proceedings Act 1948 (1948 No 50)

In section 21(2), replace “a District Court” with “the District Court”.

In section 38, replace “a District Court” with “the District Court”.

Law Reform Act 1936 (1936 No 31)

In section 94(5), replace “Section 94 of the Judicature Act 1908” with “**Section 281 of the Judicature Modernisation Act 2013**”.

Law Reform (Testamentary Promises) Act 1949 (1949 No 33)

In section 5(1), replace “a Family Court” with “the Family Court”.

In section 5(2), replace “A Family Court” with “The Family Court”.

In section 5(4), replace “a Family Court” with “the Family Court” in each place.

In section 5A(1AA), replace “a Family Court or” with “the Family Court or the”.

Replace section 5A(1A) with:

- (1A) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 5A(1B), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

Lawyers and Conveyancers Act 2006 (2006 No 1)

In section 43, replace “a District Court” with “the District Court”.

In section 47(g), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

In section 215(3)(a), replace “a District Court” with “the District Court”.

In section 335(d), replace “a Family Court” with “the Family Court”.

Legal Services Act 2011 (2011 No 4)

In section 4(1), definition of **criminal proceedings**, paragraph (c), replace “section 840 of the District Courts Act 1947” with “**section 345 of the Judicature Modernisation Act 2013**”.

In section 6(a), replace “a District Court, a Youth Court” with “the District Court, the Youth Court”.

In section 7(1)(a), replace “a District Court or a Family Court” with “the District Court or the Family Court”.

In section 7(1)(d), replace “a Youth Court” with “the Youth Court” in each place.

In section 7(3A), replace “a Family Court” with “the Family Court”.

In section 8(5), replace “a Youth Court” with “the Youth Court”.

Life Insurance Act 1908 (1908 No 105)

In section 66A, replace “a District Court” with “the District Court”.

In section 66C(1)(b), replace “a District Court” with “the District Court”.

In section 67(1)(c), replace “a District Court” with “the District Court”.

Limitation Act 2010 (2010 No 110)

In section 4, definition of **Disputes Tribunal**, replace paragraph (a) with:

- (a) the Disputes Tribunal established under section 4 of the Disputes Tribunal Act 1988; or

In section 4, definition of **Disputes Tribunal**, paragraph (b), replace “a Disputes Tribunal’s” with “the Disputes Tribunal’s”.

In section 4, definition of **specified court or tribunal**, replace paragraph (a) with:

- (a) the High Court, the District Court, the Family Court, or a Disputes Tribunal; or

Litter Act 1979 (1979 No 41)

In section 10(7), replace “a District Court” with “the District Court”.

Local Electoral Act 2001 (2001 No 35)

In section 93(3), replace “a District Court, the Registrar” with “the District Court, a Registrar”.

Local Electoral Act 2001 (2001 No 35)—*continued*

In section 100(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 107(1), replace “A District Court” with “The District Court”.

Local Government Act 1974 (1974 No 66)

In section 192(1), replace “a District Court” with “the District Court”.

In section 335(4), replace “a District Court” with “the District Court”.

In section 355(2), replace “a District Court” with “the District Court”.

In section 355(7), replace “a District Court” with “the District Court”.

In section 355(9), replace “a District Court” with “the District Court”.

In section 446(7), replace “a District Court” with “the District Court”.

In section 461(3), replace “a District Court” with “the District Court”.

In section 468(2), replace “a District Court” with “the District Court”.

In section 468(6), replace “a District Court” with “the District Court”.

In section 511(2), replace “a District Court” with “the District Court”.

In section 512(2), replace “a District Court” with “the District Court”.

In section 513, replace “a District Court” with “the District Court”.

In section 647(6), replace “a District Court” with “the District Court”.

In section 698(3), replace “a District Court” with “the District Court”.

In Schedule 14, clause 2, replace “a District Court” with “the District Court”.

Local Government Act 2002 (2002 No 84)

In section 162(1), replace “A District Court” with “The District Court”.

In section 167(3), replace “a District Court” with “the District Court”.

In section 183(3), replace “a District Court” with “the District Court”.

In section 184(2), replace “a District Court” with “the District Court”.

In section 184(4)(b), replace “a District Court” with “the District Court”.

In section 212, definition of **court**, replace “means a District Court” with “means the District Court”.

In the heading to section 213—heading, replace “**District Courts**” with “**District Court**”.

In section 213(1), replace “Part 8 of the District Courts Rules 2009” with “Subpart 4 of Part 20 of the District Court Rules 2014”.

In section 213(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Local Government Act 2002 (2002 No 84)—*continued*

In section 213(3), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 213(3), replace “District Courts Rules 2009” with “District Court Rules 2014”.

In section 213(4), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 213(4), replace “District Courts Rules 2009” with “District Court Rules 2014”.

In section 214, replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 214(g), replace “District Courts Rules 2009” with “District Court Rules 2014”.

In section 215(1), replace “a District Court” with “the District Court”.

In section 215(1), replace “Part 8 of the District Courts Rules 2009” with “Subpart 4 of Part 20 of the District Court Rules 2014”.

In section 219, replace “Part 5 of the District Courts Act 1947” with “**subpart 9 of Part 2 of the Judicature Modernisation Act 2013**”.

In section 249(1)(c)(i), replace “a District Court” with “the District Court”.

In Schedule 7, clause 2(1), replace “a District Court” with “the District Court”.

In Schedule 7, clause 2(2), replace “a District Court” with “the District Court”.

In Schedule 7, clause 2(4), replace “a District Court” with “the District Court”.

In Schedule 7, clause 2(5), replace “a District Court” with “the District Court”.

In Schedule 12, clause 2, replace “a District Court” with “the District Court”.

In Schedule 13A, clause 11(1), replace “a District Court” with “the District Court”.

In Schedule 14, clause 3(a), replace “Part 8 of the District Courts Rules 2009” with “subpart 4 of Part 20 of the District Court Rules 2014”.

In Schedule 14, clause 6(1), replace “Part 8 of the District Courts Rules 2009” with “subpart 4 of Part 20 of the District Court Rules 2014”.

In Schedule 14, clause 7(1)(a), replace “Part 8 of the District Courts Rules 2009” with “subpart 4 of Part 20 of the District Court Rules 2014”.

Local Government (Auckland Council) Act 2009 (2009 No 32)

In section 70(1), replace “a District Court” with “the District Court”.

In section 70(3), replace “a District Court” with “the District Court”.

In section 70(4), replace “a District Court” with “the District Court”.

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37)

In section 26(4), replace “A District Court” with “The District Court”.

Local Government (Rating) Act 2002 (2002 No 6)

In section 63(3), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Loyal Orange Institution of New Zealand (Incorporated) Trust Act 1954 (1954 No 3) (P)

In section 17(6), replace “a District Court” with “the District Court”.

Major Events Management Act 2007 (2007 No 35)

In section 33(1), replace “a District Court” with “the District Court”.

Marine Reserves Act 1971 (1971 No 15)

In section 18H(3), replace “a District Court” with “the District Court”.

Maritime Security Act 2004 (2004 No 16)

In section 25(3), replace “a District Court” with “the District Court”.

In section 43(3), replace “a District Court” with “the District Court”.

In section 64(1), replace “a District Court” with “the District Court”.

Maritime Transport Act 1994 (1994 No 104)

In section 33F(7), replace “a District Court” with “the District Court”.

In section 33U(5), replace “a District Court” with “the District Court”.

In section 34(4), replace “a District Court” with “the District Court”.

In section 40A, definition of **court**, replace “a District Court” with “the District Court”.

In section 41(6), replace “a District Court” with “the District Court”.

In section 43(7), replace “a District Court” with “the District Court”.

In section 44(4), replace “a District Court” with “the District Court”.

In section 46(6), replace “a District Court” with “the District Court”.

In section 55(7), replace “a District Court” with “the District Court”.

In section 77(3), replace “by a District Court” with “by the District Court”.

In section 79(1), replace “a District Court” with “the District Court”.

In section 215, definition of **court**, replace “every” with “the”.

In section 233(2), replace “a District Court” with “the District Court”.

In section 233A(2), replace “a District Court” with “the District Court”.

In section 234(2), replace “a District Court” with “the District Court”.

Maritime Transport Act 1994 (1994 No 104)—*continued*

In section 246(3), replace “the District Courts Act 1947, any” with “**Part 2 of the Judicature Modernisation Act 2013**, the”.

In section 270(5), replace “a District Court” with “the District Court”.

In section 272(6), replace “a District Court” with “the District Court”.

In section 273(4), replace “a District Court” with “the District Court”.

In section 274(6), replace “a District Court” with “the District Court”.

In section 338(4), replace “a District Court” with “the District Court”.

In section 387(6), replace “a District Court” with “the District Court”.

In section 397(11), replace “a District Court” with “the District Court”.

In section 424(1), replace “a District Court” with “the District Court”.

In section 425(4), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Marriage Act 1955 (1955 No 92)

In section 64A(1), replace “Family Courts Act 1980 regulating the practice and procedure of Family Courts” with “Family Court Act 1980 regulating the practice and procedure of the Family Court”.

In section 64A(2)(b), replace “District Courts” with “the District Court”.

Masterton Trust Lands Act 2003 (2003 No 1) (L)

In section 28(4), replace “a District Court” with “the District Court”.

In section 28(5), replace “a District Court” with “the District Court”.

Medicines Act 1981 (1981 No 118)

In section 65(1), replace “a District Court” with “the District Court”.

In section 65(8), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In the heading to section 77, replace “**Courts**” with “**Court**”.

Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93)

Replace section 46(6) with:

- (6) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (5) as if it were an appeal under **section 306** of that Act.

Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46)

In section 2(1), definition of **court**, replace paragraph (a) with:

- (a) the District Court; or

Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46)
—continued

In section 2(1), definition of Registrar, replace “a District Court” with “the District Court”.

In section 25, replace “Family Courts Act 1980” with “Family Court Act 1980”.

Replace section 25(a) with:

(a) in the Family Court:

Minors’ Contracts Act 1969 (1969 No 41)

In section 2(1), replace the definition of court with:

court means the High Court, or the District Court if it has jurisdiction under section 14, or the Disputes Tribunal if it has jurisdiction under section 14A

In section 5(5)(a), replace “a District Court” with “the District Court”.

In section 6(4)(a), replace “a District Court” with “the District Court”.

In section 9(1), replace “a District Court” with “the District Court”.

In section 9(2), replace “a District Court” with “the District Court”.

In section 9(5), replace “A District Court” with “The District Court”.

In section 12(7), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

Replace section 12(8)(b) with:

(b) **section 280 of the Judicature Modernisation Act 2013**; or

In the heading to section 14, replace “Courts” with “Court”.

In section 14(1), replace “A District Court shall have” with “The District Court has”.

In section 14(1)(b), replace “200,000” with “350,000”.

In section 14(1)(c), replace “section 37 of the District Courts Act 1947, that a District Court shall have” with “**section 263 of the Judicature Modernisation Act 2013**, that the District Court has”.

In section 14(2), replace “section 43 of the District Courts Act 1947, an application made to a District Court” with “**section 268 of the Judicature Modernisation Act 2013**, an application made to the District Court”.

In the heading to section 14A, replace “Disputes Tribunals” with “Disputes Tribunal”.

In section 14A(1), replace “A Disputes Tribunal established under the Disputes Tribunals Act 1988 shall have” with “The Disputes Tribunal established under the Disputes Tribunal Act 1988 has”.

In section 14A(2), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 14A(2), replace “a Tribunal” with “the Tribunal”.

