

**Reprint  
as at 1 March 2017**



## Judicature Act 1908

Public Act      1908 No 89  
Date of assent    4 August 1908  
Commencement    see section 1(2)

Judicature Act 1908: repealed (except for section 87), on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

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Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
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**An Act to consolidate certain enactments of the Parliament of New Zealand relating to the High Court and the Court of Appeal, and to certain rules and provisions of law in judicial matters generally**

Title: amended, on 1 January 1987, pursuant to section 29(2) of the Constitution Act 1986 (1986 No 114).

Title: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

**1 Short Title, etc**

*[Repealed]*

Section 1: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**2 Interpretation**

*[Repealed]*

Section 2: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

## **Part 1** **The High Court**

*[Repealed]*

Part 1: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

### **Constitution of the court**

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

### **3 Supreme Court reconstituted as High Court**

*[Repealed]*

Section 3: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

### **4 The Judges of the High Court**

*[Repealed]*

Section 4: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

#### **4A Chief High Court Judge**

*[Repealed]*

Section 4A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

#### **4B Functions of Chief High Court Judge**

*[Repealed]*

Section 4B: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

#### **4C Judges of High Court act on full-time basis but may be authorised to act part-time**

*[Repealed]*

Section 4C: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

### **5 Senior Judge to act as Chief Justice in certain circumstances**

*[Repealed]*

Section 5: repealed, on 1 January 2004, by section 48(2) of the Supreme Court Act 2003 (2003 No 53).

### **6 Judges to be barristers or solicitors**

*[Repealed]*

Section 6: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

- 7 Commissions of Judges to continue during good behaviour**  
*[Repealed]*  
Section 7: repealed, on 1 January 1987, by section 27 of the Constitution Act 1986 (1986 No 114).
- 8 Judges may be removed or suspended on address of both Houses of Assembly to the Queen**  
*[Repealed]*  
Section 8: repealed, on 1 January 1987, by section 27 of the Constitution Act 1986 (1986 No 114).
- 9 Governor may suspend Judge when Parliament not sitting**  
*[Repealed]*  
Section 9: repealed, on 1 January 1987, by section 27 of the Constitution Act 1986 (1986 No 114).
- 9A Salaries and allowances of Judges**  
*[Repealed]*  
Section 9A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).
- 10 Salaries of Judges not to be diminished**  
*[Repealed]*  
Section 10: repealed, on 1 January 1987, by section 27 of the Constitution Act 1986 (1986 No 114).
- 11 Temporary Judges**  
*[Repealed]*  
Section 11: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).
- 11A Former Judges**  
*[Repealed]*  
Section 11A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).
- 11B Certificate by Chief Justice and Chief High Court Judge**  
*[Repealed]*  
Section 11B: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).
- 12 Superannuation allowance of Judges**  
*[Repealed]*  
Section 12: repealed, on 28 October 1955, by section 18(1) of the Superannuation Amendment Act 1955 (1955 No 107).

**13 Age of retirement**

*[Repealed]*

Section 13: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**14 Rights on retirement before attaining retiring age**

*[Repealed]*

Section 14: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**15 How superannuation allowances of the existing Judges to be computed**

*[Repealed]*

Section 15: repealed, on 28 October 1955, by section 18(1) of the Superannuation Amendment Act 1955 (1955 No 107).

Jurisdiction of the court

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**16 General jurisdiction**

*[Repealed]*

Section 16: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**16A Power to award damages as well as, or in substitution for, injunction or specific performance**

*[Repealed]*

Section 16A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**17 Jurisdiction as to mentally disordered persons, etc**

*[Repealed]*

Section 17: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**17A Jurisdiction as to liquidation of associations**

*[Repealed]*

Section 17A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**17B Application of Companies Act 1993**

*[Repealed]*

Section 17B: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**17C Meaning of inability to pay debts**

*[Repealed]*

Section 17C: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**17D Power of liquidator to enforce liabilities**

*[Repealed]*

Section 17D: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**17E Actions stayed on liquidation**

*[Repealed]*

Section 17E: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**18 No jurisdiction in cases of felonies or misdemeanours committed prior to 14 January 1840**

*[Repealed]*

Section 18: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**19 Powers of the court may be exercised by 1 or more Judges**

*[Repealed]*

Section 19: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**19A Certain civil proceedings may be tried by jury**

*[Repealed]*

Section 19A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**19B All other civil proceedings to be tried before Judge alone, unless court otherwise orders**

*[Repealed]*

Section 19B: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**19C Questions of foreign law to be decided by Judge**

*[Repealed]*

Section 19C: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**20 Governor in Council may divide New Zealand into districts**

*[Repealed]*

Section 20: repealed, on 1 April 1973, by section 18(2) of the Judicature Amendment Act 1972 (1972 No 130).

**21 Actions and proceedings to be taken in the district prescribed by the Code of Civil Procedure**

*[Repealed]*

Section 21: repealed, on 1 April 1973, by section 18(2) of the Judicature Amendment Act 1972 (1972 No 130).

**22 How applications to be made when Judge absent or unable to act**

*[Repealed]*

Section 22: repealed, on 1 April 1973, by section 18(2) of the Judicature Amendment Act 1972 (1972 No 130).

**23 Governor-General may appoint special sittings**

*[Repealed]*

Section 23: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**23A Offices of the High Court**

*[Repealed]*

Section 23A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**24 Registrar may act for Judge in certain cases**

*[Repealed]*

Section 24: repealed, on 27 November 1947, by section 28(7) of the Statutes Amendment Act 1947 (1947 No 60).

Commercial list

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**24A Establishment of commercial list**

*[Repealed]*

Section 24A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**24B Proceedings eligible for commercial list**

*[Repealed]*

Section 24B: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**24C Commercial list Judges**

*[Repealed]*

Section 24C: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**24D Directions for speedy determination of real questions in proceedings on commercial list**

*[Repealed]*

Section 24D: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**24E Agreement not to appeal**

*[Repealed]*

Section 24E: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**24F Proceedings not to be tried by jury**

*[Repealed]*

Section 24F: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**24G Restriction of right of appeal from interlocutory decisions**

*[Repealed]*

Section 24G: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**Administrative Division of the court**

*[Repealed]*

Heading: repealed, on 15 August 1991, pursuant to section 3(2) of the Judicature Amendment Act 1991 (1991 No 60).

**25 Administrative Division of the High Court**

*[Repealed]*

Section 25: repealed, on 15 August 1991, by section 3(2) of the Judicature Amendment Act 1991 (1991 No 60).

**26 Jurisdiction of Administrative Division**

*[Repealed]*

Section 26: repealed, on 15 August 1991, by section 3(2) of the Judicature Amendment Act 1991 (1991 No 60).

**26A Lay members or assessors in certain cases**

*[Repealed]*

Section 26A: repealed, on 15 August 1991, by section 3(2) of the Judicature Amendment Act 1991 (1991 No 60).



## **26B Rules relating to Administrative Division**

*[Repealed]*

Section 26B: repealed, on 15 August 1991, by section 3(2) of the Judicature Amendment Act 1991 (1991 No 60).

