Version
as at 10 July 2026

Disputes Tribunal Act 1988

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Date of assent	28 July 1988
Commencement	see section 1(2)

Act name: amended, on 1 March 2017, by section 257(a) of the District Court Act 2016 (2016 No 49).

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

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Title *[Repealed]*

Title: repealed, on 1 March 2017, by section 258 of the District Court Act 2016 (2016 No 49).

1 Title and commencement

(1) This Act is the Disputes Tribunal Act 1988.

(2) This Act shall come into force on 1 March 1989.

Section 1 heading: amended, on 1 March 2017, by section 259(1) of the District Court Act 2016 (2016 No 49).

Section 1(1): amended, on 1 March 2017, by section 259(2) of the District Court Act 2016 (2016 No 49).

1A Purpose

The purpose of this Act is to consolidate and amend the Small Claims Tribunals Act 1976.

Section 1A: inserted, on 1 March 2017, by section 260 of the District Court Act 2016 (2016 No 49).

2 Interpretation

In this Act, unless the context otherwise requires,—

applicant means a person who lodges a claim with the Tribunal or who claims relief in any proceedings transferred to the Tribunal under section 24(3) or (4) or section 37; and includes any person who becomes a party to proceedings on any claim in the capacity of an applicant

authenticated, in relation to an acknowledgement under section 28 or section 29, means—

(a) that the acknowledgement is signed and dated; or

(b) if the acknowledgement is in electronic form, that it, by the use of any electronic means, adequately identifies the person responsible for its content and the date of authentication

chief executive means the chief executive of the Ministry of Justice

claim means a cause of action in respect of which—

(a) the Tribunal has jurisdiction under sections 10 to 11; and

(b) proceedings have been—

(i) commenced in the Tribunal under section 24(1); or

(ii) transferred to the Tribunal under section 24(3) or (4) or section 37

intellectual property means any property right constituted by the Patents Act 2013, the Designs Act 1953, the Trade Marks Act 2002, the Copyright Act 1994, or the Plant Variety Rights Act 2022

Investigator means a person appointed under section 41(1) to inquire into, and report to the Tribunal upon, any matter of fact

lodge, except for the purposes of sections 50 and 51, in relation to a document, means to lodge or file the document in, or to send it by post or electronically to, any office of the Disputes Tribunal together with the filing fee (if any) that is payable, and **lodges**, **lodging**, and **lodged** have corresponding meanings

Minister means the Minister of Justice

prescribed means prescribed by rules made under this Act

Principal Disputes Referee means a person holding office as such under section 6A

Referee means a person holding office as such under section 7

Registrar means—

(a) the person appointed under section 4B(1) as the Disputes Tribunal Registrar; or

(b) a Registrar or Deputy Registrar of the District Court performing functions under this Act

respondent means any person against whom a claim is made, and any person who becomes a party to the proceedings on that claim in the capacity of a respondent

Tribunal means the Disputes Tribunal established as a division of the District Court under section 4

work order means an order to make good a defect in any property, or a deficiency in the performance of services, by doing such work or attending to such matters (including the replacement of any property) as may be specified in the order

writing, except for the purposes of sections 6A, 6B, 6D, 7, and 40, includes writing in an electronic form, and **written record** has a corresponding meaning.

Section 2 **applicant**: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 2 **authenticated**: inserted, on 14 November 2018, by section 26(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 2 **chief executive**: inserted, on 14 November 2018, by section 26(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 2 **claim** paragraph(a): amended, on 14 November 2018, by section 26(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 2 **claim** paragraph (a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 2 **claim** paragraph (b)(i): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 2 **claim** paragraph (b)(ii): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 2 **intellectual property**: amended, on 24 January 2023, by section 159 of the Plant Variety Rights Act 2022 (2022 No 61).

Section 2 **intellectual property**: amended, on 13 September 2014, by section 249 of the Patents Act 2013 (2013 No 68).