In section 14A(3), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

Minors' Contracts Act 1969 (1969 No 41)—*continued*

In section 14A(3), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

In section 16(2), replace “a District Court” with “the District Court”.

In section 16(3), replace “a District Court” with “the District Court”.

Misuse of Drugs Amendment Act 1978 (1978 No 65)

In section 40(2), replace “any District Court” with “the District Court”.

In section 43(3)(a), replace “a District Court” with “the District Court”.

In section 45, replace “any District Court” with “the District Court”.

Motor Vehicle Sales Act 2003 (2003 No 12)

In section 64(1), replace “a District Court” with “the District Court”.

In section 64(2)(b), replace “a District Court” with “the District Court”.

In section 65(1), replace “a District Court” with “the District Court”.

In section 65(3), replace “a District Court” with “the District Court”.

In section 67(1), replace “a District Court” with “the District Court”.

In section 69(1), replace “A District Court” with “The District Court”.

In section 69(2), replace “a District Court” with “the District Court”.

In section 72(1), replace “a District Court” with “the District Court”.

In section 72(3)(a), replace “a District Court” with “the District Court”.

In section 72(3)(b), replace “a District Court” with “the District Court”.

In section 72(3)(c), replace “a District Court” with “the District Court”.

In Schedule 1, clause 15(4), replace “the District Court” with “the office of the District Court”.

Music Teachers Act 1981 (1981 No 3)

In section 18(2)(c), replace “a District Court” with “the District Court”.

In section 26(1), replace “a District Court” with “the District Court”.

New Zealand Railways Corporation Act 1981 (1981 No 119)

In section 31(3), replace “a District Court” with “the District Court”.

New Zealand Sign Language Act 2006 (2006 No 18)

In the Schedule, replace the item relating to District courts with:

The District Court

In the Schedule, replace the item relating to Family courts with:

The Family Court

New Zealand Sign Language Act 2006 (2006 No 18)—continued

In the Schedule, replace the item relating to Youth courts with:

The Youth Court

In the Schedule, replace the item relating to Disputes Tribunals with:

The Dispute Tribunal established under the Disputes Tribunal Act 1988

Oaths and Declarations Act 1957 (1957 No 88)

In section 9(1)(e), replace “a District Court” with “the District Court”.

In Schedule 2, replace “Disputes Tribunals established under the Disputes Tribunals Act 1988” with “Disputes Tribunal established under the Disputes Tribunal Act 1988”.

Parental Leave and Employment Protection Act 1987 (1987 No 129)

In section 70(1), replace “any District Court” with “the District Court”.

In section 70(1), replace “a District Court” with “the District Court”.

Parliamentary Privilege Act 2014 (2014 No 58)

In section 5(1), definition of **court**, paragraph (a), replace “a District” with “the District”.

In section 5(1), replace the definition of **District Court** with:

District Court includes—

- (a) the Family Court and the Youth Court; and
- (b) the District Court sitting in its admiralty jurisdiction.

Parole Act 2002 (2002 No 10)

In section 69(4A)(a), replace “a District Court” with “the District Court”.

In section 107D, replace “a District Court” with “the District Court” in each place.

Partnership Act 1908 (1908 No 139)

In section 26(2A), replace “a District Court” with “the District Court”.

Personal Property Securities Act 1999 (1999 No 126)

Replace section 167A(1)(b)(i) with:

- (i) **section 354, 357, or 360 of the Judicature Modernisation Act 2013**; or

In section 167A(8)(a), replace “a District Court” with “the District Court”.

In section 167A(8)(b), replace “a District Court” with “the District Court”.

Plant Variety Rights Act 1987 (1987 No 5)

In section 24, replace “a District Court” with “the District Court”.

Plant Variety Rights Act 1987 (1987 No 5)—continued

In section 24(a), replace “the District Court” with “the office of the District Court”.

In section 25(4), replace “a District Court” with “the District Court”.

In section 25(5), replace “a District Court” with “the District Court”.

In section 25(6), replace “a District Court” with “the District Court”.

In section 26(a), replace “a District Court” with “the District Court”.

In section 26(b), replace “District Courts Rules 2009” with “District Court Rules 2014”.

In section 26(c), replace “a District Court” with “the District Court”.

In section 29(3), definition of **court**, replace “any District Court” with “the District Court”.

In section 29(3), replace the definition of **District Court** with:

District Court includes—

- (a) the Family Court; and
- (b) the Youth Court

Plumbers, Gasfitters, and Drainlayers Act 2006 (2006 No 74)

In section 41(2)(b), replace “a District Court” with “the District Court”.

In section 47(2)(b), replace “a District Court” with “the District Court”.

In section 51(3)(b), replace “a District Court” with “the District Court”.

In section 162(1), replace “a District Court” with “the District Court”.

In section 163(b), replace “a District Court” with “the District Court”.

In section 164(3), replace “a District Court” with “the District Court”.

In section 164(4), replace “a District Court” with “the District Court”.

In section 165(1), replace “A District Court” with “The District Court”.

In section 166, replace “a District Court” with “the District Court”.

In section 167(1), replace “a District Court” with “the District Court”.

Policing Act 2008 (2008 No 72)

In section 4, definition of **criminal court process**, replace “the Registrar of a District Court of criminal jurisdiction” with “a Registrar of the District Court in its criminal jurisdiction”.

In section 34(3), definition of **criminal prosecution proceedings**, paragraph (b), replace “a District Court, the High Court, a Youth Court” with “the District Court, the High Court, or the Youth Court”.

In section 34A(b), replace “a District Court” with “the District Court”.

In section 34A(b), replace “a Youth Court” with “the Youth Court”.

Policing Act 2008 (2008 No 72)—continued

In section 40(3), replace “a District Court” with “the District Court”.

In section 45(a), replace “a District Court” with “the District Court”.

Postal Services Act 1998 (1998 No 2)

In section 37(1), replace “a District Court” with “the District Court”.

In section 37(2), replace “a District Court” with “the District Court”.

In section 38(1), replace “a District Court” with “the District Court”.

In section 43(1), replace “a District Court” with “the District Court”.

In section 44(1), replace “a District Court” with “the District Court”.

Prisoners’ and Victims’ Claims Act 2005 (2005 No 74)

In section 28(1)(c)(ii), replace “a District Court” with “the District Court”.

In section 35(2)(a)(ii), replace “a District Court appointed for the exercise of” with “the District Court in its”.

In section 40, replace “a District Court” with “the District Court”.

In section 44(1), replace “District Courts” with “the District Court”.

In section 48(6), replace “a District Court” with “the District Court”.

Privacy Act 1993 (1993 No 28)

In section 86(1)(b), replace “a District Court” with “the District Court”.

Private Security Personnel and Private Investigators Act 2010 (2010 No 115)

In section 102(1), replace “a District Court” with “the District Court”.

In section 102(3)(a), replace “District Courts Rules 2009” with “District Court Rules 2014”.

Property Law Act 2007 (2007 No 91)

In the cross-heading above section 362, replace “*Courts*” with “*Court’s*”.

In the heading to section 362, replace “**Courts**” with “**Court**”.

In section 362(1), replace “Every District Court” with “The District Court”.

In section 362(1)(d), replace “District Courts is limited by section 31 of the District Courts Act 1947” with “the District Court is limited by **section 261 of the Judicature Modernisation Act 2013**”.

In section 362(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 362(3), replace “The District Courts Act 1947 applies to the jurisdiction of District Courts” with “**Part 2 of the Judicature Modernisation Act 2013** applies to the jurisdiction of the District Court”.

Property Law Act 2007 (2007 No 91)—*continued*

In section 362(4), replace “a District Court” with “the District Court”.

Property (Relationships) Act 1976 (1976 No 166)

In section 2, definition of **court**, replace paragraph (a) with:

(a) the Family Court; or

In section 22(1), replace “a Family Court” with “the Family Court”.

Replace section 27(4) with:

- (4) An order made under subsection (1) by the District Court or the Family Court is enforceable as if it were an order for recovery of land made pursuant to **section 261(2)(c) of the Judicature Modernisation Act 2013**.

In section 35, replace “Family Courts Act 1980” with “Family Court Act 1980”.

Replace section 35(a) with:

(a) in the Family Court:

In section 35A, replace “Family Courts Act 1980” with “Family Court Act 1980”.

Replace section 35A(a) with:

(a) in the Family Court:

In section 37A(2)(a), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 38(4), replace “a District Court” with “the District Court”.

In section 39(1), replace “a Family Court or” with “the Family Court or the”.

Replace section 39(3) with:

- (3) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (2) as if it were an appeal under **section 306** of that Act.

In section 39(4), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 42(3)(a), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 42(3)(b), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 43(1), replace “a District Court or a Family Court” with “the District Court or the Family Court”.

In section 44(1), replace “a District Court or a Family Court” with “the District Court or the Family Court”.

In section 51(5), replace “a District Court, or a Family Court; but a District Court shall” with “the District Court, or the Family Court, but the District Court must”.

In section 53(1A), replace “the Family Courts” with “the Family Court”.

Property (Relationships) Act 1976 (1976 No 166)—continued

In section 53(1A), replace “of Family Courts” with “of the Family Court”.

In section 53(3), replace “the District Courts Act 1947, the Governor-General may from time to time, by Order in Council, make rules regulating the procedure of District Courts” with “**Part 2 of the Judicature Modernisation Act 2013**, the Governor-General may from time to time, by Order in Council, make rules regulating the procedure of the District Court”.

In section 53(3A), replace “Family Courts Act 1980” with “Family Court Act 1980”.

Prostitution Reform Act 2003 (2003 No 28)

In section 27(2), replace “Registrar of a District Court” with “Registrar of the District Court”.

In section 35(2), after “Registrar of any other”, insert “office of the”.

In section 39(3), replace “a District Court” with “the District Court”.

In section 47(e), after “particular”, insert “office of the”.

In section 47(e), after “any other”, insert “office of the”.

Protection of Personal and Property Rights Act 1988 (1988 No 4)

In section 2, definition of **court**, paragraph (b), replace “a Family Court” with “the Family Court”.

In section 10(1)(i), replace “a District Court” with “the District Court”.

In section 14(4), replace “a Family Court” with “the Family Court”.

In section 30(8), replace “a Family Court” with “the Family Court”.

In section 31B(1), replace “a Family Court” with “the Family Court”.

In section 31B(4), replace “a Family Court” with “the Family Court”.

In section 65B(1)(a), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 65B(4), replace “a District Court” with “the District Court”.

In section 70(1), replace “a Family Court” with “the Family Court”.

In section 70(3), replace “a Family Court” with “the Family Court”.

In section 76(5A), replace “a District Court” with “the District Court”.

In section 80, replace “Family Courts Act 1980” with “Family Court Act 1980”.

Replace section 80(a) with:

(a) in the Family Court:

Replace section 83(3) with:

(3) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal

Protection of Personal and Property Rights Act 1988 (1988 No 4)—*continued*

under subsection (1) or (2) as if it were an appeal under **section 306** of that Act.

In section 83(4), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 83A, replace “sections 75 to 78 of the District Courts Act 1947” with “**sections 309 to 312 of the Judicature Modernisation Act 2013**”.

Replace section 85(1)(a) with:

- (a) an application to the Family Court for the exercise of the court’s jurisdiction under this Act has been transferred to the High Court in accordance with section 14 of the Family Court Act 1980; and

Replace section 111(b) and (c) with:

- (b) in the case of the District Court, under **section 411 of the Judicature Modernisation Act 2013**;
- (c) in the case of the Family Court, under section 16A of the Family Court Act 1980.