### **Associate Judges of the High Court**

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

## **26C Appointment of Associate Judges**

*[Repealed]*

Section 26C: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

## **26D Associate Judges act on full-time basis but may be authorised to act part-time**

*[Repealed]*

Section 26D: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

## **26E Vacation of office**

*[Repealed]*

Section 26E: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

## **26F Salaries and allowances of Associate Judges**

*[Repealed]*

Section 26F: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

## **26G Superannuation or retiring allowances of Associate Judges**

*[Repealed]*

Section 26G: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

## **26H Temporary Associate Judges**

*[Repealed]*

Section 26H: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

## **26I Associate Judge may exercise certain powers of the court**

*[Repealed]*

Section 26I: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**26IA Ancillary powers of Associate Judge**

*[Repealed]*

Section 26IA: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**26IB Judge or Associate Judge may, by video link, preside at hearing of specified matters**

*[Repealed]*

Section 26IB: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**26J Power to make rules conferring specified jurisdiction and powers of Judge in chambers on Associate Judges**

*[Repealed]*

Section 26J: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**26K Power of Associate Judge to deal with witnesses and to punish for contempt**

*[Repealed]*

Section 26K: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**26L Associate Judge to have no power to make order for committal, attachment, or arrest**

*[Repealed]*

Section 26L: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**26M Associate Judge may act as referee**

*[Repealed]*

Section 26M: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**26N Transfer of proceedings from Associate Judge to Judge**

*[Repealed]*

Section 26N: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**26O Power of Associate Judge to adjourn proceedings**

*[Repealed]*

Section 26O: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**26P Review of, or appeals against, decisions of Associate Judges**

*[Repealed]*

Section 26P: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**26Q Immunity of Associate Judges**

*[Repealed]*

Section 26Q: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**26R Jurisdiction of Judge not affected**

*[Repealed]*

Section 26R: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**Officers**

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**27 Appointment of officers**

*[Repealed]*

Section 27: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**Registrars**

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**28 Powers of Registrars**

*[Repealed]*

Section 28: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**Sheriffs**

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**29 Sheriffs and Deputy Sheriffs**

*[Repealed]*

Section 29: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**30 Sheriff's oath**

*[Repealed]*

Section 30: repealed, on 1 April 1973, by section 20(1) of the Judicature Amendment Act 1972 (1972 No 130).

**31 Sureties may withdraw**

*[Repealed]*

Section 31: repealed, on 1 April 1973, by section 20(1) of the Judicature Amendment Act 1972 (1972 No 130).

**32 Duties, etc, of Sheriffs**

*[Repealed]*

Section 32: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**33 Sheriff to act as Queen's bailiff**

*[Repealed]*

Section 33: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**34 Sheriff not to act as barrister or solicitor**

*[Repealed]*

Section 34: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**35 Service of process when Sheriff disqualified**

*[Repealed]*

Section 35: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**36 Persons arrested by Sheriffs may be committed to prison at once**

*[Repealed]*

Section 36: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

*Poundage and fees*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**37 Calculation of Sheriff's poundage**

*[Repealed]*

Section 37: repealed, on 11 October 1978, by section 4(1) of the Judicature Amendment Act 1978 (1978 No 55).

**38 Appointment of, and oath taken by, appraiser**

*[Repealed]*

Section 38: repealed, on 11 October 1978, by section 4(1) of the Judicature Amendment Act 1978 (1978 No 55).

**39 Goods defined**

*[Repealed]*

Section 39: repealed, on 11 October 1978, by section 4(1) of the Judicature Amendment Act 1978 (1978 No 55).

**40 Sheriffs' and poundage fees**

*[Repealed]*

Section 40: repealed, on 1 January 1969, by section 3(4) of the Judicature Amendment Act (No 2) 1968 (1968 No 59).

**41 Fee in special cases**

*[Repealed]*

Section 41: repealed, on 1 January 1969, by section 3(4) of the Judicature Amendment Act (No 2) 1968 (1968 No 59).

**42 Fees to be paid into Crown Bank Account**

*[Repealed]*

Section 42: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

*Deputy Sheriffs and Acting Sheriffs*

*[Repealed]*

Heading: repealed, on 1 April 1973, pursuant to section 18(2) of the Judicature Amendment Act 1972 (1972 No 130).

**43 Where Sheriff not present at sitting of court, duties of Sheriff may be performed by any person appointed by the court or Judge**

*[Repealed]*

Section 43: repealed, on 1 April 1973, by section 18(2) of the Judicature Amendment Act 1972 (1972 No 130).

**44 Provision in cases of vacancy in office of Sheriff**

*[Repealed]*

Section 44: repealed, on 1 April 1973, by section 18(2) of the Judicature Amendment Act 1972 (1972 No 130).

**45 Governor may appoint Deputy Sheriffs**

*[Repealed]*

Section 45: repealed, on 1 April 1973, by section 18(2) of the Judicature Amendment Act 1972 (1972 No 130).

**46 When Deputies to act**

*[Repealed]*

Section 46: repealed, on 1 April 1973, by section 18(2) of the Judicature Amendment Act 1972 (1972 No 130).

*Commissioners to administer oaths*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**47 Commissioners to take affidavits, etc, out of New Zealand**

*[Repealed]*

Section 47: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**48 Affidavits, etc, so taken to be of like effect as if taken in New Zealand**

*[Repealed]*

Section 48: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**49 Commission may be revoked**

*[Repealed]*

Section 49: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

*Practice and procedure of the court*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**50 Seal of the court**

*[Repealed]*

Section 50: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**51 High Court Rules**

*[Repealed]*

Section 51: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**51A Publication of High Court Rules under Legislation Act 2012**

*[Repealed]*

Section 51A: repealed, on 18 October 2016, by section 182(1) of the Senior Courts Act 2016 (2016 No 48).

**51B Rules Committee**

*[Repealed]*

Section 51B: repealed, on 18 October 2016, by section 182(1) of the Senior Courts Act 2016 (2016 No 48).

**51C Power to make rules**

*[Repealed]*

Section 51C: repealed, on 18 October 2016, by section 182(1) of the Senior Courts Act 2016 (2016 No 48).

**51D Rules of court under other Acts to be made in manner provided by this Act**

*[Repealed]*

Section 51D: repealed, on 18 October 2016, by section 182(1) of the Senior Courts Act 2016 (2016 No 48).

**51E Power to prescribe procedure on applications to High Court, Court of Appeal, or Supreme Court**

*[Repealed]*

Section 51E: repealed, on 18 October 2016, by section 182(1) of the Senior Courts Act 2016 (2016 No 48).

**51F Power to make rules conferring specified jurisdiction and powers of Judge on Registrars or Deputy Registrars**

*[Repealed]*

Section 51F: repealed, on 18 October 2016, by section 182(1) of the Senior Courts Act 2016 (2016 No 48).

**51G Jurisdiction of court to award costs in all cases**

*[Repealed]*

Section 51G: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**52 Power of Judge to hold or adjourn sitting**

*[Repealed]*

Section 52: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**53 Fees to be paid into Crown Bank Account**

*[Repealed]*

Section 53: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**54 Service of process on Sundays void**

*[Repealed]*

Section 54: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**54A Verdict of three-fourths**

*[Repealed]*

Section 54A: repealed, on 29 June 2009, by section 19(3) of the Juries Amendment Act 2008 (2008 No 40).

**54B Discharge of juror or jury**

*[Repealed]*

Section 54B: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**Miscellaneous rules of law and of practice**

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

***Habeas corpus***

*[Repealed]*

Heading: repealed, on 26 May 2001, by section 22(1) of the Habeas Corpus Act 2001 (2001 No 31).