Section 2 **intellectual property**: amended, on 20 August 2003, by section 201 of the Trade Marks Act 2002 (2002 No 49).

Section 2 **intellectual property**: amended, on 1 January 1995, by section 236(1) of the Copyright Act 1994 (1994 No 143).

Section 2 **Investigator**: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 2 **lodge**: inserted, on 14 November 2018, by section 26(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 2 **no claims bonus**: repealed, on 14 November 2018, by section 26(4) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 2 **Principal Disputes Referee**: inserted, on 3 July 1998, by section 2 of the Disputes Tribunals Amendment Act 1998 (1998 No 84).

Section 2 **Registrar**: replaced, on 14 November 2018, by section 26(5) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 2 **Tribunal**: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 2 **work order**: amended, on 14 November 2018, by section 26(6) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 2 **writing**: inserted, on 14 November 2018, by section 26(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 2A: inserted, on 29 October 2019, by section 27 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

3 Act to bind the Crown

This Act binds the Crown.

Part 1
Establishment of Tribunal

Part 1 heading: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

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.

Section 4: replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

4A Offices of Tribunal

The Minister 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.

Section 4A: inserted, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

4B Registry of Disputes Tribunal

(1) The chief executive may establish a Registry for the Disputes Tribunal and may appoint a person to be the Disputes Tribunal Registrar.

(2) The office of Disputes Tribunal Registrar may be held in conjunction with any other office in the public service.

(3) The functions of the Disputes Tribunal Registrar are—

(a) to ensure the orderly and efficient administration of the Registry; and

(b) to give directions or advice, as appropriate, to Registry staff to enhance the consistency of the Registry's performance.

(4) The Ministry of Justice must provide the resources and administrative support necessary to enable the Disputes Tribunal to perform its functions.

Section 4B: inserted, on 14 November 2018, by section 28 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

5 Exercise of Tribunal's jurisdiction

(1) The jurisdiction of the Tribunal shall be exercised by a Referee holding office under section 7.

(2) If the Referee hearing any proceedings in respect of a claim dies, or becomes incapacitated, or is for any other reason unable or unavailable to complete the

hearing or dispose of the proceedings, they shall be heard afresh by another Referee, unless the parties agree that the proceedings be disposed of in another way.

Compare: 1976 No 35 s 5

Section 5(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

6 Sittings of Tribunal and rostering and training of Referees

(1) A Registrar must schedule the days, times, and places for the regular sittings of the Tribunal and, when doing so, must implement any directions given under subsection (2).

(2) The Principal Disputes Referee is responsible for the rostering and training of Referees and may give any directions he or she considers necessary for these purposes. Before giving any direction, the Principal Disputes Referee must consult the Chief District Court Judge.

(3) If for any reason the office of Principal Disputes Referee is vacant, or if for any reason the Principal Disputes Referee is unable to perform his or her functions under subsection (2), the Chief District Court Judge must—

(a) assess and fulfil the training needs of Referees; and

(b) roster Referees.

Section 6: replaced, on 14 November 2018, by section 29 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

6A Appointment of Principal Disputes Referee

(1) The Governor-General may, from time to time, by warrant under his or her hand and on the advice of the Minister of Justice, appoint a Principal Disputes Referee.

(2) No person may be appointed as Principal Disputes Referee unless that person—

(a) holds a Bachelor of Laws from a university in New Zealand or a qualification that the Minister considers is equivalent to such a Bachelor of Laws; and

(b) is capable, because of the person's personal attributes, knowledge, and experience, of performing the functions of a Referee and the functions of the Principal Disputes Referee set out in section 6C.

(3) The criteria and procedures for appointment may be further prescribed by rules made under section 60; but the failure to make any such rules does not preclude the appointment or reappointment of a person as Principal Disputes Referee.

(4) Subject to subsection (5), every person appointed as Principal Disputes Referee holds office for a term of up to 5 years and, subject to subsection (2), may from time to time be reappointed.