In section 111A(3), replace “District Courts” with “District Court” in each place.

Public Records Act 2005 (2005 No 40)

In section 6(b), replace “District Courts” with “the District Court”.

Public Works Act 1981 (1981 No 35)

In section 81(1), replace “a District Court” with “the District Court”.

In section 240(4), replace “sections 99, 100, and 101 of the District Courts Act 1947” with “**sections 376 to 381 of the Judicature Modernisation Act 2013**”.

Racing Act 2003 (2003 No 3)

In section 25(1), replace “a District Court” with “the District Court”.

Railways Act 2005 (2005 No 37)

In section 68(1), replace “a District Court” with “the District Court”.

In section 69(2)(a), replace “a District Court” with “the District Court”.

In section 69(2)(c), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Replace section 71(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 78(1)(a), replace “a District Court” with “the District Court”.

In section 78(2), replace “a District Court” with “the District Court”.

Railways Act 2005 (2005 No 37)—*continued*

In section 78(4), replace “a District Court” with “the District Court”.

In section 89(1), replace “a District Court” with “the District Court”.

In section 89(3), replace “a District Court” with “the District Court”.

In section 89(4), replace “a District Court” with “the District Court”.

Replace section 90(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

Registered Architects Act 2005 (2005 No 38)

In section 38(1), replace “a District Court” with “the District Court”.

Remuneration Authority Act 1977 (1977 No 110)

In section 12B(1)(f), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

Residential Tenancies Act 1986 (1986 No 120)

In section 5A(6), replace “a District Court” with “the District Court”.

In section 14(4), replace “a District Court by the Minors Contracts Act 1969” with “the District Court by the Minors’ Contracts Act 1969”.

In section 14(5), replace “a District Court” with “the District Court”.

In section 14(5), replace “Minors” with “Minors”.

In section 72(1), replace “a District Court” with “the District Court”.

In section 72(2), replace “District Courts” with “the District Court”.

In section 77(2)(pa), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 78(1)(h), replace “a District Court” with “the District Court”.

In section 78(2AB), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 78(2AD), replace “section 84I(3) of the District Courts Act 1947” with “**section 339(3) of the Judicature Modernisation Act 2013**”.

In section 78(2AE), replace “any District Court and, if so filed, sections 79(5C) and 84F to 84N of the District Courts Act 1947” with “the District Court and, if so filed, **sections 321(2) and 336 to 344 of the Judicature Modernisation Act 2013**”.

In section 78(2AG), replace “section 84F of the District Courts Act 1947” with “**section 336 of the Judicature Modernisation Act 2013**”.

In section 83(1), replace “a District Court” with “the District Court”.

Residential Tenancies Act 1986 (1986 No 120)—*continued*

In section 83(2), replace “a District Court” with “the District Court”.

In section 83(4), replace “a District Court” with “the District Court”.

In section 88(8)(b), replace “any District Court” with “the District Court”.

In section 106(1), after “appropriate”, insert “office of the”.

In section 106(1), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 106(2), replace “a District Court, section 79(5) of the District Courts Act 1947 shall apply” with “the District Court, **section 320–1(1) of the Judicature Modernisation Act 2013** applies”.

In section 107(2), replace “a District Court” with “the District Court”.

Replace section 112E with:

112E Specified information sent to District Court

When the Secretary for Justice receives contact information from the chief executive, he or she must—

- (a) determine in which office of the District Court enforcement proceedings should be commenced; and
- (b) send the contact information to the Registrar for that office of the District Court; and
- (c) advise the applicant—
 - (i) that the information has been sent to the Registrar for that office of the District Court; and
 - (ii) that enforcement proceedings may be commenced in that office of the District Court or, if they have already been commenced in that or any other office of the District Court, that enforcement proceedings may now continue in, or be transferred to, ~~that the office of the District Court in which the proceedings were, or should have been, commenced.~~

In section 112F(1), replace “a District Court” with “the District Court”.

In section 116(2)(h), replace “a District Court” with “the District Court”.

In section 116(2)(i), replace “a District Court” with “the District Court”.

In section 117(1), replace “a District Court” with “the District Court”.

In section 117(3), replace “A District Court shall have” with “The District Court has”.

In section 117(3), replace “sections 29 to 34 of the District Courts Act 1947” with “**sections 256 to 261 of the Judicature Modernisation Act 2013**”.

In section 117(4), replace “a District Court” with “the District Court”.

Residential Tenancies Amendment Act 2011 (2011 No 46)

In section 4(1), new section 77(2)(pa), replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 5, new section 78(2AB), replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 5, new section 78(2AD), replace “section 84I(3) of the District Courts Act 1947” with “**section 339(3) of the Judicature Modernisation Act 2013**”.

In section 5, new section 78(2AE), replace “sections 79(5C) and 84F to 84N of the District Courts Act 1947” with “**sections 321(2) and 336 to 344 of the Judicature Modernisation Act 2013**”.

In section 5, new section 78(2AG), replace “section 84F of the District Courts Act 1947” with “**section 336 of the Judicature Modernisation Act 2013**”.

Resource Management Act 1991 (1991 No 69)

In section 261(2), replace “section 119 of the District Courts Act 1947” with “**section 206 of the Judicature Modernisation Act 2013**”.

In the heading to section 278, delete “a”.

In section 278(1), replace “a District Court” with “the District Court”.

In section 278(1), replace “rules 342 to 348 of the District Courts Rules 1992” with “**rules 00 to 00** subpart 4 of Part 9 of the District Court Rules 2014”.

In section 278(1A), replace “rule 346 of the District Courts Rules 1992” with “**rule 00 9.31** of the District Court Rules 2014”.

In section 282(2), replace “any District Court” with “the District Court”.

In section 283(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 284(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 286, delete “of the district named in the order”.

In section 286, replace “of the district named in the order” with “at the office of the court named in the order”.

In section 288, replace “a District Court” with “the District Court”.

In section 339C(4), replace “Any District Court shall have” with “The District Court has”.

In section 352A(4), definition of **District Court Judge**, replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Retirement Villages Act 2003 (2003 No 112)

In section 66(3), after “nearest”, insert “office of the”.

In section 66(4), replace “A District Court” with “The District Court”.

Retirement Villages Act 2003 (2003 No 112)—*continued*

In section 66(4)(b), replace “the District Courts Act 1948 and the District Courts Rules 1992” with “**Part 2 of the Judicature Modernisation Act 2013** and the District Court Rules 2014”.

In section 72(4)(a)(i), replace “a District Court” with “the District Court”.

In section 75(2)(a), replace “nearest District Court if a District Court” with “District Court if the District Court”.

In section 75(2)(b), replace “a District Court” with “the District Court”.

In section 76(a), replace “a District Court” with “the District Court”.

In section 78, replace “a Disputes Tribunal established under section 4 of the Disputes Tribunals Act 1988” with “the Disputes Tribunal established under section 4 of the Disputes Tribunal Act 1988”.

In section 83(1), replace “a District Court” with “the District Court”.

In section 83(1)(a), replace “200,000” with “350,000”.

In section 83(1)(b), replace “200,000” with “350,000”.

In section 83(1)(c), replace “200,000” with “350,000”.

In section 83(1)(d), replace “200,000” with “350,000”.

In section 83(1)(e), replace “200,000” with “350,000”.

In section 83(2), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 83(3), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 83(3), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

In section 84(4), replace “a District Court and also, for the purposes of section 82, a Disputes Tribunal” with “the District Court and also, for the purposes of section 82, the Disputes Tribunal”.

In section 86, replace “a District Court” with “the District Court”.

Road User Charges Act 2012 (2012 No 1)

In section 68(1), replace “a District Court” with “the District Court”.

In section 69(2)(a), replace “a District Court” with “the District Court”.

In section 69(3), replace “the District Courts Act 1947 and the District Courts Rules 2009” with “**Part 2 of the Judicature Modernisation Act 2014** and the District Court Rules **2014**”.

Replace section 70(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

Royal Antediluvian Order of Buffaloes Trust Act 1966 (1966 No 2)

In section 22(6), replace “a District Court” with “the District Court”.

Sale and Supply of Alcohol Act 2012 (2012 No 120)

In section 327(1), replace “A District Court” with “The office of the District Court”.

In section 328(1), replace “A District Court” with “The office of the District Court”.

Search and Surveillance Act 2012 (2012 No 24)

In section 3(1), definition of **District Court Judge**, replace “~~the~~ District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 37(1)(c), replace “a District Court were a reference to-a the District Court” with “the District Court were a reference to a District Court”.

In section 52(1)(c), replace “a District Court were a reference to a District Court” with “the District Court were a reference to-a the District Court”.

In section 101(1), replace “the District Court” with “the office of the District Court” in each place.

In section 101(1)(b), replace “a District Court” with “the District Court”.

In section 163(1), replace “a District Court” with “the District Court”.

Secondhand Dealers and Pawnbrokers Act 2004 (2004 No 70)

In section 34(1), replace “a District Court” with “the District Court”.

In section 34(2), replace “a District Court” with “the District Court”.

In section 35(1), replace “a District Court” with “the District Court”.

Sentencing Act 2002 (2002 No 9)

In section 4(1), definition of **District Court**, replace “a Youth Court” with “the Youth Court”.

In section 4(1), definition of **trial Judge**, replace “a District Court, means a Judge who holds a warrant under section 5B of the District Courts Act 1947” with “the District Court, means a Judge who holds a warrant under **section 195 of the Judicature Modernisation Act 2013**”.

In section 24A(1)(a), replace “a District Court” with “the District Court”.

In section 72(1)(a)(ii), replace “a District Court” with “the District Court”.

In section 72(1)(b), replace “a District Court presided” with “the District Court presided” in each place.

In section 72(1)(c), replace “a District Court” with “the District Court”.

In section 72(1)(d), replace “a District Court” with “the District Court”.

In section 81B(1), replace “a District Court” with “the District Court”.

In section 90(1), replace “a District Court” with “the District Court”.

Sentencing Act 2002 (2002 No 9)—*continued*

In section 91(6), replace “a District Court” with “the District Court”.

In section 123A, definition of **domestic violence proceedings**, replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 129E(6)(a), replace “a District Court” with “the District Court”.

In section 129EA(6)(a), replace “a District Court” with “the District Court”.

In the heading to section 135, after “**another**”, insert “**office of**”.

Replace section 135(1) with:

- (1) Despite anything in section 132, if a Registrar considers that an order for the confiscation of a motor vehicle made in one office of the District Court may be more effectively enforced in another office of the District Court, the Registrar may direct that the order be enforced in that other office.

In section 139(2)(b), replace “section 94 of the District Courts Act 1947” with “**section 361 of the Judicature Modernisation Act 2013**”.

In section 143(3)(a)(ii), replace “a District Court” with “the District Court”.

In section 143(3)(b), replace “a District Court presided” with “the District Court presided” in each place.

In section 143(3)(c), replace “a District Court” with “the District Court”.

Ship Registration Act 1992 (1992 No 89)

In section 17(1), replace “a District Court” with “the District Court”.

Sleepover Wages (Settlement) Act 2011 (2011 No 98)

In section 32, replace “any District Court” with “the District Court”.

Social Security Act 1964 (1964 No 136)

In section 120(4), replace “a District Court” with “the District Court”.

In section 86(6), replace “a District Court” with “the District Court”.

In section 86(7), replace “a District Court” with “the District Court”.