**54C Procedure in respect of habeas corpus**

*[Repealed]*

Section 54C: repealed, on 26 May 2001, by section 22(1) of the Habeas Corpus Act 2001 (2001 No 31).

***Absconding debtors***

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**55 Power under certain circumstances to arrest defendant about to quit New Zealand**

*[Repealed]*

Section 55: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).



*Foreign creditors*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56 Memorials of judgments obtained out of New Zealand may be registered**

*[Repealed]*

Section 56: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

*Witnesses*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56A Failure of witness to attend**

*[Repealed]*

Section 56A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56B Refusal of witness to give evidence**

*[Repealed]*

Section 56B: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56BB Witnesses entitled to expenses**

*[Repealed]*

Section 56BB: repealed, on 14 October 1981, by section 5(2)(a) of the Judicature Amendment Act 1981 (1981 No 40).

*Contempt of court*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56C Contempt of court**

*[Repealed]*

Section 56C: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

*Immigration matters**[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56CA Judicial review of decisions under Immigration Act 1987***[Repealed]*

Section 56CA: repealed, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

**Part 1A****Special provisions applying to certain proceedings in the High Court  
and the Federal Court of Australia***[Repealed]*

Part 1A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56D Interpretation***[Repealed]*

Section 56D: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56DB Trans-Tasman Proceedings Act 2010 does not affect this Part***[Repealed]*

Section 56DB: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56DC Courts (Remote Participation) Act 2010 does not apply to remote  
appearances under this Part***[Repealed]*

Section 56DC: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56E High Court may order New Zealand proceedings to be heard in Australia***[Repealed]*

Section 56E: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56F Australian counsel entitled to practise in High Court***[Repealed]*

Section 56F: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56G High Court may set aside subpoena issued in New Zealand proceeding**

*[Repealed]*

Section 56G: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56H Injunctions and orders in New Zealand proceedings**

*[Repealed]*

Section 56H: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56I Issue of subpoenas in New Zealand proceedings**

*[Repealed]*

Section 56I: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56J Powers of Federal Court of Australia**

*[Repealed]*

Section 56J: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56K Issue of subpoenas in Australian proceedings**

*[Repealed]*

Section 56K: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56L Failure of witness to comply with subpoena issued in Australian proceeding**

*[Repealed]*

Section 56L: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56M Federal Court of Australia may administer oaths in New Zealand**

*[Repealed]*

Section 56M: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56N Orders made by Federal Court of Australia not subject to review**

*[Repealed]*

Section 56N: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56O Contempt of Federal Court of Australia**

*[Repealed]*

Section 56O: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56P Arrangements to facilitate sittings**

*[Repealed]*

Section 56P: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56Q Privileges and immunities of Judges, counsel, and witnesses in Australian proceedings**

*[Repealed]*

Section 56Q: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56R High Court may take evidence at request of Federal Court**

*[Repealed]*

Section 56R: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**56S Power to make rules for purposes of this Part**

*[Repealed]*

Section 56S: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**Part 2  
The Court of Appeal**

*[Repealed]*

Part 2: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**Constitution of the court**

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**57 Constitution of Court of Appeal**

*[Repealed]*

Section 57: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**57A Judges of Court of Appeal act on full-time basis but may be authorised to act part-time**

*[Repealed]*

Section 57A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**58 Court of Appeal to sit in divisions**

*[Repealed]*

Section 58: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**58A Composition of criminal appeals division or divisions**

*[Repealed]*

Section 58A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**58B Composition of civil appeals division or divisions**

*[Repealed]*

Section 58B: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**58C Assignment of Judges to divisions**

*[Repealed]*

Section 58C: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**58D Court of Appeal to sit as full court in certain cases**

*[Repealed]*

Section 58D: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**58E Cases of sufficient significance for full court**

*[Repealed]*

Section 58E: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**58F High Court Judges sitting on full court**

*[Repealed]*

Section 58F: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**58G Authority of High Court Judges**

*[Repealed]*

Section 58G: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**59 Judgment of Court of Appeal**

*[Repealed]*

Section 59: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**60 Sittings of Court of Appeal***[Repealed]*

Section 60: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**60A Court of Appeal may sit in divisions***[Repealed]*

Section 60A: repealed, on 1 August 1998, by section 5 of the Judicature Amendment Act 1998 (1998 No 52).

**61 Adjournment in cases of absence of some of the Judges***[Repealed]*

Section 61: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**61A Incidental orders and directions may be made and given by 1 Judge***[Repealed]*

Section 61A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**62 Power to remit proceedings to the High Court***[Repealed]*

Section 62: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**63 Judgments of Court of Appeal may be enforced by the High Court***[Repealed]*

Section 63: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**Civil jurisdiction***[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

***Removal of proceedings from the High Court****[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**64 Transfer of civil proceedings from High Court to Court of Appeal***[Repealed]*

Section 64: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**65 Decision of Court of Appeal final as regards tribunals of New Zealand**

*[Repealed]*

Section 65: repealed, on 10 April 2006, by section 8 of the Judicature Amendment Act 2006 (2006 No 16).

*Appeals from decisions of the High Court*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**66 Court may hear appeals from judgments and orders of the High Court**

*[Repealed]*

Section 66: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

*Appeals from inferior courts*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**67 Appeals against decisions of High Court on appeal**

*[Repealed]*

Section 67: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**68 Direct appeal from decision of inferior courts**

*[Repealed]*

Section 68: repealed, on 10 April 2006, by section 10 of the Judicature Amendment Act 2006 (2006 No 16).

**Criminal jurisdiction**

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

*Trial at bar*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**69 Trial at bar**

*[Repealed]*

Section 69: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

*Appeals from convictions**[Repealed]*

Heading: repealed, on 1 April 1958, pursuant to section 214(1) of the Summary Proceedings Act 1957 (1957 No 87).

**70 Appeal from judgment of Supreme Court on conviction***[Repealed]*

Section 70: repealed, on 1 April 1958, by section 214(1) of the Summary Proceedings Act 1957 (1957 No 87).

**Miscellaneous***[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**71 Rules of practice***[Repealed]*

Section 71: repealed, on 1 January 1986, by section 6 of the Judicature Amendment Act (No 2) 1985 (1985 No 112).

**72 Appointment of officers***[Repealed]*

Section 72: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**73 Powers and duties of officers***[Repealed]*

Section 73: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**74 Court seal***[Repealed]*

Section 74: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**75 Power to fix fees***[Repealed]*

Section 75: repealed, on 1 January 1931, by section 4 of the Judicature Amendment Act 1930 (1930 No 14).



### **Part 3**

#### **Rules and provisions of law in judicial matters generally**

*[Repealed]*

Part 3: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

#### *Removal of technical defects*

*[Repealed]*

Heading: repealed, on 1 January 1910, pursuant to section 15(1) of the Inferior Courts Procedure Act 1909 (1909 No 13).

#### **76 Power to courts to amend mistakes and supply omissions in warrants, orders, etc**

*[Repealed]*

Section 76: repealed, on 1 January 1910, by section 15(1) of the Inferior Courts Procedure Act 1909 (1909 No 13).

#### *Limitation of actions*

*[Repealed]*

Heading: repealed, on 1 January 1952, pursuant to section 35(2) of the Limitation Act 1950 (1950 No 65).