(5) A Principal Disputes Referee may at any time be removed from office by the Governor-General for disability affecting the performance of duty, bankruptcy, neglect of duty, or inability, or misconduct, proved to the satisfaction of the Governor-General, or may at any time resign the office of Principal Disputes Referee by notice in writing addressed to the Minister.

(6) Unless the person sooner vacates the office under subsection (5), a Principal Disputes Referee continues in office until—

(a) that Principal Disputes Referee's successor comes into office; or

(b) the chief executive notifies the Principal Disputes Referee that no successor to that Principal Disputes Referee is to be appointed.

Section 6A: inserted, on 3 July 1998, by section 3 of the Disputes Tribunals Amendment Act 1998 (1998 No 84).

Section 6A(4): amended, on 14 November 2018, by section 30(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 6A(6)(b): amended, on 14 November 2018, by section 30(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

6B Acting Principal Disputes Referee

(1) Whenever, by reason of illness, absence from New Zealand, or any other cause, the Principal Disputes Referee is prevented from exercising the functions and powers of his or her office, the Governor-General may, by writing under his or her hand, appoint any other Referee to act as Principal Disputes Referee until the Principal Disputes Referee resumes his or her duties.

(2) While a person acts as Principal Disputes Referee, the person may execute the duties of that office and may exercise all the functions and powers that may be lawfully exercised by the Principal Disputes Referee.

Section 6B: inserted, on 3 July 1998, by section 3 of the Disputes Tribunals Amendment Act 1998 (1998 No 84).

6C Functions and powers of Principal Disputes Referee

(1) The functions of the Principal Disputes Referee are—

(a) to undertake appropriate measures to ensure that the integrity of the office of Referee under this Act is maintained:

(ab) to make any arrangements that are practicable to ensure that the Principal Disputes Referee and each Referee perform their functions—

(i) in an orderly and efficient manner; and

(ii) in a way that achieves the purposes of this Act:

(b) to oversee and maintain the integrity of the selection process for Referees:

(c) to oversee the administrative performance of the Tribunal and of Referees:

(d) to give legal advice to Referees, as appropriate, to enhance the consistency of decision making:

(e) to advise the Chief District Court Judge on the assessment and fulfilment of the training needs of Referees:

(f) to advise the Chief District Court Judge on the rostering of Referees:

(g) to liaise, where appropriate, with interested persons on matters affecting the Referees or Tribunal proceedings:

(h) to liaise, where appropriate, with Referees:

(ha) to issue practice notes as he or she thinks fit, but that are not inconsistent with this Act or any regulations made under it; for the guidance of other Disputes Tribunal Referees, officers of the Tribunal, and parties before the Tribunal:

(i) to carry out such other functions as are conferred on the Principal Disputes Referee by rules made under section 60.

(2) Without limiting the generality of subsection (1), the Principal Disputes Referee may sit as a Referee and exercise the jurisdiction conferred on a Referee by this Act.

(3) The Principal Disputes Referee also has such other powers as are necessary or expedient to enable the Principal Disputes Referee to perform his or her functions and duties.

Section 6C: inserted, on 3 July 1998, by section 3 of the Disputes Tribunals Amendment Act 1998 (1998 No 84).

Section 6C(1)(a): replaced, on 14 November 2018, by section 31(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 6C(1)(ab): inserted, on 14 November 2018, by section 31(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 6C(1)(c): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 6C(1)(ha): inserted, on 14 November 2018, by section 31(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

6D Delegation by Principal Disputes Referee

(1) The Principal Disputes Referee may delegate any of his or her functions, duties, and powers to a Referee who holds the qualifications set out in section 6A(2) and who the Principal Disputes Referee is satisfied has the necessary capability, skills, experience, and personal attributes to perform or exercise those functions, duties, and powers.

(2) A delegation—

(a) must be in writing; and

(b) must be to a named person; and

(c) is revocable at any time, in writing; and

(d) does not prevent the performance or exercise of a function, duty, or power by the Principal Disputes Referee.