In section 86H(2), replace “the Registrar of a District Court” with “a Registrar of the District Court”.

Social Workers Registration Act 2003 (2003 No 17)

In section 88(1), replace “a District Court” with “the District Court”.

In section 88(2), replace “a District Court” with “the District Court”.

In section 91(2), replace “a District Court” with “the District Court”.

In section 92(1), replace “a District Court” with “the District Court”.

In section 93(1), replace “a District Court” with “the District Court”.

In section 94, replace “a District Court” with “the District Court”.

Social Workers Registration Act 2003 (2003 No 17)—continued

In section 95(1), replace “a District Court” with “the District Court”.

In Schedule 2, clause 11(2), replace “a District Court” with “the District Court”.

Soil Conservation and Rivers Control Act 1941 (1941 No 12)

In section 57(1), replace “any District Court” with “any office of the District Court”.

In section 57(1), replace “the District Court” with “the office of the District Court”.

In section 159, replace “a District Court” with “the District Court”.

Sports Anti-Doping Act 2006 (2006 No 58)

In section 44(1), replace “a District Court” with “the District Court”.

In section 44(2), replace “a District Court” with “the District Court”.

In section 47(2), replace “a District Court” with “the District Court”.

Status of Children Act 1969 (1969 No 18)

In section 6C(1)(a), replace “a Family Court” with “the Family Court”.

In section 6C(1)(b), replace “a Family Court” with “the Family Court”.

In section 7(3)(b)(ii), replace “a Family Court” with “the Family Court”.

In section 9(3), replace “a Family Court” with “the Family Court” in each place.

In section 10(2), replace “A Family Court” with “The Family Court”.

In section 10(5)(a), replace “a Family Court” with “the Family Court”.

Student Loan Scheme Act 2011 (2011 No 62)

In section 162B(2), replace “a District Court” with “the District Court”.

In section 171(2)(a), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 171(2)(b), replace “a District Court” with “the District Court”.

In section 171(3), replace “a Disputes Tribunal” with “the Disputes Tribunal” in each place.

In section 171(4), replace “a Disputes Tribunal or a District Court” with “the Disputes Tribunal or the District Court”.

In section 171(5)(a), replace “Disputes Tribunals Act 1988 or the District Courts Act 1947” with “Disputes Tribunal Act 1988 or **Part 2 of the Judicature Modernisation Act 2013**”.

In section 172), replace “a Disputes Tribunal’s or” with “the Disputes Tribunal’s or the”.

In section 201(a)(iii), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

Submarine Cables and Pipelines Protection Act 1996 (1996 No 22)

In section 10(1), replace “a District Court” with “the District Court”.

Submarine Cables and Pipelines Protection Act 1996 (1996 No 22)—*continued*

In section 25(2)(b), replace “a District Court” with “the District Court”.

In section 26(1), replace “a District Court” with “the District Court”.

Replace section 26(2) and (3) with:

- (2) Where the property does not exceed \$350,000 in value, the application must be by way of originating application made to the District Court, and the rules relating to the practice and procedure of the District Court for the time being in force under **Part 2 of the Judicature Modernisation Act 2013** apply to the application.
- (3) Where the property exceeds \$350,000 in value, the application must be by way of originating application made to the High Court, and the High Court Rules apply with respect to the application.

In section 32(3), replace “\$200,000” with “\$350,000”.

In section 32(4), replace “District Courts for the time being in force under the District Courts Act 1947” with “the District Court for the time being in force under **Part 2 of the Judicature Modernisation Act 2013**”.

In section 32(5), replace “\$200,000” with “\$350,000”.

Summary Offences Act 1981 (1981 No 113)

In section 40(1), replace “a District Court” with “the District Court”.

In section 40(2), replace “a District Court” with “the District Court”.

Summary Proceedings Act 1957 (1957 No 87)

In section 2(1), replace the definition of **court** with:

court means the District Court constituted under **Part 2 of the Judicature Modernisation Act 2013**

In section 87A(1)(a), replace “a Youth Court” with “the Youth Court”.

In section 88A(3), replace “section 66 of the District Courts Act 1947” with “**section 302 of the Judicature Modernisation Act 2013**”.

In section 88A(4)(a), replace “the District Courts Act 1947 and the District Courts Rules 2009” with “**Part 2 of the Judicature Modernisation Act 2013** and the District Court Rules 2014”.

In the heading to section 106D, after “another”, insert “office of”.

In section 106D, after “another”, insert “office of the”.

In section 204, replace “any District Court” with “the District Court”.

Tariff Act 1988 (1988 No 155)

In section 7B(3), definition of **court**, replace “any District Court” with “the District Court”.

In section 7B(3), replace the definition of **District Court** with:

Tariff Act 1988 (1988 No 155)—*continued*

District Court includes—

- (a) the Family Court; and
- (b) the Youth Court

Tax Administration Act 1994 (1994 No 166)

In section 85K(3)(a)(ii), replace “a Youth Court” with “the Youth Court”.

In section 85K(3)(e), replace “a Youth Court” with “the Youth Court”.

In section 143G(2), replace “section 112 of the District Courts Act 1947” with “**section 394 of the Judicature Modernisation Act 2013**”.

In section 156(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 159, replace “in a District Court” with “in the District Court”.

In section 160, replace “a District Court” with “the District Court”.

Taxation Review Authorities Act 1994 (1994 No 165)

In section 22(3), replace “a District Court” with “the District Court”.

Te Ture mō Te Reo Māori 2016 Māori Language Act 2016 (2016 No 17)

In Schedule 2, Part A, replace “District Courts” with “The District Court”.

In Schedule 2, Part A, replace “Family Courts” with “The Family Court”.

In Schedule 2, Part A, replace “Youth Courts” with “The Youth Court”.

In Schedule 2, Part B, replace “Disputes Tribunals” with “The Disputes Tribunal”.

Te Ture Whenua Maori Act 1993 (1993 No 4)

In section 20, replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 81(1), replace “a District Court” with “the District Court”.

Telecommunications Act 2001 (2001 No 103)

In section 120(1), replace “a District Court” with “the District Court”.

In section 141(1), replace “a District Court” with “the District Court”.

In section 141(3), replace “a District Court” with “the District Court”.

In section 141(4), replace “a District Court” with “the District Court”.

In section 147(1), replace “a District Court” with “the District Court”.

In section 147(3), replace “a District Court” with “the District Court”.

In section 147(4), replace “a District Court” with “the District Court”.

In section 155L(2), replace “a District Court” with “the District Court”.

In section 155L(3), replace “a District Court” with “the District Court”.

Telecommunications Act 2001 (2001 No 103)—*continued*

In section 155L(4), replace “a District Court” with “the District Court”.

In section 155M(2), replace “a District Court” with “the District Court”.

In section 156H(2), replace “a District Court” with “the District Court”.

In section 156I(1), replace “a District Court” with “the District Court”.

In section 156J(1), replace “A District Court” with “The District Court”.

Trade Marks Act 2002 (2002 No 49)

In section 5(1), definition of **court**, paragraph (b), replace “a District Court” with “the District Court”.

In section 134F(2), replace “a District Court” with “the District Court”.

In section 134K(1), replace “the District Court” with “the office of the District Court” in each place.

In section 134K(1)(b), replace “the District Court” with “that office of the District Court”.

In section 155G(2), replace “a District Court” with “the District Court”.

Trans-Tasman Mutual Recognition Act 1997 (1997 No 60)

In section 67(1), replace “a District Court” with “the District Court”.

In section 67(2), replace “a District Court” with “the District Court”.

In section 70(2), replace “a District Court” with “the District Court”.

Trans-Tasman Proceedings Act 2010 (2010 No 108)

In section 42(3)(a), replace “a District Court” with “the District Court”.

In section 42(3)(b), replace “that District Court” with “the District Court”.

Transport Accident Investigation Commission Act 1990 (1990 No 99)

In section 14E(1), replace “District Courts under the District Courts Act 1947” with “the District Court under **Part 2 of the Judicature Modernisation Act 2013**”.

In section 14F(1), replace “District Courts under the District Courts Act 1947” with “the District Court under **Part 2 of the Judicature Modernisation Act 2013**”.

Unclaimed Money Act 1971 (1971 No 28)

In section 6(1)(a), replace “the District Court” with “the office of the District Court”.

Unit Titles Act 2010 (2010 No 22)

In the heading to section 172-heading, replace “**Courts**” with “**Court**”.

In section 172(1), replace “A District Court” with “The District Court”.

In section 172(1), replace “\$200,000” with “\$350,000”.

In section 172(2), replace “a District Court” with “the District Court”.

Unit Titles Act 2010 (2010 No 22)—*continued*

In section 172(3), replace “A District Court” with “The District Court”.

In section 173(1)(a), replace “\$200,000” with “\$350,000”.

United Nations Convention on the Law of the Sea Act 1996 (1996 No 69)

In section 3(5), definition of **court**, replace “any District Court” with “the District Court”.

Unsolicited Electronic Messages Act 2007 (2007 No 7)

In section 31(2), replace “a District Court” with “the District Court”.

In section 32(1), replace “a District Court” with “the District Court”.

In section 33(1), replace “A District Court” with “The District Court”.

In the heading to section 37 heading, replace “**Courts**” with “**Court**”.

In section 37(1), replace “District Courts” with “the District Court”.

In section 37(2), replace “a District Court” with “the District Court”.

In section 37(2)(a), replace “\$200,000” with “\$350,000”.

In section 37(2)(b), replace “\$200,000” with “\$350,000”.

In section 37(2)(c), replace “\$200,000” with “\$350,000”.

Utilities Access Act 2010 (2010 No 98)

In section 7(1), replace “a District Court” with “the District Court”.

Veterans’ Support Act 2014 (2014 No 56)

Replace section 207(2)(c) with:

(c) **sections 336 to 343 of the Judicature Modernisation Act 2013;**
or

Veterinarians Act 2005 (2005 No 126)

In section 64(1), replace “a District Court” with “the District Court”.

In section 64(2), replace “a District Court” with “the District Court”.

In section 64(3), replace “a District Court” with “the District Court”.

Victims’ Orders Against Violent Offenders Act 2014 (2014 No 45)

In section 4, definition of **court**, replace “a District Court” with “the District Court”.

In section 28(1), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 28(1)(a), replace “District Courts” with “the District Court”.

In section 28(2)(b), replace “the District Courts” with “the District Court”.

In section 28(3), replace “the District Courts” with “the District Court”.

Volunteers Employment Protection Act 1973 (1973 No 25)

In section 14ZN(1), replace “any District Court” with “the District Court”.

In section 14ZN(1), replace “a District Court” with “the District Court”.

Wages Protection and Contractors’ Liens Act Repeal Act 1987 (1987 No 188)

In section 3(3), replace “the District Court” with “the office of the District Court”.

Waste Minimisation Act 2008 (2008 No 89)

In section 72(1), replace “A District Court” with “The District Court”.

In section 84(3), replace “a District Court” with “the District Court”.

Weathertight Homes Resolution Services Act 2006 (2006 No 84)

In section 8, definition of **court of competent jurisdiction**, paragraph (b), replace “a District Court” with “the District Court”.

In section 8, definition of **Disputes Tribunal**, replace “a Disputes Tribunal established under section 4 of the Disputes Tribunals Act 1988” with “the Disputes Tribunal established under section 4 of the Disputes Tribunal Act 1988”.

In section 60(5)(b)(i), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

Replace section 87(4) with:

- (4) This section applies, despite **section 256 of the Judicature Modernisation Act 2013**, even if the amount at issue (whether on balance of account or otherwise) is more than \$350,000.