#### **77 Limitation of actions for merchants' accounts**

*[Repealed]*

Section 77: repealed, on 1 January 1952, by section 35(2) of the Limitation Act 1950 (1950 No 65).

#### **78 Limitation not barred by claims subsequently arising**

*[Repealed]*

Section 78: repealed, on 1 January 1952, by section 35(2) of the Limitation Act 1950 (1950 No 65).

#### **79 Absence beyond seas or imprisonment of a creditor not to be a disability**

*[Repealed]*

Section 79: repealed, on 1 January 1952, by section 35(2) of the Limitation Act 1950 (1950 No 65).

#### **80 Period of limitation to run as to joint debtors in New Zealand, though some are beyond seas**

*[Repealed]*

Section 80: repealed, on 1 January 1952, by section 35(2) of the Limitation Act 1950 (1950 No 65).

#### **81 Judgment recovered against joint debtors in New Zealand to be no bar to proceeding against others beyond seas after their return**

*[Repealed]*

Section 81: repealed, on 1 January 1952, by section 35(2) of the Limitation Act 1950 (1950 No 65).

**82 Part payment by one contractor, etc, not to prevent bar in favour of another contractor, etc**

*[Repealed]*

Section 82: repealed, on 1 January 1952, by section 35(2) of the Limitation Act 1950 (1950 No 65).

*Sureties*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**83 Consideration for guarantee need not appear by writing**

*[Repealed]*

Section 83: repealed, on 19 October 1956, by section 3(2) of the Contracts Enforcement Act 1956 (1956 No 23).

**84 A surety who discharges the liability to be entitled to assignment of all securities held by the creditor**

*[Repealed]*

Section 84: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**85 Rights of surety in such case**

*[Repealed]*

Section 85: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**86 Rights of co-sureties, etc, as between themselves**

*[Repealed]*

Section 86: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

*Interest on money*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**87 Interest on debts and damages**

- (1) In any proceedings in the High Court, the Court of Appeal, or the Supreme Court for the recovery of any debt or damages, the court may, if it thinks fit, order that there shall be included in the sum for which judgment is given interest at such rate, not exceeding the prescribed rate, as it thinks fit on the whole or any part of the debt or damages for the whole or any part of the period between the date when the cause of action arose and the date of the judgment:

provided that nothing in this subsection shall—

- (a) authorise the giving of interest upon interest; or

- (b) apply in relation to any debt upon which interest is payable as of right, whether by virtue of any agreement, enactment, or rule of law, or otherwise; or
  - (c) affect the damages recoverable for the dishonour of a bill of exchange.
- (2) In any proceedings in the High Court, the Court of Appeal, or the Supreme Court for the recovery of any debt upon which interest is payable as of right, and in respect of which the rate of interest is not agreed upon, prescribed, or ascertained under any agreement, enactment, or rule of law or otherwise, there shall be included in the sum for which judgment is given interest at such rate, not exceeding the prescribed rate, as the court thinks fit for the period between the date as from which the interest became payable and the date of the judgment.
- (3) In this section the term **the prescribed rate** means the rate of 7.5% per annum, or such other rate as may from time to time be prescribed for the purposes of this section by the Governor-General by Order in Council.

Compare: Law Reform (Miscellaneous Provisions) Act 1934 (24 & 25 Geo V ch 41) s 3 (UK)

Section 87: replaced, on 16 October 1952, by section 3 of the Judicature Amendment Act 1952 (1952 No 24).

Section 87 heading: amended, on 21 October 1974, by section 7 of the Judicature Amendment Act 1974 (1974 No 57).

Section 87(1): amended, on 1 January 2004, by section 48(1) of the Supreme Court Act 2003 (2003 No 53).

Section 87(1): amended, on 13 January 1983, by section 4(2) of the District Courts Amendment Act (No 2) 1982 (1982 No 130).

Section 87(1): amended, on 21 October 1974, by section 7(1) of the Judicature Amendment Act 1974 (1974 No 57).

Section 87(2): amended, on 1 January 2004, by section 48(1) of the Supreme Court Act 2003 (2003 No 53).

Section 87(2): amended, on 13 January 1983, by section 4(2) of the District Courts Amendment Act (No 2) 1982 (1982 No 130).

Section 87(2): amended, on 21 October 1974, by section 7(1) of the Judicature Amendment Act 1974 (1974 No 57).

Section 87(3): inserted, on 21 October 1974, by section 7(2) of the Judicature Amendment Act 1974 (1974 No 57).

Section 87(3): 5.0% per year prescribed as the rate for the purposes of section 87, on 1 July 2011, by clause 4 of the Judicature (Prescribed Rate of Interest) Order 2011 (SR 2011/177).

### *Lost instruments*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

## **88 Actions on lost instruments**

*[Repealed]*

Section 88: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

*Continued exercise of powers by judicial officers*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**88A Judicial officers to continue in office to complete proceedings**

*[Repealed]*

Section 88A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

*Miscellaneous provisions and rules of law*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**88B Restriction on institution of vexatious actions**

*[Repealed]*

Section 88B: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**89 Administration suits**

*[Repealed]*

Section 89: repealed, on 1 January 1953, by section 79(1) of the Administration Act 1952 (1952 No 56).

**90 Stipulations not of the essence of contracts**

*[Repealed]*

Section 90: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**91 Damages by collision at sea**

*[Repealed]*

Section 91: repealed, on 1 May 1913, by section 10 of the Shipping and Seamen Amendment Act 1912 (1912 No 53).

**92 Discharge of debt by acceptance of part in satisfaction**

*[Repealed]*

Section 92: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**93 Provisions of 9 Geo IV, c 14, ss 1 and 8, extended to acknowledgments by agents**

*[Repealed]*

Section 93: repealed, on 1 January 1952, by section 35(2) of the Limitation Act 1950 (1950 No 65).

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

*[Repealed]*

Section 94: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**94A Recovery of payments made under mistake of law**

*[Repealed]*

Section 94A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**94B Payments made under mistake of law or fact not always recoverable**

*[Repealed]*

Section 94B: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**95 Limitation of time within which wills may be impeached**

*[Repealed]*

Section 95: repealed, on 1 January 1952, by section 35(2) of the Limitation Act 1950 (1950 No 65).

**96 Jurisdiction as to costs in administration suits**

*[Repealed]*

Section 96: repealed, on 1 January 1953, by section 79(1) of the Administration Act 1952 (1952 No 56).

**97 Court empowered to grant special relief in cases of encroachment**

*[Repealed]*

Section 97: repealed, on 18 September 1950, by section 3(2) of the Property Law Amendment Act 1950 (1950 No 27).

**98 Custody and education of infants**

*[Repealed]*

Section 98: repealed, on 1 January 1970, by section 35(1) of the Guardianship Act 1968 (1968 No 63).

**98A Proceedings in lieu of writs**

*[Repealed]*

Section 98A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**99 In cases of conflict rules of equity to prevail**

*[Repealed]*

Section 99: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**99A Costs where intervener or counsel assisting court appears**

*[Repealed]*

Section 99A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**99B Technical advisers**

*[Repealed]*

Section 99B: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**99C Appointment and other matters**

*[Repealed]*

Section 99C: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**99D Procedure and rules relating to technical advisers**

*[Repealed]*

Section 99D: repealed, on 18 October 2016, by section 182(1) of the Senior Courts Act 2016 (2016 No 48).