(3) A person to whom any functions, duties, or powers are delegated may perform or exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.

(4) A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.

(5) A person to whom any functions, duties, or powers are delegated must be paid remuneration and expenses (if any) determined in accordance with section 9 for work undertaken in that capacity.

Section 6D: inserted, on 29 October 2019, by section 32 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 6D(5): amended, on 1 December 2022, by section 6 of the Remuneration Authority Legislation Act 2022 (2022 No 74).

7 Appointment of Referees

(1) The Governor-General may, from time to time, by warrant under the Governor-General's hand, appoint qualified persons to be Referees for the purposes of this Act.

(2) A person is qualified to be appointed as a Referee only if that person—

(a) holds a relevant qualification (for example, a qualification in law, mediation, or arbitration) or has had relevant training; and

(b) has the personal attributes, knowledge, and experience so as to be capable of performing the functions of a Referee; and

(c) has been recommended for appointment under section 8.

(3) Subject to subsection (4), every person appointed as a Referee shall hold office for a term not exceeding 5 years and, subject to subsection (2), may, from time to time, be reappointed.

(4) A Referee may at any time be removed from office by the Governor-General for disability affecting the performance of duty, bankruptcy, neglect of duty, inability, or misconduct, proved to the satisfaction of the Governor-General, or may at any time resign the office of Referee by notice in writing addressed to the Minister.

(5) A Referee may—

(a) hold any other office; and

(b) engage in any other employment or calling—

that, in the opinion of the Governor-General, will not impair the proper discharge of the functions of a Referee.

(6) Notwithstanding anything in subsection (3), every Referee shall, unless that Referee sooner vacates office under subsection (4), continue in office until—

(a) that Referee's successor comes into office; or

(b) the chief executive notifies that Referee that no successor to that Referee is to be appointed.

(7) A Referee who continues in office for any period under subsection (6), unless he or she was removed from office, may act as a Referee during that period for the purpose of—

(a) completing any proceedings partly or wholly heard by the Referee before the expiry of his or her term of office:

(b) hearing any other proceedings.

(8) A Referee who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.

Compare: 1976 No 35 s 7

Section 7(2): replaced, on 29 October 2019, by section 33(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 7(3): amended, on 5 December 2013, by section 4 of the Disputes Tribunals Amendment Act 2013 (2013 No 113).

Section 7(4): amended, on 3 July 1998, by section 4 of the Disputes Tribunals Amendment Act 1998 (1998 No 84).

Section 7(6)(b): amended, on 14 November 2018, by section 33(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 7(7): inserted, on 14 November 2018, by section 33(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 7(8): inserted, on 14 November 2018, by section 33(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

8 Selection of candidates for appointment or reappointment as Referees

(1) If it is proposed to make an appointment or reappointment under section 7, the chief executive must appoint an assessment panel for the purpose of assessing the candidates for appointment or reappointment as Referees.

(2) An assessment panel must consist of—

(a) the Disputes Tribunal Registrar or a Registrar of the District Court; and

(b) the Principal Disputes Referee or a Referee nominated by him or her; and

(c) not more than 2 other persons, who shall be appointed to the panel by the chief executive by reason of their expertise, training, and experience.

(3) An assessment panel must, in accordance with the criteria and procedures prescribed in rules made under this Act, assess the candidates for the appointment or reappointment in respect of which that panel was appointed, and must—

(a) advise the Minister of the name of the person that it recommends for appointment or reappointment as a Referee; or

(b) advise the Minister that it makes no recommendation for appointment or reappointment in that particular case.