In section 93(2)(a), replace “\$200,000” with “\$350,000”.

In section 93(2)(b), replace “\$200,000” with “\$350,000”.

In section 93(4), replace “\$200,000” with “\$350,000”.

In section 93(5), replace “\$200,000” with “\$350,000”.

In section 98(2), replace “a District Court” with “the District Court”.

Replace section 98(6) with:

- (6) This section applies, despite **section 256 of the Judicature Modernisation Act 2013**, even if the amount at issue (whether on balance of account or otherwise) is more than \$350,000.

In section 99(5), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 119, replace “a District Court” with “the District Court”.

In section 120(1), replace “in a District Court” with “in the District Court”.

In the heading to section 125, replace “**Courts**” with “**Court**”.

In section 125(1), replace “the District Courts Act 1947, the Governor-General may, by Order in Council, make rules regulating the practice and procedure of District Courts” with “**Part 2 of the Judicature Modernisation Act 2013**, the Governor-

Weathertight Homes Resolution Services Act 2006 (2006 No 84)—*continued*

General may, by Order in Council, make rules regulating the practice and procedure of the District Court”.

In section 125(3), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In Schedule 3, clause 15(1), replace “a District Court may make under section 56A or 56B of the District Courts Act 1947” with “the District Court may make under **section 287 or 288 of the Judicature Modernisation Act 2013**”.

In Schedule 3, clause 15(2), replace “under section 56A or 56B of the District Courts Act 1947” with “under **section 287 or 288 of the Judicature Modernisation Act 2013**”.

Weights and Measures Act 1987 (1987 No 15)

In section 30F(1), replace “a District Court” with “the District Court”.

In section 40A(1)(c), replace “a District Court” with “the District Court”.

Wellington Regional Water Board Act 1972 (1972 No 3)

In section 13(1), replace “any District Court” with “any office of the District Court”.

In section 13(5), replace “a District Court” with “the District Court”.

In section 29(2), replace “a District Court” with “the District Court”.

In section 66(4), replace “the District Court” with “the office of the District Court”.

In section 66(4), replace “any other District Court” with “any other office of the District Court”.

In section 66(9), replace “a District Court” with “the District Court”.

In section 88(4), replace “any District Court” with “the District Court”.

In section 93, replace “any District Court” with “the District Court”.

In section 117(9)(a), replace “a District Court” with “the District Court”.

Wellington Waterworks Act 1871 (1871 No 3)

In section 61, replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Wills Act 2007 (2007 No 36)

In section 9(3)(d), replace “a Family Court” with “the Family Court”.

Schedule 7
Transitional, savings, and related provisions relating to District Court

ss 187, 422

1 Interpretation

In this Schedule, unless the context otherwise requires,—

former Act means the District Courts Act 1947

judicial officer means a Judge, an acting Judge, a Registrar, or a Deputy Registrar of a District Court or a Community Magistrate

proceedings includes actions and matters.

Judicial officers

2 Judicial officers to continue in office

- (1) This clause applies to every person who is a judicial officer under the former Act immediately before the commencement of this clause.
- (2) A judicial officer to whom this clause applies continues to hold his or her judicial office under the conditions of his or her appointment.

Other officers

3 Other officers of court to continue in office

- (1) This clause applies to every person who is an officer of a District Court (other than a judicial officer as defined in **clause 1**) under the former Act immediately before the commencement of this clause.
- (2) An officer to whom this clause applies continues to hold his or her office subject to this Act.

Court

3A Appointment of places for holding of courts for jury trials

The appointment under section 4(2A) of the former Act of a city, borough, or other place that is in force immediately before the commencement of this clause continues in force as if it were an appointment made under **section 191(5) of Part 2 of the Judicature Modernisation Act 2016.**

Proceedings and other matters

4 Proceedings, etc, continue under former Act

- (1) All proceedings pending or in progress in a court operating under the former Act immediately before the commencement of this clause may be continued,

completed, and enforced only under the former Act (including the relevant rules of court) as if that Act had not been repealed by this Act.

- (2) All jurisdictions, offices, appointments, Orders in Council, orders, warrants, rules, regulations, seals, forms, books, records, instruments, and generally all acts of authority that originated under the former Act or another enactment continued or repealed by this Act, and are subsisting or in force on the commencement of this clause, have full effect as if they had originated under the corresponding provisions of this Act and, where necessary, must be treated as having originated under this Act.

District Courts Rules 2014

5 District Courts Rules 2014 treated as made under section 411

The District Courts Rules 2014 must be treated as having been made under **section 411** and on the commencement of this schedule continue in force with the title of the District Court Rules **2014**.

Schedule 8

Consequential amendments to other enactments: judicial review procedure

s 444

Part 1

Amendments to Acts

Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109)

In section 25A(12), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In section 26A(12), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In section 43, replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In section 50A(12), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Canterbury Earthquake Recovery Act 2011 (2011 No 12)

In section 71(6)(c), replace “Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)

In section 207B, definition of **review proceedings**, paragraph (a), replace “Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Court Martial Act 2007 (2007 No 101)

In section 69(c), replace “Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Criminal Proceeds (Recovery) Act 2009 (2009 No 8)

In section 93(4), replace “section 8 of the Judicature Amendment Act 1972” with “**section 435 of the Judicature Modernisation Act 2013**”.

Crown Proceedings Act 1950 (1950 No 54)

In section 2(1), definition of **civil proceedings**, replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Employment Relations Act 2000 (2000 No 24)

In section 194(1), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In section 194(1), replace “section 3 of the Judicature Amendment Act 1972” with “**section 424 of the Judicature Modernisation Act 2013**”.

In section 213(1), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Epidemic Preparedness Act 2006 (2006 No 85)

In section 12(3)(c), replace “Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In section 15(3)(c), replace “Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Fisheries Act 1996 (1996 No 88)

In section 186J(1), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In section 186ZJ(2), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In section 293(4), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Gambling Act 2003 (2003 No 51)

In section 235A(3)(a), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Harmful Digital Communications Act 2015 (2015 No 63)

In section 10(3), replace “section 4 of the Judicature Amendment Act 1972” with “**section 428 of the Judicature Modernisation Act 2013**”.

Housing Accords and Special Housing Areas Act 2013 (2013 No 72)

In section 80(2)(a), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Immigration Act 2009 (2009 No 51)

In section 4, definition of **review proceedings**, paragraph (a), replace “Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In section 247(3), replace “section 3 of the Judicature Amendment Act 1972” with “**section 424 of the Judicature Modernisation Act 2013**”.

International Crimes and International Criminal Court Act 2000 (2000 No 26)

In section 170, replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

International War Crimes Tribunals Act 1995 (1995 No 27)

In section 39, replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Local Government Official Information and Meetings Act 1987 (1987 No 174)

In section 9(1)(b), replace “section 4(1) of the Judicature Amendment Act 1972” with “**section 428 of the Judicature Modernisation Act 2013**”.

In section 32(4)(a), replace “section 8 of the Judicature Amendment Act 1972” with “**section 435 of the Judicature Modernisation Act 2013**”.

In section 32(4)(b), replace “section 8 of the Judicature Amendment Act 1972” with “**section 435 of the Judicature Modernisation Act 2013**”.

Major Events Management Act 2007 (2007 No 35)

In section 29(2), replace “Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Maori Commercial Aquaculture Claims Settlement Act 2004 (2004 No 107)

In section 55(2)(a), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Maori Fisheries Act 2004 (2004 No 78)

In section 183(2)(a), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In section 183(3)(a), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

New Zealand Security Intelligence Service Act 1969 (1969 No 24)

In section 4A(6)(b), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Official Information Act 1982 (1982 No 156)

In section 11(1)(b), replace “section 4(1) of the Judicature Amendment Act 1972” with “**section 428 of the Judicature Modernisation Act 2013**”.

In section 32(5)(a), replace “section 8 of the Judicature Amendment Act 1972” with “**section 435 of the Judicature Modernisation Act 2013**”.

In section 32(5)(b), replace “section 8 of the Judicature Amendment Act 1972” with “**section 435 of the Judicature Modernisation Act 2013**”.

Official Information Act 1982 (1982 No 156)—*continued*

In section 34(a), replace “section 4(1) of the Judicature Amendment Act 1972” with “**section 428 of the Judicature Modernisation Act 2013**”.

Pitcairn Trials Act 2002 (2002 No 83)

In section 18(2)(a), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Privacy Act 1993 (1993 No 28)

In section 119(1)(b), replace “section 4(1) of the Judicature Amendment Act 1972” with “**section 428 of the Judicature Modernisation Act 2013**”.

Resource Management Act 1991 (1991 No 69)

In section 296(a), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In section 384A(8), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Resource Management Amendment Act 2005 (2005 No 87)

In section 108(2), new section 296(2)(a), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Sale and Supply of Alcohol Act 2012 (2012 No 120)

In section 83(5), replace “Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In section 167(a), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Serious Fraud Office Act 1990 (1990 No 51)

In section 21(3), replace “section 8 of the Judicature Amendment Act 1972” with “**section 435 of the Judicature Modernisation Act 2013**”.

Terrorism Suppression Act 2002 (2002 No 34)

In section 21(f), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In section 23(h), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In section 33, replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

In section 42(1), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Part 2
Amendments to other enactments

Employment Court Regulations 2000 (SR 2000/250)

In regulation 10(1), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

High Court Fee Regulations 2013 (SR 2013/226)

In the Schedule, item 3(a), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Trans-Tasman Proceedings Regulations and Rules 2013 (SR 2013/350)

In rule 16(4)(b), replace “Part 1 of the Judicature Amendment Act 1972” with “**Part 3 of the Judicature Modernisation Act 2013**”.

Schedule 9AAA
Transitional, savings, and related provisions

s 447A

Part 1

Transitional provisions relating to interest on money claims

Transitional provision relating to repeal section 87 of Judicature Act 1908

1AAA Transitional provision for civil proceedings already commenced in senior court

Despite the repeal of section 87 of the Judicature Act 1908 by **section 179(3) of the Judicature Modernisation Act 2013**, that section continues to apply to every civil proceeding commenced before this clause comes into force as if **section 179(3) of the Judicature Modernisation Act 2013** and this Act had not been enacted.

Transitional provision relating to repeal of District Courts Act 1947

1AA Transitional provision for civil proceedings already commenced in District Court

Despite the repeal of sections 62B and 65A of the District Courts Act 1947 by **section 420(2) of the Judicature Modernisation Act 2013**, those sections continue to apply to every civil proceeding commenced before this clause comes into force as if **section 420(2) of the Judicature Modernisation Act 2013** and this Act had not been enacted.