**100 Independent medical examination**

*[Repealed]*

Section 100: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**100A Regulations**

*[Repealed]*

Section 100A: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**100B Reviews of decisions of Registrars concerning fees**

*[Repealed]*

Section 100B: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**101 Words imputing unchastity to women actionable without special damage**

*[Repealed]*

Section 101: repealed, on 29 September 1954, by section 23(1) of the Defamation Act 1954 (1954 No 46).

**Schedule 1**  
**Enactments consolidated**

*[Repealed]*

s 1(2)

Schedule 1: repealed, on 1 March 2017, by section 182(2) of the Senior Courts Act 2016 (2016 No 48).

**Schedule 2**  
**High Court Rules**

*[Repealed]*

Schedule 2: repealed, on 18 October 2016, pursuant to sections 147 and 154 of the Senior Courts Act 2016 (2016 No 48).

**Schedule 3**  
**Rules of the Court of Appeal**

*[Repealed]*

s 72

Schedule 3: repealed, on 21 October 1974, by section 4(2)(a) of the Judicature Amendment Act 1974 (1974 No 57).

## Judicature Amendment Act 1910

Public Act	1910 No 27
Date of assent	21 November 1910
Commencement	21 November 1910

### 1 Short Title

This Act may be cited as the Judicature Amendment Act 1910, and shall form part of and be read together with the Judicature Act 1908.

### 3 Execution of instruments by order of the High Court

- (1) Where any person neglects or refuses to comply with a judgment or order of the High Court or Court of Appeal directing him to execute any conveyance, contract, or other document, or to indorse any negotiable instrument, the High Court may, on such terms and conditions (if any) as may be just, order that such conveyance, contract, or other document shall be executed or that such negotiable instrument shall be indorsed by such person as the High Court may nominate for that purpose; and in such case the conveyance, contract, document, or instrument so executed or indorsed shall operate and be for all purposes available as if it had been executed or indorsed by the person originally directed to execute or indorse it.
- (2) This section shall not affect any action or other proceeding already commenced in any court, or invalidate anything heretofore lawfully done, or validate anything already declared to be invalid in any proceedings heretofore taken in any court.

Section 3 heading: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 3(1): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

### 4 Court or Judge to have discretion in cases coming within paragraphs (c) and (d) of section 3 of the Imprisonment for Debt Limitation Act 1908

In any case coming within the exceptions specified in paragraphs (c) and (d) of section 3 of the Imprisonment for Debt Limitation Act 1908, or within either of those exceptions, any court or Judge making the order for payment, or having jurisdiction in the action or proceeding in which the order for payment is made, may inquire into the case, and (subject to the provisos contained in the said section 3) may grant or refuse, either absolutely or upon terms, any application for a writ of attachment, or other process or order of arrest or imprisonment, and any application to stay the operation of any such writ, process, or order, or for discharge from arrest or imprisonment thereunder.



## Judicature Amendment Act 1952

Public Act	1952 No 24
Date of assent	16 October 1952
Commencement	16 October 1952

### **1 Short Title**

This Act may be cited as the Judicature Amendment Act 1952, and shall be read together with and deemed part of the Judicature Act 1908 (hereinafter referred to as “the principal Act”).

### **2 Offices of the High Court**

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Every office of the court heretofore established shall be deemed to have been lawfully established.

Section 2 heading: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

## Judicature Amendment Act 1972

Public Act	1972 No 130
Date of assent	20 October 1972
Commencement	20 October 1972

### 1 Short Title

This Act may be cited as the Judicature Amendment Act 1972, and shall be read together with and deemed part of the Judicature Act 1908 (hereinafter referred to as “the principal Act”).

### Part 1

#### Single procedure for the judicial review of the exercise of or failure to exercise a statutory power

### 2 Relation to Part 1 of principal Act and commencement of this Part

- (1) This Part shall be deemed part of Part 1 of the principal Act.
- (2) This Part shall come into force on 1 January 1973.

### 3 Interpretation

In this Part, unless the context otherwise requires,—

**application for review** means an application under subsection (1) of section 4

**decision** includes a determination or order

**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 District Court, the Compensation Court, the Maori Land Court, and the Maori Appellate Court

**statutory power** 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—

- (a) to make any regulation, rule, bylaw, or order, or to give any notice or direction having force as subordinate legislation; or
- (b) to exercise a statutory power of decision; or
- (c) to require any person to do or refrain from doing any act or thing that, but for such requirement, he would not be required by law to do or refrain from doing; or

- (d) to do any act or thing 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

**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 he is legally entitled to it or not.

Section 3 **person**: amended, on 1 August 1987, by section 341 of the Labour Relations Act 1987 (1987 No 77).

Section 3 **person**: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 3 **statutory power**: amended, on 7 October 1977, by section 10(1) of the Judicature Amendment Act 1977 (1977 No 32).

Section 3 **statutory power** paragraph (d): amended, on 7 October 1977, by section 10(2) of the Judicature Amendment Act 1977 (1977 No 32).

Section 3 **statutory power** paragraph (e): inserted, on 7 October 1977, by section 10(2) of the Judicature Amendment Act 1977 (1977 No 32).

Section 3 **statutory power of decision**: amended, on 7 October 1977, by section 10(3) of the Judicature Amendment Act 1977 (1977 No 32).

### 3A Jurisdiction of Employment Court

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 applications for review or proceedings for a writ or order of, or in the nature of, mandamus, prohibition, certiorari, or for a declaration or injunction against any body constituted by, or any person acting pursuant to, the Employment Relations Act 2000.

Section 3A: replaced, on 2 October 2000, by section 240 of the Employment Relations Act 2000 (2000 No 24).

Section 3A: amended, on 1 December 2004, by section 72 of the Employment Relations Amendment Act (No 2) 2004 (2004 No 86).

## 4 Application for review

- (1) On an application which may be called an application for review, the High Court may, notwithstanding any right of appeal possessed by the applicant in relation to the subject matter of the application, by order grant, in relation to the exercise, refusal to exercise, or proposed or purported exercise by any person of a statutory power, any relief that the applicant would be entitled to, in any 1 or more of the proceedings for a writ or order of or in the nature of man-

- damus, prohibition, or certiorari or for a declaration or injunction, against that person in any such proceedings.
- (2) Where on an application for review the 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 such a declaration, set aside the decision.
- (2A) Notwithstanding any rule of law to the contrary, it shall not be a bar to the grant of relief in proceedings for a writ or an order of or in the nature of certiorari or prohibition, or to the grant of relief on an application for review, that the person who has exercised, or is proposing to exercise, a statutory power was not under a duty to act judicially; but this subsection shall not be construed to enlarge or modify the grounds on which the court may treat an applicant as being entitled to an order of or in the nature of certiorari or prohibition under the foregoing provisions of this section.
- (3) Where in any of the proceedings referred to in subsection (1) the court had, before the commencement of this Part, a discretion to refuse to grant relief on any grounds, it shall have the like discretion, on like grounds, to refuse to grant any relief on an application for review.
- (4) Subsection (3) shall not apply to the discretion of the court, before the commencement of this Part, to refuse to grant relief in any of the said proceedings on the ground that the relief should have been sought in any other of the said proceedings.
- (5) Without limiting the generality of the foregoing provisions of this section, on an application for review in relation to the exercise, refusal to exercise, or purported exercise of a statutory power of decision the court if it is satisfied that the applicant is entitled to relief under subsection (1), may, in addition to or instead of granting any other relief under the foregoing provisions of this section, 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. In giving any such direction the court shall—
- (a) advise the person of its reasons for so doing; and
  - (b) give to him 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.
- (5A) If the court gives a direction under subsection (5) it may make any order that it could make by way of interim order under section 8, and that section shall apply accordingly, so far as it is applicable and with all necessary modifications.
- (5B) Where any matter is referred back to any person under subsection (5), that person shall have jurisdiction to reconsider and determine the matter in accord-

ance with the court's direction notwithstanding anything in any other enactment.