Section 8(1): replaced, on 10 July 2026, by section 4(1) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 8(2): amended, on 10 July 2026, by section 4(2) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 8(2)(a): amended, on 14 November 2018, by section 34(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 8(2)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 8(2)(b): replaced, on 14 November 2018, by section 34(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 8(2)(c): amended, on 14 November 2018, by section 34(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 8(3): amended, on 10 July 2026, by section 4(2) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 8(3): amended, on 10 July 2026, by section 4(3) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

8A Salary and allowances of Principal Disputes Referee

[Repealed]

Section 8A: repealed, on 1 December 2022, by section 7 of the Remuneration Authority Legislation Act 2022 (2022 No 74).

9 Remuneration of Principal Disputes Referee and Referees

(1) The Principal Disputes Referee and each Referee—

(a) must be paid a salary, or a fee, or an allowance, at the rate determined by the Remuneration Authority; and

(b) must be paid any additional allowances (including travelling allowances and expenses) in accordance with the Fees and Travelling Allowances Act 1951.

(2) Expenses may be incurred, without further appropriation than this section, to meet the salaries, fees, or allowances determined under subsection (1)(a).

(3) For the purposes of subsection (1)(b), the Fees and Travelling Allowances Act 1951 applies as if the Principal Disputes Referee and each Referee were a member of a statutory Board as defined in section 2 of that Act.

Section 9: replaced, on 1 December 2022, by section 8 of the Remuneration Authority Legislation Act 2022 (2022 No 74).

Part 2
Jurisdiction, functions, and orders of Tribunal

Part 2 heading: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

10 Jurisdiction of Tribunal

(1) Subject to this section and to section 11, the Tribunal shall have jurisdiction in respect of—

(a) a claim founded on contract or quasi-contract; and

(b) a claim for a declaration that a person is not liable to another person in respect of a claim or demand, founded on contract or quasi-contract, made against that person by that other person; and

(c) a claim in tort in respect of—

(i) the destruction or loss of any property:

(ii) any damage or injury to any property:

(iii) the recovery of any property.

(1A) The Tribunal has jurisdiction to exercise any power conferred on a court by any enactment listed in Part 1 of Schedule 1 if—

(a) the occasion for the exercise of the power arises in the course of proceedings properly before the Tribunal; and

(b) the total amount sought in the proceedings does not exceed $60,000.

(2) The Tribunal shall have such other jurisdiction as is conferred upon it by any of the enactments specified in Part 2 of Schedule 1.

(3) For the purposes of subsection (1), a claim is within the jurisdiction of the Tribunal only if the total amount in respect of which an order of the Tribunal is sought does not exceed $60,000, including,—

(a) where a claim is made for the recovery of property, the value of that property; and

(b) where a claim is made for a work order, the value of the work sought to be included in the order.

(4) If it is necessary for the purposes of this Act to ascertain the value of any property or work or to resolve any dispute as to such value (whether for the purposes of subsection (3) or otherwise), that value shall be determined by the Tribunal in such manner as it thinks fit, and the Tribunal may, for that purpose, appoint an Investigator to report to it under section 41.

(5) The Limitation Act 2010 prescribes defences in respect of claims based on an act or omission after 31 December 2010.

Compare: 1976 No 35 s 9; 1985 No 38 s 2

Section 10 heading: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 10(1): amended, on 29 October 2019, by section 35(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 10(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 10(1A): inserted, on 19 December 2002, by section 3(1) of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

Section 10(1A): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 10(1A)(b): replaced, on 29 October 2019, by section 35(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 10(1A)(b): amended, on 24 January 2026, by section 4(1) of the Disputes Tribunal Amendment Act 2025 (2025 No 60).

Section 10(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 10(2): amended, on 19 December 2002, by section 3(2) of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

Section 10(3): amended, on 24 January 2026, by section 4(2) of the Disputes Tribunal Amendment Act 2025 (2025 No 60).

Section 10(3): amended, on 29 October 2019, by section 35(3)(a) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 10(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 10(5): substituted, on 1 January 2011, by section 58 of the Limitation Act 2010 (2010 No 110).