Transitional provisions relating to amendments to other enactments

1 General transitional provision for amendments to other enactments

- (1) This clause applies to—
- (a) any liability to pay interest that accrues under the following enactments before the commencement of this clause:
 - (i) section 112B of the Companies Act 1993:
 - (ii) regulation 4 of the Cadastral Survey (Fees) Regulations 2003:
 - (iii) regulation 46 of the Electricity Industry (Enforcement) Regulations 2010:
 - (iv) regulation 56 of the Gas Governance (Compliance) Regulations 2008:
 - (v) regulation 4 of the Land Information New Zealand (Fees and Charges) Regulations 2003:
 - (vi) regulation 42 of the Land Transfer Regulations 2002:

- (vii) section 23 of the Maori Reserved Land Amendment Act 1997;
 - (viii) section 35 of the Waste Minimisation Act 2008; and
 - (b) any power of a body to award or impose interest under the following enactments under, or in respect of, a proceeding commenced before the commencement of this clause:
 - (i) section 12 of the Arbitration Act 1996;
 - (ii) section 20 of the **Disputes Tribunal Act 1988**;
 - (iii) clause 11 of Schedule 2 of the Employment Relations Act 2000;
 - (iv) section 84 of the Holidays Act 2003;
 - (v) section 47 of the Prisoners' and Victims' Claims Act 2005;
 - (vi) section 94 of the Public Works Act 1981;
 - (vii) section 70 of the Retirement Villages Act 2003;
 - (viii) clause 157 of the Schedule of the Sharemilking Agreements Act 1937;
 - (ix) section 24B of Te Ture Whenua Maori Act 1993;
 - (x) clause 16 of Schedule 3 of the Weathertight Homes Resolution Services Act 2006; and
 - (c) any liability to pay interest that, under clause 25 of Schedule 1 of the Maori Reserved Land Amendment Act 1997, arises in respect of the market value of a lease notified in accordance with clause 24 of that schedule before the commencement of this clause; and
 - (d) any liability to pay interest that, under clauses 7 and 8 of Schedule 1 of the Maori Reserved Land Amendment Act 1997, arises in respect of an annual rent determined in accordance with clauses 32 to 34 of that schedule (whether by mediation or by arbitration) if mediation under clause 33 of that schedule is initiated before the commencement of this clause.
 - (2) An enactment referred to in **subclause (1)** continues to apply, as if this Act were not in force, for the purposes of determining or calculating the interest under that enactment referred to in **subclause (1)**.
 - (3) For the purposes of **subclause (1)(b)**, a proceeding is commenced,—
 - (a) in relation to arbitral proceedings, on the date that the respondent receives a request for the dispute to be referred to arbitration or, if the parties have agreed that any other date is to be taken as the date of commencement of the arbitral proceedings, then on that date; and
 - (b) for the purposes of section 20 of the **Disputes Tribunal Act 1988**, on the date that a claim is lodged in accordance with section 24 of that Act; and

- (c) for the purposes of section 70 of the Retirement Villages Act 2003, on the date that a dispute notice is given in accordance with that Act; and
- (d) for the purposes of clause 8 of Schedule 1 of the Maori Reserved Land Amendment Act 1997, on the date that the dispute or difference is submitted to mediation under clause 33 of that schedule.

2 **Specific transitional provision for amendment to Accident Compensation Act 2001**

- (1) This clause applies to any liability to pay interest under section 114 of the Accident Compensation Act 2001.
- (2) The Accident Compensation Act 2001 continues to apply, as if this Act were not in force, for the purposes of calculating interest in respect of any period before the commencement of this clause.

3 **Specific transitional provision for amendment to Administration Act 1969**

- (1) This clause applies to any liability to pay interest on a legacy or on arrears of an annuity under section 39 of the Administration Act 1969.
- (2) The Administration Act 1969 continues to apply, as if this Act were not in force, if the testator dies before the commencement of this clause.

4 **Specific transitional provision for amendment to sections 309 and 311 of Companies Act 1993**

- (1) This clause applies to the calculation of interest, in respect of claims against a company in a liquidation, for the purposes of sections 309 and 311 of the Companies Act 1993.
- (2) The Companies Act 1993 continues to apply, as if this Act were not in force, to the calculation of interest for those purposes if the liquidation commenced before the commencement of this clause.

5 **Specific transitional provision for amendment to Life Insurance Act 1908**

- (1) This clause applies to the calculation of interest, in respect of the life of a minor, for the purposes of section 67B of the Life Insurance Act 1908.
- (2) The Life Insurance Act 1908 continues to apply, as if this Act were not in force, to the calculation of interest for those purposes if the minor died before the commencement of this clause.

6 **Specific transitional provision for amendment to Financial Markets Conduct Regulations 2014**

- (1) This clause applies to the calculation of interest, in respect of determining the net present value of an offer, for the purposes of Schedule 20 of the Financial Markets Conduct Regulations 2014.

- (2) The Financial Markets Conduct Regulations 2014 continue to apply, as if this Act were not in force, to the calculation of interest for those purposes if the offer was made before the commencement of this clause.

7 Specific transitional provision for amendment to Retirement Villages (General) Regulations 2006

- (1) This clause applies to the calculation of interest, in respect of a refund arising from the exercise of a right to void an occupation right agreement, for the purposes of regulation 44 of the Retirement Villages (General) Regulations 2006.
- (2) The Retirement Villages (General) Regulations 2006 continue to apply, as if this Act were not in force, to the calculation of interest for those purposes if the right was exercised before the commencement of this clause.

Schedule 9AA

Calculation of interest for amounts under other enactments

s 470AA

1 Purpose

The purpose of this schedule is to—

- (a) recognise that various enactments provide for interest on certain amounts of money to be calculated on the same basis as that on which interest would be calculated on a money claim in civil proceedings; and
- (b) provide for standard provisions for calculating interest, using the Internet site calculator, to apply for the purposes of those enactments.

2 Application

This schedule applies if an enactment (the **relevant enactment**) provides for interest to be calculated in accordance with this schedule.

3 Calculation of interest

- (1) **Sections 452 to 456** apply to the calculation of interest for the purposes of a relevant enactment, as if it were interest awarded under **section 450**, with the modifications set out in **subclause (2)**.

- (2) For the purposes of applying **sections 452 to 456** under **subclause (1)**,—

- (a) the following terms have the following meanings:

initial amount means the amount of money on which interest for a period is to be calculated under the relevant enactment

interest rate has the same meaning as in **section 452(2)**

judgment debt means the initial amount together with interest payable under the relevant enactment

last day means the last day of the period for which interest is payable under the relevant enactment

start date means the first day of the period for which interest is payable under the relevant enactment; and

- (b) **clause 4** applies in place of **section 453(4)**; and
- (c) all other necessary modifications must be made.

4 Discretion if error in Internet site calculator

- (1) An adjudicating body, on an application made within the permitted time by a person by whom or to whom interest is payable under the relevant enactment, may make such orders as it considers just if it is satisfied that the Internet site calculator has not allowed interest to be calculated in accordance with **section 453(2)**, resulting in an error in the interest payable.

(2) In this clause,—

adjudicating body means—

- (a) the body specified in the relevant enactment for the purposes of this clause; or
- (b) if **paragraph (a)** does not apply, the body that ordered the payment of the interest under the relevant enactment; or
- (c) if neither **paragraph (a) nor (b)** applies, the District Court

permitted time means—

- (a) the time specified in the relevant enactment for the purposes of this clause; or
- (b) if **paragraph (a)** does not apply, the time specified by the adjudicating body; or
- (c) if neither **paragraph (a) nor (b)** applies, the time permitted by the rules of court.

Schedule 9
Consequential amendments to other enactments: interest on money claims

s 470

Part 1
Consequential amendments to Acts

Accident Compensation Act 2001 (2001 No 49)

Replace section 114(2)(a) with:

- (a) ~~at the interest rate as defined in section 452(2) of the Judicature Modernisation Act 2013~~ (as at the date of payment); and

Replace section 114(2) with:

- (2) The Corporation is liable to pay the interest—
- (a) for the period from the date on which payment should have been made to the date on which it is made (the **liability period**); and
 - (b) at the interest rate or rates for the liability period.
- (2A) The period described in **subsection (2)(a)**—
- (a) does not include the day on which the payment should have been made; and
 - (b) includes the day on which the payment is made.
- (3) In this section, **interest rate** means the base rate plus the premium where—
- (a) the **base rate** is—
 - (i) for any day on or after 1 July in a year to the close of 30 June in the year that follows, the average of the 6 observations for the retail six-month term deposit rate most recently published by the Reserve Bank of New Zealand before 30 April in that year; or
 - (ii) if another base rate has been prescribed for the purposes of this section, that base rate:
 - (b) the **premium** is—
 - (i) 0.95%; or
 - (ii) if another premium has been prescribed for the purposes of this section, that premium.

Accident Compensation Act 2001 (2001 No 49)—continued

- (4) The interest rate (as defined in **subclause (3)**) is a per annum simple interest rate.

Example 1*Calculation where same interest rate applies for whole liability period*

The Corporation is liable to make a payment of \$100 on 15 November 2018 but does not do so until 15 March 2019. The liability period, for which the Corporation is liable to pay interest on this amount, is therefore 120 days.

For the liability period, the 6 most recent observations for the retail 6-month term deposit rate published by the Reserve Bank of New Zealand* before 30 April 2018 are, for the purposes of this example, assumed to be 3.25%, 3.35%, 3.35%, 3.38%, 3.31%, and 3.31%, being the published rates for the months from October 2017 to March 2018. The average of these 6 observations is 3.325%. This is the base rate.

The base rate and the premium, namely 0.95% in this case, is 4.275%. This is the interest rate that must be used to calculate how much interest the Corporation must pay, in addition to the overdue amount, on 15 March 2019. The total interest payable may be calculated using the equation—

$$I = P (rt)$$

where—

I is the total amount payable

P is the amount of the payment that should have been made

r is the interest rate

t is the liability period expressed in years

$$I = 100 (0.04275 \times 120/365) = 1.4055$$

$$I = \$1.41$$

*See “B3 Retail interest rates on lending and deposits” at <http://www.rbnz.govt.nz>

Example 2*Calculation where interest rate changes during liability period*

The Corporation is liable to make a payment of \$100 on 15 May 2018 but does not do so until 15 November 2018. The liability period, for which the Corporation is liable to pay interest on this amount, is therefore 184 days.

The base rate for the 46 days from 15 May 2018 to 30 June 2018 is the average of the 6 most recent observations for the retail 6-month term deposit rate published by the Reserve Bank of New Zealand before 30 April 2017. For the purposes of this example, these are assumed to be 3.15%, 3.21%, 3.21%, 3.28%, 3.25%, and 3.25%, being the published rates for the months from October 2016 to March 2017. The average of these 6 observations is 3.225%.

The base rate plus the premium, namely 0.95% in this case, is 4.175%. This is the interest rate that must be used for the first 46 days of the liability period.

The base rate for the remaining 138 days of the liability period, starting on 1 July 2018 and ending on 15 November 2018, is the average of the 6 most recent ob-

Accident Compensation Act 2001 (2001 No 49)—continued

servations for the retail 6-month term deposit rate published by the Reserve Bank of New Zealand before 30 April 2018. For the purposes of this example, these are assumed to be 3.25%, 3.35%, 3.35%, 3.38%, 3.31%, and 3.31%, being the published rates for the months from October 2017 to March 2018. The average of these 6 observations is 3.325%.

The base rate plus the premium, namely, 0.95% in this case, is 4.275%. This is the interest rate that must be used for the remaining 138 days of the liability period.

The total interest payable may be calculated using the equation—

$$I = P(r_1 t_1 + r_2 t_2)$$

where—

- I is the total interest payable
- P is the amount of the interest that should have been paid
- r_1 is the interest rate for the 46 days of the liability period up to 30 June 2018
- t_1 is the portion of the liability period up to 30 June 2018 expressed in years
- r_2 is the interest rate for the 138 days of the liability period starting on 1 July 2018
- t_2 is the portion of the liability period starting on 1 July 2018 expressed in years

$$I = 100(0.04175 \times 46/365 + 0.04275 \times 138/365) = 2.1425$$

$$I = \$2.14$$

After section 114, insert:

114A Corporation must publish applicable interest rate and premium

- (1) The Corporation must, before 1 July in each year, publish the interest rate to apply under **section 114(3)** on and from 1 July in that year, on an Internet site maintained by or on behalf of the Corporation.
- (2) Neither a failure to comply with **subclause (1)** nor an error in a 6-month term deposit rate published by the Reserve Bank of New Zealand affects the Corporation's liability to pay interest in accordance with section 114.