- (5C) Where any matter is referred back to any person under subsection (5), the act or omission that is to be reconsidered shall, subject to any interim order made by the court under subsection (5A), continue to have effect according to its tenor unless and until it is revoked or amended by that person.
- (6) In reconsidering any matter referred back to him under subsection (5) the person to whom it is so referred shall have regard to the court's reasons for giving the direction and to the court's directions.

Section 4(1): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 4(1): amended, on 7 October 1977, by section 13(2)(a) of the Judicature Amendment Act 1977 (1977 No 32).

Section 4(2A): inserted, on 7 October 1977, by section 11(1) of the Judicature Amendment Act 1977 (1977 No 32).

Section 4(5): amended, on 7 October 1977, by section 11(2) of the Judicature Amendment Act 1977 (1977 No 32).

Section 4(5A): inserted, on 7 October 1977, by section 11(3) of the Judicature Amendment Act 1977 (1977 No 32).

Section 4(5B): inserted, on 7 October 1977, by section 11(3) of the Judicature Amendment Act 1977 (1977 No 32).

Section 4(5C): inserted, on 7 October 1977, by section 11(3) of the Judicature Amendment Act 1977 (1977 No 32).

## **5 Defects in form, or technical irregularities**

On an application for review in relation to a statutory power of decision, where the sole ground of relief established is a defect in form or a technical irregularity, if the court finds that no substantial wrong or miscarriage of justice has occurred, it may refuse relief and, where the decision has already been made, may make an order validating the decision, notwithstanding the defect or irregularity, to have effect from such time and on such terms as the court thinks fit.

## **6 Disposal of proceedings for mandamus, prohibition, or certiorari**

Where proceedings are commenced for a writ or order of or in the nature of mandamus, prohibition, or certiorari, in relation to the exercise, refusal to exercise, or proposed or purported exercise of a statutory power, the proceedings shall be treated and disposed of as if they were an application for review.

## **7 Disposal of proceedings for declaration or injunction**

Where proceedings are commenced for a declaration or injunction, or both, whether with or without a claim for other relief, and the exercise, refusal to exercise, or proposed or purported exercise of a statutory power is an issue in the proceedings, the court on the application of any party to the proceedings may, if it considers it appropriate, direct that the proceedings be treated and disposed of, so far as they relate to that issue, as if they were an application for review.

**8 Interim orders**

- (1) Subject to subsection (2), at any time before the final determination of an application for review, and on the application of any party, the court may, if in its opinion it is necessary to do so for the purpose of preserving the position of the applicant, make an interim order for all or any of the following purposes:
  - (a) prohibiting any respondent to the application for review 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 for review relates:
  - (c) declaring any licence that has been revoked or suspended in the exercise of the statutory power, or that will expire by effluxion of time before the final determination of the application for review, to continue and, where necessary, to be deemed to have continued in force.
- (2) Where the Crown is the respondent (or one of the respondents) to the application for review the court shall not have power to make any order against the Crown under paragraph (a) or paragraph (b); but, instead, in any such case the court may, by interim order,—
  - (a) declare that the Crown ought not to take any further action that is or would be consequential on the exercise of the statutory power:
  - (b) declare that the Crown ought not to institute or continue with any proceedings, civil or criminal, in connection with any matter to which the application for review relates.
- (3) Any order under subsection (1) or subsection (2) may be made subject to such terms and conditions as the court thinks fit, and may be expressed to continue in force until the application for review is finally determined or until such other date, or the happening of such other event, as the court may specify.

Section 8: replaced, on 7 October 1977, by section 12 of the Judicature Amendment Act 1977 (1977 No 32).

**9 Procedure**

- (1) An application for review shall be made by motion accompanied by a statement of claim.
- (2) The statement of claim shall—
  - (a) state the facts on which the applicant bases his claim to relief:
  - (b) state the grounds on which the applicant seeks relief:
  - (c) state the relief sought.
- (3) It shall not be necessary for the statement of claim to specify the proceedings referred to in section 4(1) in which the claim would have been made before the commencement of this Part.

- (4) The person whose act or omission is the subject matter of the application for review, and, subject to any direction given by a Judge under section 10, every party to the proceedings (if any) in which any decision to which the application relates was made, shall be cited as a respondent.
- (4A) For the purposes of subsection (4), where the act or omission is that of a Judge, Registrar, or presiding officer of any court or tribunal,—
- (a) that court or tribunal, and not that Judge, Registrar, or presiding officer, shall be cited as a respondent; but
- (b) that Judge, Registrar, or presiding officer may file, on behalf of that court or tribunal, a statement of defence to the statement of claim.
- (5) For the purposes of subsection (4), where the act or omission is that of any 2 or more persons acting together under a collective title, they shall be cited by their collective title.
- (6) Subject to any direction given by a Judge under section 10, every respondent to the application for review shall file a statement of his defence to the statement of claim.
- (7) Subject to this Part, the procedure in respect of any application for review shall be in accordance with rules of court.

Section 9: replaced, on 7 October 1977, by section 13(1) of the Judicature Amendment Act 1977 (1977 No 32).

Section 9(4A): inserted, on 15 August 1991, by section 7 of the Judicature Amendment Act 1991 (1991 No 60).

## **10 Powers of Judge to call conference and give directions**

- (1) For the purpose of ensuring that any application or intended application for review may be determined in a convenient and expeditious manner, and that all matters in dispute may be effectively and completely determined, a Judge may at any time, either on the application of any party or intended party or without any such application, and on such terms as he thinks fit, direct the holding of a conference of parties or intended parties or their counsel presided over by a Judge.
- (2) At any such conference the Judge presiding may—
- (a) settle the issues to be determined:
- (b) direct what persons shall be cited, or need not be cited, as respondents to the application for review, or direct that the name of any party be added or struck out:
- (c) direct what parties shall be served:
- (d) direct by whom and within what time any statement of defence shall be filed:
- (e) require any party to make admissions in respect of questions of fact; and, if that party refuses to make an admission in respect of any such ques-

tion, that party shall be liable to bear the costs of proving that question, unless the Judge by whom the application for review is finally determined is satisfied that the party's refusal was reasonable in all the circumstances, and accordingly orders otherwise in respect of those costs:

- (f) fix a time by which any affidavits or other documents shall be filed:
  - (g) fix a time and place for the hearing of the application for review:
  - (h) require further or better particulars of any facts, or of the grounds for relief, or of the relief sought, or of the grounds of defence, or of any other circumstances connected with the application for review:
  - (i) require any party to make discovery of documents, or permit any 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 in court, and give such directions as he thinks fit as to its filing:
  - (k) exercise any powers of direction or appointment vested in the court or a Judge by its rules of court in respect of originating applications:
  - (l) give such consequential directions as may be necessary.
- (3) Notwithstanding any of the foregoing provisions of this section, a Judge may, at any time before the hearing of an application for review has been commenced, exercise any of the powers specified in subsection (2) without holding a conference under subsection (1).