11 Further limitations on jurisdiction

(1) A debt or liquidated demand may be the subject of a declaration under section 10(1)(b), but, subject to subsection (2) of this section, a claim for a debt or liquidated demand is not within the jurisdiction conferred by section 10(1)(a) unless—

(a) the applicant satisfies a Registrar, before the claim is lodged in the Tribunal, that the claim, or a part of the claim, is in dispute; or

(b) the applicant either—

(i) satisfies a Registrar before the claim is lodged in the Tribunal; or

(ii) not having lodged or attempted to lodge the claim pursuant to subparagraph (i), satisfies the Tribunal at a hearing—

that the claim is in the nature of a counterclaim by a respondent against an applicant; or

(c) the claim is transferred to the Tribunal pursuant to section 37.

(2) Notwithstanding subsection (1), the Tribunal may,—

(a) where a respondent raises a debt or liquidated demand as a defence by way of set-off, give effect to that defence:

(b) where it dismisses a claim for a declaration under section 10(1)(b) in respect of a debt or liquidated demand, make an order under section 19(1)(a) requiring the applicant to pay the debt or liquidated demand, or part of the debt or liquidated demand, to the respondent.

(3) Subject to subsection (4), no claim shall be heard and determined under this Act in respect of the destruction or loss of any property, or any damage or injury to any property, where any offender has been sentenced, under section 32 of the Sentencing Act 2002, to make reparation to the applicant in respect of that destruction, loss, damage, or injury.

(4) Nothing in subsection (3) shall apply in respect of any claim under this Act to recover any damages in excess of the amount ordered to be paid to the applicant under any sentence of reparation.

(5) Except as provided in an enactment referred to in section 10(1A) or (2), the Tribunal shall have no jurisdiction in respect of any claim—

(a) for the recovery of land or any estate or interest in any land:

(b) in which the title to any land, or any estate or interest in any land, or to any franchise is in question:

(c) in which there is a dispute concerning—

(i) the entitlement of any person under a will, or settlement, or on any intestacy (including a partial intestacy); or

(ii) goodwill; or

(iii) any chose in action; or

(iv) any trade secret or other intellectual property.

(6) In subsection (5) **land** does not include fixtures.

(7) Without limiting section 10(1A) or (2), nothing in subsection (1) of that section in so far as it confers jurisdiction in quasi-contract on the Tribunal shall be construed as authorising a claim in respect of money due under any enactment.

(8) In subsection (7) **enactment** means a provision of any Act or of any secondary legislation.

(9) The Tribunal may hear and determine a claim in the nature of a counterclaim to which subsection (1)(b) applies notwithstanding that the original claim is withdrawn, abandoned, or struck out.

Compare: 1976 No 35 s 10; 1985 No 38 s 3

Section 11(1)(a): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 11(1)(b)(i): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 11(1)(b)(i): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 11(1)(c): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 11(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 11(3): amended, on 30 June 2002, by section 186 of the Sentencing Act 2002 (2002 No 9).

Section 11(5): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 11(5): amended, on 19 December 2002, by section 4(1) of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

Section 11(7): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 11(7): amended, on 19 December 2002, by section 4(2) of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

Section 11(8): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 11(9): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

12 Recovery of consequential loss

[Repealed]

Section 12: repealed, on 29 October 2019, by section 36 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

13 Extension of jurisdiction by agreement between the parties

[Repealed]

Section 13: repealed, on 29 October 2019, by section 37 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

14 Abandonment to bring claim within jurisdiction

A person may abandon so much of a claim as exceeds $60,000 in order to bring the claim within the jurisdiction of the Tribunal; and in that event the approval of an agreed settlement under section 18(3) or, as the case may require, an order of the Tribunal under this Act or any other enactment, in relation to the claim, shall operate to discharge from liability in respect of the amount so abandoned any other person—

(a) who is a party to that agreed settlement; or

(b) against whom the claim and the subsequent order are made.