After section 326, insert:

326A Regulations relating to interest on late payments of weekly compensation

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes:
 - (a) prescribing an indicator interest rate (or a formula or other methodology for setting another interest rate) as the base rate for the purposes of **section 114(3)(a)** on and from a specified date;
 - (b) prescribing a percentage as the premium for the purposes of **section 114(3)(b)** on and from a specified date.

Accident Compensation Act 2001 (2001 No 49)—*continued*

- (2) The Minister may recommend the making of regulations under this section only if the Minister is satisfied that the interest rate would be consistent with, or promote, the following objectives:
- (a) simple, accessible, and predictable law;
 - (b) realistic and fair compensation for claimants;
 - (c) encouraging the Corporation to calculate and pay claims for weekly compensation as soon as practicable.

Administration Act 1969 (1969 No 52)

Replace section 39(2) with:

- (2) ~~While~~ If interest is payable on a legacy or on arrears of an annuity, ~~in accordance with~~ for a period under the will or instrument pursuant to which the legacy or annuity is payable or any enactment or rule of law, unless the will or instrument otherwise provides or the court otherwise orders, the interest on the legacy or arrears of the annuity is payable at the same rate and on the same terms as are provided for the award of interest under **subpart 1 of Part 4 of the Judicature Modernisation Act 2013** for that period must be calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013.**

Repeal section 39(2B).

Arbitration Act 1996 (1996 No 99)

In section 12(1)(b)(i), replace “up to the date of the award” with “up to the day on which the sum awarded (including all interest) is paid in full”.

Bills of Exchange Act 1908 (1908 No 15)

Replace section 57(e) with:

- (e) ~~where interest may be recovered under this Act, that interest must be awarded under~~ **subpart 1 of Part 4 of the Judicature Modernisation Act 2013** ~~and, where a bill is expressed to be payable with interest at a given rate, that rate must not be taken to be inconsistent with the rate provided for under~~ **subpart 1 of Part 4** ~~of that Act.~~

Companies Act 1993 (1993 No 105)

Replace section 112B(1) with:

- (1) If a sum that must be paid under section 112 or 112A (the **initial amount**) is outstanding after it falls due under that section,—
- (a) in the case of a share price determined under section 112, interest is payable from the date on which the initial amount falls due until the date of payment of the initial amount (and for this purpose the interest must be

Companies Act 1993 (1993 No 105)—continued

calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**):

- (b) in the case of a share price determined under section 112A, interest is payable on the basis and at the rate that the arbitral tribunal thinks fit having regard to all of the circumstances.

In section 309(2), replace “at the prescribed rate (within the meaning of section 87(3) of the Judicature Act 1908)” with “at the interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date of commencement of the liquidation)”.

In section 311(1)(b), replace “at such rate as is payable” with “of the amount that is payable”.

In section 311(2), replace “interest shall be paid at the prescribed rate on those claims” with “the specified interest must be paid on those claims”.

In section 311(4), replace “~~prescribed rate~~ means the prescribed rate within the meaning of section 87(3) of the Judicature Act 1908” with “**prescribed rate** means the interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date when the claim is paid)”.

Repeal section 311(4).

Replace section 311(3) with:

- (3) If any surplus assets remain after the payment of specified interest in accordance with subsection (2), interest must be paid, on all admitted claims referred to in subsection (1)(a), of an amount equal to difference between the specified interest paid under subclause (2) and the interest that would have been payable under the contract for that period and, if the amount of the surplus assets is insufficient to pay interest in full on all those claims, payment must abate rateably among them.

Replace section 311(4) with:

- (4) For the purpose of subsection (2), **specified interest** means interest calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**.

Disputes Tribunals Act 1988 (1988 No 110)

In section 20(1), replace “interest at such rate, not exceeding the prescribed rate, as it thinks fit” with “interest, calculated in accordance with (or on a basis that ensures it does not exceed interest calculated in accordance with) **Schedule 9AA of the Judicature Modernisation Act 2013**.”.

Repeal section 20(2)(a).

In section 20(3), replace “interest at such rate, not exceeding the prescribed rate, as the Tribunal thinks fit” with “interest, calculated in accordance with (or on a basis

Disputes Tribunals Act 1988 (1988 No 110)—*continued*

that ensures it does not exceed interest calculated in accordance with) **Schedule 9AA of the Judicature Modernisation Act 2013**.”

Replace section 20(5) with:

- (5) In this section, ~~prescribed rate~~ means the interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date of the making of the order).

Repeal section 20(5).

Employment Relations Act 2000 (2000 No 24)

In Schedule 2, replace clause 11(1) with:

11 Power to award interest

In any matter involving the recovery of any money, the Authority may, if it thinks fit, order the inclusion, in the sum for which judgment is given, of interest, at such rate not exceeding the interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date of the order) as the Authority thinks fit, ~~calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**~~, on the whole or part of the money for the whole or part of the period between the date when the cause of action arose and the date of payment in accordance with the determination of the Authority.

In Schedule 2, repeal clause 11(3).

In Schedule 3, replace clause 14 with:

14 Power to award interest

In any proceedings for the recovery of any money, the court may, if it thinks fit, order that the amount awarded include interest, ~~at such rate not exceeding the interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date of the order) as the court thinks fit,~~ calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**, on the whole or part of the money for the whole or part of the period between the date when the cause of action arose and the date of payment in accordance with the judgment.

Holidays Act 2003 (2003 No 129)

Replace section 84(3) and (4) with:

- (3) Interest included in a judgment or determination must not exceed interest at the interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date of the judgment or determination).

In section 84(3), delete “at the rate”.

Repeal section 84(4).

Insolvency Act 2006 (2006 No 55)

In section 253(2), replace “rate prescribed under section 87(3) of the Judicature Act 1908” with “interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date of adjudication)”.

In section 267, replace “rate of interest prescribed from time to time under section 87(3) of the Judicature Act 1908” with “interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date when the claim is paid)”.

Judicature Modernisation Act 2013 (2013 No 00)

In section 185, repeal the definition of prescribed rate.

In **section 257(1)(b)**, replace “that may be payable under section 87 of the Judicature Act 1908” with “that may be payable under **Part 4** of the **Judicature Modernisation Act 2013**”.

Replace **section 311(2)(b)** with:

- (b) may also order B to pay interest calculated in accordance with (or on a basis that ensures it does not exceed interest calculated in accordance with) **Schedule 9AA** of the **Judicature Modernisation Act 2013**.

Land Transfer Act 1952 (1952 No 52)

~~In section 235(3)(a), replace “rate prescribed for the time being under section 87 of the Judicature Act 1908” with “interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date on which the fee is paid)”.~~

~~Replace section 235(3)(a) with:~~

- ~~(a) that interest, calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**, is payable on any unpaid fee for the period specified in the regulations; and~~

Life Insurance Act 1908 (1908 No 105)

~~In section 41A(3), replace “rate from time to time prescribed for the purposes of section 87 of the Judicature Act 1908” with “interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date of payment)”.~~

~~In section 67B(1)(a), replace “rate prescribed for the purposes of section 87 of the Judicature Act 1908” with “interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013**”.~~

~~In section 41A(3), replace “at the rate from time to time prescribed for the purposes of section 87 of the Judicature Act 1908” with “on the basis applicable under **Schedule 9AA of the Judicature Modernisation Act 2013**”.~~

~~In section 67B(1)(a), replace “thereon (compounded annually) at the rate from time to time prescribed for the purposes of section 87 of the Judicature Act 1908 at the date of the death of the minor” with “on the total amount of premiums calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**”.~~

Maori Reserved Land Amendment Act 1997 (1997 No 101)

In section 23(2), replace “rate prescribed by or under section 87 of the Judicature Act 1908” with “interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date of payment)”.

Replace section 23(2) with:

- (2) The interest paid under subsection (1) must be calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**.

In Schedule 1, clause 8, replace “rate prescribed by or under section 87 of the Judicature Act 1908” with “interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date of the refund or payment)”.

In Schedule 1, clause 8, replace “is to be paid at the rate prescribed by or under section 87 of the Judicature Act 1908” with “must be calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**.”

In Schedule 1, clause 25(3), replace “rate prescribed by or under section 87 of the Judicature Act 1908” with “interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date of payment of the market value”.

In Schedule 1, replace clause 25(3) with:

- (3) The interest payable under subclause (2) must be calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**.

Partnership Act 1908 (1908 No 139)

In section 27(e), replace “at the rate of 5 percent per annum from the date of the payment or advance” with “at the same rate and on the same terms as are provided for the award of interest under **subpart 2_1 of Part 4 of the Judicature Modernisation Act 2013**”.

In section 45(1), replace “at the rate of 5 percent per annum on the amount of his share of the partnership assets” with “on the amount of his or her share of the partnership assets at the same rate and on the same terms as are provided for the award of interest under **subpart 2_1 of Part 4 of the Judicature Modernisation Act 2013**”.

Prisoners’ and Victims’ Claims Act 2005 (2005 No 74)

Replace section 47(3) to (5) with:

- (3) The Tribunal may, if it thinks fit, include in the amount ordered to be paid to a victim under section 46(3) or (4) interest at a rate, not exceeding the interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date of the order) calculated in accordance with, or on a basis that ensures it does not exceed interest calculated in accordance with, **Schedule 9AA of the Judicature Modernisation Act 2013**, if it thinks fit on some or all of the damages for all or a part of the period between the date on which the cause of action arose and the date of the order.

Public Works Act 1981 (1981 No 35)

In section 94, replace “at such rate as it thinks fit” with “~~at the same rate and on the same terms as are provided for the award of interest under **subpart 1 of Part 4 of the Judicature Modernisation Act 2013**~~, calculated in accordance with (or on a basis that ensures it does not exceed interest calculated in accordance with) **Schedule 9AA of the Judicature Modernisation Act 2013**”.

Retirement Villages Act 2003 (2003 No 112)

In section 70(1)(c), replace “rate of interest prescribed under section 87 of the Judicature Act 1908” with “interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date of the order)”.

Replace section 70(1)(c) with:

- (c) an order that the operator must pay the resident interest calculated in accordance with (or on a basis that ensures it does not exceed interest calculated in accordance with) **Schedule 9AA of the Judicature Modernisation Act 2013**:

Sharemilking Agreements Act 1937 (1937 No 37)

In the Schedule, clause 157, replace “rate prescribed under section 87(3) of the Judicature Act 1908” with “rate that would apply on an award of interest on a money judgment under **subpart 1 of Part 4 of the Judicature Modernisation Act 2013**”.

Te Ture Whenua Maori Act 1993 (1993 No 4)

In section 24B, replace “section 62B of the District Courts Act 1947” with “**subpart 1 of Part 4 of the Judicature Modernisation Act 2013**”.

Trustee Act 1956 (1956 No 61)

In section 34A, replace “at the rate of 6% or such other rate as the Governor-General may for the time being by Order in Council prescribe” with “at the same rate and on the same terms as are provided for the award of interest under **subpart 1 of Part 4 of the Judicature Modernisation Act 2013**”.

In section 34A, replace “at the rate of 6% or such other rate as the Governor-General may for the time being by Order in Council prescribe” with “of an amount calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**”.