Section 10: replaced, on 7 October 1977, by section 14 of the Judicature Amendment Act 1977 (1977 No 32).

## **11 Appeals**

Any party to an application for review who is dissatisfied with any final or interlocutory order in respect of the application may appeal to the Court of Appeal; and section 66 of the principal Act shall apply to any such appeal.

## **13 This Part to bind the Crown**

Subject to section 14, this Part shall bind the Crown.

## **14 Application of Crown Proceedings Act 1950**

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) In its application to the Crown, this Part shall be read subject to the Crown Proceedings Act 1950, as amended by subsection (1).

## **16 References in enactments**

Subject to sections 14 and 15, every reference to any enactment (other than this Act), or in any regulation, to any of the proceedings referred to in subsection



(1) of section 4 shall hereafter, unless the context otherwise requires, be read as including a reference to an application for review.

## **Part 2**

### **Miscellaneous amendments**

#### **20 Sheriffs and Deputy Sheriffs**

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Every person who at the commencement of this section holds office as Deputy Sheriff shall continue to hold that office as if he had been appointed pursuant to section 29 of the principal Act (as substituted by this section).
- (3) This section shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Order in Council.

Section 20: brought into force, on 1 April 1973, by the Judicature Amendment Act Commencement Order 1973 (SR 1973/36).

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## Judicature Amendment Act 1997

Public Act	1997 No 10
Date of assent	22 May 1997
Commencement	see section 1(2)

### 1 Short Title

- (1) This Act may be cited as the Judicature Amendment Act 1997, and is part of the Judicature Act 1908 (“the principal Act”).
- (2) This Act comes into force on the date on which it receives the Royal assent.

### 4 Validations

- (1) All persons who have, in the period beginning on 1 April 1988 and ending with the commencement of this Act, been appointed under the State Sector Act 1988 as Registrars, Deputy Registrars, ushers, Clerks, criers, or other officers of the High Court or the Court of Appeal are deemed to be, and to have always been, validly appointed to their respective offices.
- (2) Where any person is deemed, by subsection (1), to have been validly appointed as an officer of the High Court, any action taken by that person, in his or her capacity as an officer of the High Court, in the period beginning on 1 April 1988 and ending with the commencement of this Act, is deemed to be, and to have always been, as valid as it would have been if that person had been validly appointed to the office in accordance with section 27 of the principal Act (in the form in which that section stood at the time of that person’s appointment).
- (3) Where any person is deemed, by subsection (1), to have been validly appointed as an officer of the Court of Appeal, any action taken by that person in his or her capacity as an officer of the Court of Appeal, in the period beginning on 1 April 1988 and ending with the commencement of this Act, is deemed to be, and to have always been, as valid as it would have been if that person had been validly appointed to the office in accordance with section 72 of the principal Act (in the form in which that section stood at the time of that person’s appointment).

## **High Court Amendment (Wills Act 2007) Rules 2007** (SR 2007/313)

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 15th day of October 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 51C of the Judicature Act 1908, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice and 2 other members of the Rules Committee (of whom at least 1 was a Judge of the High Court), makes the following rules.

### **Rules**

**1 Title**

These rules are the High Court Amendment (Wills Act 2007) Rules 2007.

**2 Commencement**

These rules come into force on 1 November 2007.

**4 Wills to which these rules apply**

- (1) These rules apply to the wills of persons who die on or after 1 November 2007.
- (2) These rules do not apply to the wills of persons who die before 1 November 2007, except rule 6, which does apply to the wills of persons who die before 1 November 2007.
- (3) The High Court Rules set out in Schedule 2 of the Judicature Act 1908 before their amendment by these rules, except for the amendment in rule 6, apply to the wills of persons who die before 1 November 2007.

Diane Morcom,  
Clerk of the Executive Council.

Date of notification in *Gazette*: 18 October 2007.

## Judicature (High Court Rules) Amendment Act 2008

Public Act	2008 No 90
Date of assent	25 September 2008
Commencement	see section 2

### 1 Title

This Act is the Judicature (High Court Rules) Amendment Act 2008.

### 2 Commencement

- (1) This Act comes into force on 1 February 2009.
- (2) Despite subsection (1), subparts 15 and 16 of Part 5 of the High Court Rules (as substituted by section 8) come into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made appointing different dates for different provisions.

### 3 Principal Act amended

This Act amends the Judicature Act 1908.

### 4 Purpose

The purpose of this Act is to—

- (a) re-enact the High Court Rules in a more accessible form;
- (b) repeal provisions for district rules;
- (c) provide for the electronic filing of court documents;
- (d) enable judgment creditors to attach salaries, wages, and benefits of judgment debtors.

## Part 1

### Amendments to principal Act

#### 8 New Schedule 2 substituted

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Despite subsection (1), Part 15 and forms 83 to 88 of the High Court Rules (which relate to constituency election petitions) as in force immediately before the commencement of this section continue in force until they are revoked by rules made under section 51C.

## Part 2

### Transitional provisions and consequential amendments

#### 9 Transitional provisions

- (1) Subsections (2) to (5) of this section apply to a proceeding that is commenced before the commencement of section 8 and that has not been completed by that date (a **pending proceeding**).
- (2) A pending proceeding must be continued, completed, and enforced under the High Court Rules set out in Schedule 2 as substituted by section 8.
- (3) Subsection (2) is subject to subsection (4).
- (4) If,—
  - (a) on the commencement of section 8, time is running on the period within which the High Court Rules require or permit a step to be taken in a pending proceeding; and
  - (b) the period prescribed by the High Court Rules in respect of that step, as in force immediately before that commencement, differs from that prescribed on that commencement,—then the period required or permitted for that step is the longer period.
- (5) Subsection (4) does not apply to any order made by a Judge.
- (6) If judgment has been sealed in a proceeding commenced before the commencement of section 8, any enforcement process permitted by the new High Court Rules as substituted by that section may be issued, but any execution or enforcement process that has been issued but not completed before that commencement must be completed as if section 8 had not been enacted.
- (7) In this section,—

**Judge** includes an Associate Judge

**judgment** includes a decree or order of the court

**proceeding** means any application to the court, however commenced, for the exercise of the civil jurisdiction of the court.

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## High Court Amendment Rules 2009

(SR 2009/75)

Anand Satyanand, Governor-General

### Order in Council

At Wellington this 6th day of April 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 51C of the Judicature Act 1908, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice and at least 2 other members of the Rules Committee (of whom at least 1 was a Judge of the High Court), makes the following rules.

### Rules

**1 Title**

These rules are the High Court Amendment Rules 2009.

**2 Commencement**

These rules come into force on 15 May 2009.

**9 Transitional provision**

Rule 20.8, as in force immediately before the commencement of these rules, continues to apply to appeals filed before the commencement of these rules.

Michael Webster,  
for Clerk of the Executive Council.

Date of notification in *Gazette*: 9 April 2009.