Compare: 1976 No 35 s 11

Section 14: amended, on 24 January 2026, by section 5 of the Disputes Tribunal Amendment Act 2025 (2025 No 60).

Section 14: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

15 Cause of action not to be divided

A cause of action shall not be divided into 2 or more claims for the purpose of bringing it within the jurisdiction of the Tribunal.

Compare: 1976 No 35 s 12

Section 15: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

16 Contracting out prohibited

(1) A provision in any agreement (including one made before the commencement of this Act) to exclude or limit—

(a) the jurisdiction of the Tribunal; or

(b) the right of any person to invoke that jurisdiction—

shall be of no effect.

(2) Without limiting the generality of subsection (1), the Tribunal shall have jurisdiction in respect of a claim notwithstanding any agreement relating to that claim that provides for—

(a) the submission to arbitration of any dispute or difference; or

(b) the making of an award upon such a submission to be a condition precedent to any cause of action accruing to a party to the agreement.

(3) Subsection (1) does not apply where a cause of action has accrued, or is believed to have accrued, to a person and that person has agreed to the settlement or compromise of the claim based on that cause of action.

(4) Despite subsection (2), the Tribunal does not have jurisdiction in respect of a claim if section 11(1) of the Arbitration Act 1996 applies.

Compare: 1976 No 35 s 13

Section 16(1)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 16(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 16(4): added, on 18 October 2007, by section 11 of the Arbitration Amendment Act 2007 (2007 No 94).

Section 16(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

17 Exclusion of other jurisdictions

(1) Where a claim is lodged with the Tribunal, or transferred to the Tribunal under section 24(3) or (4) or section 37, and the claim is within the Tribunal's jurisdiction, the issues in dispute in that claim (whether as shown in the initial claim or as emerging in the course of the hearing) shall not be the subject of proceedings between the same parties in any other court or tribunal unless—

(a) any order is made under section 34(1)(e) or under subsection (2) or subsection (3) of section 36 or under section 53(1)(b); or

(b) the proceedings before that other court or tribunal were commenced before the claim was lodged with or transferred to the Tribunal; or

(c) the claim before the Tribunal is withdrawn, abandoned, or struck out.

(2) Where subsection (1)(b) applies to proceedings before another court or tribunal, the issues in dispute in the claim to which those proceedings relate (whether as shown in the initial claim or emerging in the course of the hearing)

shall not be the subject of proceedings between the same parties in the Tribunal unless the proceedings are transferred to the Tribunal under section 37 or the claim before the other court or tribunal is withdrawn, abandoned, or struck out.

Compare: 1976 No 35 s 14

Section 17(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 17(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

18 Functions of Tribunal

(1) The Tribunal shall, as regards every claim within its jurisdiction, assess whether, in all the circumstances, it is appropriate for the Tribunal to assist the parties to negotiate an agreed settlement in relation to the claim.

(2) Without limiting the generality of subsection (1), in making an assessment under that subsection, the Tribunal shall have regard to any factors that, in the Tribunal's opinion, are likely to impair the ability of either or both of the parties to negotiate an agreed settlement.

(3) Where the parties reach an agreed settlement, the Tribunal may approve the settlement, and the settlement shall then take effect as if it were an order of the Tribunal made under subsection (8), and shall be enforceable in accordance with section 47.

(4) In approving an agreed settlement pursuant to subsection (3), the Tribunal is not bound by the monetary restrictions in section 19(4) to (6).

(4A) An agreed settlement approved by the Tribunal under subsection (3) may include the terms of any agreement between the parties for payment of any amount specified in the agreed settlement to be enforced by way of an attachment order made under the District Court Act 2016.

(4B) If subsection (4A) applies, then section 19(1A) to (1C) apply.

(5) Where—

(a) it appears to the Tribunal that it would not be appropriate for it to assist the parties to negotiate an agreed settlement in relation to the claim; or

(b) the parties are unable to reach an agreed settlement in relation to the claim; or

(c) the Tribunal does not approve an agreed settlement reached by the parties in relation to the claim,—

the Tribunal shall proceed to determine the dispute.