Waste Minimisation Act 2008 (2008 No 89)

In section 35(1), replace “has the same meaning as in section 87(3) of the Judicature Act 1908” with “is the interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** on the day of calculation (but converted into an equivalent daily rate)”.

Waste Minimisation Act 2008 (2008 No 89)—continued

In section 35(1), formula, replace “has the same meaning as in section 87(3) of the Judicature Act 1908” with “is the business lending rate published by the Reserve Bank of New Zealand on the most recent 1 July before the day of calculation”.

Weathertight Homes Resolution Services Act 2006 (2006 No 84)

In Schedule 3, replace clause 16 with:

16 Power to award interest

In any adjudication for the recovery of any money, the tribunal may, if it thinks fit, order the inclusion, in the sum for which a determination is given, of interest, ~~at such rate not exceeding the interest rate as defined in **section 452(2) of the Judicature Modernisation Act 2013** (as at the date of the order) as the tribunal thinks fit,~~ calculated in accordance with (or on a basis that ensures it does not exceed interest calculated in accordance with) **Schedule 9AA of the Judicature Modernisation Act 2013**, on the whole or part of the money for the whole or part of the period between the date when the cause of action arose and the date of payment in accordance with the judgment.

Part 2**Consequential amendments to legislative instruments****Cadastral Survey (Fees) Regulations 2003 (SR 2003/123)**

Replace regulation 4(3)(a) with:

- (a) calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**; and

Electricity Industry (Enforcement) Regulations 2010 (SR 2010/362)

In regulation 46(3), replace “at the prescribed rate (within the meaning of section 87 of the Judicature Act 1908)” with “, which must be calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**”.

In regulation 89(4), replace “at the prescribed rate (within the meaning of section 87 of the Judicature Act 1908)” with “, which must be calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**”.

Financial Markets Conduct Regulations 2014 (LI 2014/326)

In Schedule 20, Part 1, replace “[interest rate that is prescribed for the purposes of section 87(3) of the Judicature Act 1908]” with “[annual rate that is equivalent to the 6-month term deposit rate most recently published by the Reserve Bank of New Zealand before the date of the offer]”.

In Schedule 20, Part 2, clause 1, formula, item i, replace “rate prescribed, on the date of the offer, for the purposes of section 87(3) of the Judicature Act 1908” with “annu-

Financial Markets Conduct Regulations 2014 (LI 2014/326)—*continued*

al rate that is equivalent to the 6-month term deposit rate most recently published by the Reserve Bank of New Zealand before the date of the offer”.

In Schedule 20, Part 2, clause 1, Example 1, “the Judicature (Prescribed Rate of Interest) Order 2011 prescribes 5% per year for the purposes of section 87(3) of the Judicature Act 1908” with “the annual rate that is equivalent to the 6-month term deposit rate most recently published by the Reserve Bank of New Zealand is 5%”.

Gas Governance (Compliance) Regulations 2008 (SR 2008/253)

In regulation 56(3), replace “at the prescribed rate (within the meaning of section 87 of the Judicature Act 1908)” with “, which must be calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**”.

High Court Rules 2016 (LI 2016/00)

In rule 7.65(3), replace “at the rate prescribed under section 87 of the Act” with “calculated in accordance with (or on a basis that ensures it does not exceed interest calculated in accordance with) **Schedule 9AA of the Judicature Modernisation Act 2013**”.

Replace rule 11.27 with:

11.27 Interest as part of judgment debt

Interest must be awarded in a money judgment in accordance with **Part 4 of the Judicature Modernisation Act 2013**.

Replace rule 16.20(c)(ii) with:

- (ii) if no rate is prescribed by the instrument or instruments creating the debt or debts, interest calculated in accordance with (or on a basis that ensures it does not exceed interest calculated in accordance with) **Schedule 9AA of the Judicature Modernisation Act 2013**.

In rule 20.20(2)(b), replace “interest at a rate no greater than the prescribed rate (within the meaning of section 87(3) of the Judicature Act 1908)” with “interest, calculated in accordance with (or on a basis that ensures it does not exceed interest, calculated in accordance with) **Schedule 9AA of the Judicature Modernisation Act 2013**”.

In Schedule 1, form E 7, replace note with:

- 1 The money seized will not be enough if it—
 - (a) cannot discharge any claims that by law are entitled to be paid in priority to the entitled party’s claim; and
 - (b) cannot pay the costs and expenses of executing this order; and
 - (c) does not comprise—
 - (i) the whole/a portion* of the judgment debt sought by this order of \$[amount] (inclusive of interest calculated using the Internet site

High Court Rules 2016 (LI 2016/00)—*continued*

calculator in accordance with **Part 4 of the Judicature Amendment Act 2013** and the entries set out in **paragraph 2** of this note); and

- (ii) subsequent costs/disbursements[†] of \$[amount].

*Select one depending on whether enforcement is sought for less than the full amount for which judgment was sealed. If enforcement is sought for less than the full amount, add the following words: “(, which is less than the full amount of the judgment debt)?”.

[†]Select one.

2 *For this paragraph select the statement that applies.*

Statement A (if the liable party pays or were to pay the judgment debt in full in 1 payment)

The entries made in the Internet site calculator for the purposes of calculating interest are—

- (a) initial amount: \$[amount]
(b) start date: [date]
(c) last day: [date].

Statement B (if the liable party has paid an instalment or instalments of the judgment debt)

The entries made in the Internet site calculator for the purposes of calculating interest are—

- (a) initial amount: \$[amount]
(b) start date: [date]
(c) last day: [date]
^{††}(d) instalment amount: \$[specify the amount of each instalment]
^{††}(e) date of payment: [specify the date of each instalment].

^{††}Repeat for each instalment if more than one has been paid.

In **Schedule 1AA, Part 1**, after **clause 2(1)(b)**, insert:

- (ba) the application of provisions of the former High Court Rules relating to interest on money claims:

Land Information New Zealand (Fees and Charges) Regulations 2003 (SR 2003/124)

Replace regulation 4(4)(a) with:

- (a) calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**; and

Land Transfer Regulations 2002 (SR 2002/213)

Replace regulation 42(3)(a) with:

Land Transfer Regulations 2002 (SR 2002/213)—continued

- (a) calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**; and

Retirement Villages (General) Regulations 2006 (SR 2006/298)

In regulation 44, replace “the same as the prescribed rate as defined in section 87(3) of the Judicature Act 1908” with “the same as applies to the calculation of interest under **Schedule 9AA of the Judicature Modernisation Act 2013**”.

Sharemilking Agreements Order 2011 (SR 2011/295)

In the Schedule, clause 157, replace “set interest rates in excess of rate prescribed under section 87(3) of the Judicature Act 1908” with “award interest that exceeds interest calculated in accordance with **Schedule 9AA of the Judicature Modernisation Act 2013**”.

Schedule 10

New Schedule ~~10~~ 11 inserted

s 521

Schedule ~~10~~ 11

Liquidation of associations

s 240B

1 Modified application of Part 16 to associations

- (1) Part 16 applies to the liquidation of an association with the following modifications and exclusions:
- (a) section 241(2)(a), (b), (c)(v), (va), (vii), and (viii), and (d) does not apply;
 - (b) **clause 2** applies instead of section 241(4);
 - (c) **clauses 3 and 4** apply instead of sections 287 and 288(1) and (2);
 - (d) **clause 5** applies instead of section 268;
 - (e) references in that Part to section 241(4), 268, 287, or 288(1) or (2) (or to a provision of any of those sections) must be taken as references to the relevant replacement clause or clauses under **paragraphs (b) to (d)** (or to the relevant replacement provision);
 - (f) section 257(1)(a)(ii)(C) and (1)(a)(iii) does not apply;
 - (g) all other necessary modifications must be made.
- (2) A document may be served on an association for the purposes of this schedule and Part 16 as follows:
- (a) by delivery to a director, a principal officer, or the secretary of the association; or
 - (b) by leaving it at the association's principal place of business in New Zealand; or
 - (c) in the case of a document in any legal proceedings, by a method set out in **paragraph (a) or (b)** or by serving it in accordance with any directions as to service given by the court having jurisdiction in the proceedings.

Compare: 1908 No 89 s 17B

2 Grounds for appointment of liquidator

The court may appoint a liquidator of an association under section 241 if the court is satisfied that—

- (a) the association is dissolved, has ceased to carry on business, or is carrying on business solely for the purpose of terminating its affairs; or

- (b) the association is unable to pay its debts; or
- (c) it is just and equitable that the association be put into liquidation.

Compare: 1908 No 89 s 17A(4)

3 Meaning of inability to pay debts

- (1) Unless the contrary is proved, and subject to **clause 4** and section 288(3) to (5), an association is presumed to be unable to pay its debts if—
 - (a) the association has failed to comply with a demand in respect of a debt owed by the association that is made in accordance with **subclause (2)**; or
 - (b) all of the following apply:
 - (i) a proceeding has been commenced against a member of the association for the payment of a debt owed by the association or the member in that capacity; and
 - (ii) notice of the proceeding has been served on the association; and
 - (iii) within 10 days after the notice was served on it, the association has not paid or secured the debt, or otherwise compounded with the creditor, had the proceeding stayed, or indemnified the member for the amount of any judgment debt plus costs; or
 - (c) execution issued against the association, a member of the association in that capacity, or a person authorised to be sued on behalf of the association in respect of a judgment debt has been returned unsatisfied in whole or in part.
- (2) A demand under **subclause (1)(a)** must—
 - (a) be in respect of a debt that is due that is not less than the prescribed amount; and
 - (b) be in writing; and
 - (c) be served on the association; and
 - (d) require the association to pay or secure the debt, or otherwise compound with the creditor to the reasonable satisfaction of the creditor within 15 working days after the date of service of the demand or any longer period that the court orders.

Compare: 1908 No 89 s 17C

4 Evidence of inability to pay debts

- (1) On an application to the court for an order that an association be put into liquidation, evidence of failure to comply with a demand under **clause 3** is not admissible as evidence that an association is unable to pay the debts unless the application is made within 30 working days after the last date for compliance with the demand.

(2) **Clause 3(2)** does not limit proof by other means that an association is unable to pay its debts.

5 Power of liquidator to enforce liability of contributors

The liquidator may enforce a liability of a person to pay or contribute to—

- (a) any debt or liability of an association; or
- (b) any amount for the adjustment of the rights of members of the association among themselves.

Schedule 11 Consequential amendments relating to Part 6

s 580

Contractual Mistakes Act 1977 (1977 No 54)

In section 5(2)(d), replace “sections 94A and 94B of the Judicature Act 1908” with “**sections 74A and 74B** of the Property Law Act 2007”.

Crown Entities Act 2004 (2004 No 115)

In section 177, replace “sections 17A to 17E of the Judicature Act 1908 apply” with “**section 240B** of the Companies Act 1993 applies”.

Customs and Excise Act 1996 (1996 No 27)

In section 101(5), replace “section 17B of the Judicature Act 1908” with “section 312 and Schedule 7 of the Companies Act 1993 (as applied by **section 240B** of that Act)”.

Energy Resources Levy Act 1976 (1976 No 71)

Replace section 31(5) with:

- (5) **Section 74A(1)** of the Property Law Act 2007 applies to any money paid by a purchaser to a seller in excess of the amount payable under this section (despite **section 74A(2)** of that Act).

Social Security Act 1964 (1964 No 136)

In section 86(1B), replace “section 94B of the Judicature Act 1908” with “**section 74B** of the Property Law Act 2007”.