**High Court (Access to Court Documents) Amendment  
Rules 2009**  
(SR 2009/133)

Anand Satyanand, Governor-General

**Order in Council**

At Wellington this 11th day of May 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 51C of the Judicature Act 1908, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice and at least 2 other members of the Rules Committee (of whom at least 1 was a Judge of the High Court), makes the following rules.

**Rules**

**1 Title**

These rules are the High Court (Access to Court Documents) Amendment Rules 2009.

**2 Commencement**

These rules come into force on 12 June 2009.

**7 Transitional provision**

Any application or appeal under subpart 2 of Part 3 of the High Court Rules (as in force immediately before the commencement of these rules) that is not disposed of on the commencement of these rules must be dealt with as if rule 4 of these rules had not been made.

Michael Webster,  
for Clerk of the Executive Council.

Date of notification in *Gazette*: 14 May 2009.

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## Judicature (Judicial Matters) Amendment Act 2010

Public Act	2010 No 7
Date of assent	22 March 2010
Commencement	see section 2

### 1 Title

This Act is the Judicature (Judicial Matters) Amendment Act 2010.

### 2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

### *Higher duties allowance for High Court Judges serving on Court of Appeal*

### 5 Allowances paid previously

- (1) This section applies to higher duties allowances paid out of public money before the commencement of this section to Judges who, for the periods in respect of which the allowances were paid,—
  - (a) were not Judges of the Court of Appeal holding office under section 57(2) of the Judicature Act 1908; but
  - (b) were under sections 58A to 58C or section 58F of that Act serving as a member of a criminal or civil division, or as a member of the Full Court, of the Court of Appeal.
- (2) Those allowances must be taken to be, and to always have been, as authorised and valid as allowances calculated, appropriated, and paid in accordance with sections 9A, 11, and 11A of the Judicature Act 1908 (as those sections are amended by section 4 of this Act).



## **High Court Amendment Rules 2010** (SR 2010/88)

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 19th day of April 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 51C of the Judicature Act 1908, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice and at least 2 other members of the Rules Committee established under section 51B of the Judicature Act 1908 (of whom at least 1 was a Judge of the High Court), makes the following rules.

### **Rules**

#### **1 Title**

These rules are the High Court Amendment Rules 2010.

#### **2 Commencement**

These rules come into force on 24 May 2010.

#### **5 Transitional provision**

- (1) Costs in a proceeding commenced after the coming into force of these rules must be determined in accordance with the High Court Rules as amended by these rules.
- (2) Costs in a proceeding commenced before the coming into force of these rules must be determined,—
  - (a) in the case of a step in the proceeding taken before the coming into force of these rules, in accordance with the High Court Rules as in force immediately before the coming into force of these rules;
  - (b) in the case of a step in the proceeding taken after the coming into force of these rules, in accordance with the High Court Rules as amended by these rules.

- (3) For the purposes of subclause (2), a step in a proceeding described in the first column of Schedule 2 of these rules is taken on the date appearing opposite that step in the second column of that schedule.

**Schedule 2**  
**Dates on which steps taken for purposes of rule 5(3)**

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<b>Step in proceeding</b>	<b>Date on which step taken</b>
1 A step that requires the filing of a document or a number of documents	The date on which the document or the first of the documents is filed
2 Appearance in court or in chambers for each day or part of a day	The date of the actual appearance
3 Production of documents for inspection	The date on which the affidavit listing those documents is filed
4 Inspection of documents	The date on which the affidavit listing those documents is filed
5 Preparation for hearing	The first day of the hearing or, if the hearing does not eventuate, the hearing date allocated

Rebecca Kitteridge,  
Clerk of the Executive Council.

Date of notification in *Gazette*: 22 April 2010.

## **High Court Amendment Rules (No 2) 2010** (SR 2010/394)

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 1st day of November 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 51C of the Judicature Act 1908, His Excellency the Governor-General, acting on the advice and with the concurrence of the Right Honourable the Chief Justice and at least 2 other members of the Rules Committee (of whom at least 1 was a Judge of the High Court), makes the following rules.

### **Rules**

#### **1 Title**

These rules are the High Court Amendment Rules (No 2) 2010.

#### **2 Commencement**

- (1) These rules (other than Part 5 and Part 6) come into force on 1 January 2011.
- (2) Part 5 comes into force on the date when the Unit Titles Act 2010 comes into force.
- (3) Part 6 comes into force on 2 December 2010.

#### **3 Principal rules amended**

These rules amend the High Court Rules set out in Schedule 2 of the Judicature Act 1908.

### **Part 2**

#### **Constituency election petitions**

#### **14 Revocation of constituency election petition rules**

Part 15 and forms 83 to 88 of the High Court Rules (relating to constituency election petitions), which continued in force under section 8(2) of the Judicature (High Court Rules) Amendment Act 2008 despite the enactment of the

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Constituency Election Petition Rules 2008 superseding those provisions, are revoked as from 1 February 2009.

Rebecca Kitteridge,  
Clerk of the Executive Council.

Date of notification in *Gazette*: 4 November 2010.

## Reprints notes

### 1 *General*

This is a reprint of the Judicature Act 1908 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### 2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### 3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### 4 *Amendments incorporated in this reprint*

Senior Courts Act 2016 (2016 No 48): sections 147, 154 and 182(1), (2)

Judicature (Prescribed Rate of Interest) Order 2011 (SR 2011/177): clause 4

Immigration Act 2009 (2009 No 51): section 406(1)

Juries Amendment Act 2008 (2008 No 40): sections 16(2), 19(3)

Judicature Amendment Act 2006 (2006 No 16)

Supreme Court Act 2003 (2003 No 53) sections 43–45, 48(1), (2)

Habeas Corpus Act 2001 (2001 No 31): section 22(1)

Judicature Amendment Act 1998 (1998 No 52)

Judicature Amendment Act 1991 (1991 No 60)

Constitution Act 1986 (1986 No 114): sections 5(2), 27, 29(2)

Judicature Amendment Act (No 2) 1985 (1985 No 112)

District Courts Amendment Act (No 2) 1982 (1982 No 130): section 4(2)

Judicature Amendment Act 1981 (1981 No 40)

Judicature Amendment Act 1979 (1979 No 124)

Judicature Amendment Act 1978 (1978 No 55)

Judicature Amendment Act 1974 (1974 No 57)

Judicature Amendment Act 1972 (1972 No 130)

Guardianship Act 1968 (1968 No 63): sections 35(1), 36(1)

Judicature Amendment Act (No 2) 1968 (1968 No 59)

Summary Proceedings Act 1957 (1957 No 87): section 214(1)

Contracts Enforcement Act 1956 (1956 No 23): section 3(2)

Superannuation Amendment Act 1955 (1955 No 107): section 18(1)

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Defamation Act 1954 (1954 No 46): section 23(1)  
Administration Act 1952 (1952 No 56): section 79(1)  
Judicature Amendment Act 1952 (1952 No 24)  
Limitation Act 1950 (1950 No 65): section 35(2)  
Property Law Amendment Act 1950 (1950 No 27): section 3(2)  
Statutes Amendment Act 1947 (1947 No 60): section 28(7)  
Judicature Amendment Act 1930 (1930 No 14)  
Shipping and Seamen Amendment Act 1912 (1912 No 53): section 10  
Inferior Courts Procedure Act 1909 (1909 No 13): section 15(1)