(6) The Tribunal shall determine the dispute according to the substantial merits and justice of the case, and in doing so shall have regard to the law but shall not be bound to give effect to strict legal rights or obligations or to legal forms or technicalities.

(7) Without limiting the generality of subsection (6), the Tribunal may, in respect of any agreement or document that directly or indirectly bears upon the dispute between the parties, disregard any provision in that agreement or document that excludes or limits—

(a) conditions, warranties, or undertakings; or

(b) any right, duty, liability, or remedy that would arise or accrue in the circumstances of the dispute if there were no such exclusion or limitation.

(8) To give effect to its determination of the dispute under subsection (5), or in granting relief in respect of any claim that is not disputed (except where subsection (3) applies), the Tribunal shall make 1 or more of the orders that it is empowered to make under section 19 or under any other enactment.

Compare: 1976 No 35 s 15

Section 18(4): amended, on 29 October 2019, by section 39 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 18(4A): inserted, on 14 April 2014, by section 4 of the Disputes Tribunals Amendment Act 2011 (2011 No 37).

Section 18(4A): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 18(4B): inserted, on 14 April 2014, by section 4 of the Disputes Tribunals Amendment Act 2011 (2011 No 37).

Section 18(7): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

19 Orders of Tribunal

(1) The Tribunal may, as regards any claim within its jurisdiction, make 1 or more of the following orders:

(a) the Tribunal may order a party to the proceedings to pay money to any other party:

(b) the Tribunal may make an order declaring that a person is not liable to another in respect of a claim or demand described in section 10(1)(b):

(c) the Tribunal may order a party to deliver specific property to another party to the proceedings:

(d) the Tribunal may make a work order against any party to the proceedings:

(e) where it appears to the Tribunal that an agreement between the parties, or any term of any such agreement, is harsh or unconscionable, or that any power conferred by an agreement between them has been exercised in a harsh or unconscionable manner, the Tribunal may make an order varying the agreement, or setting it aside (either wholly or in part):

(f) where it appears to the Tribunal that an agreement between the parties has been induced by fraud, misrepresentation, or mistake, or any writing purporting to express the agreement between the parties does not accord

with their true agreement, the Tribunal may make an order varying, or setting aside, the agreement or the writing (either wholly or in part):

(g) the Tribunal may make an order dismissing the claim:

(h) the Tribunal may strike out, in whole or in part, a proceeding if satisfied that it—

(i) discloses no reasonable cause of action; or

(ii) is likely to cause prejudice or delay; or

(iii) is frivolous or vexatious; or

(iv) is otherwise an abuse of process:

(i) if a party is neither present nor represented at the hearing of a proceeding, the Tribunal may,—

(i) if the party is required to be present, strike out the proceeding; or

(ii) determine the proceeding in the absence of the party; or

(iii) adjourn the hearing.

(1A) The Tribunal may record in an order made under subsection (1)(a) (a **money order**) that the parties have agreed to enforce the payment of the amount specified in that order by way of an attachment order made under the District Court Act 2016 if—

(a) the money order was made at 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 subsection (1B).

(1B) If subsection (1A) applies, the money order must include the following details:

(a) the employer to whom the attachment order will relate; 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 salary or wages for the earnings period; and

(d) the amount or percentage below which the net amount paid for the earnings period must not fall; and

(e) the name and address of the person to whom the amounts deducted are to be paid; and

(f) that the attachment order is to remain in force until the amount specified in the money order has been paid in full or, if the attachment order is to remain in force for a fixed period, that period.

(1C) Nothing in subsection (1B)(d) allows the parties to agree on a net amount to be paid for an earnings period that would otherwise derogate from section 157(3) of the District Court Act 2016.

(1D) If subsection (1B) is complied with, the money order may be filed in the District Court and, if so filed, sections 139(2) and 154 to 162 of the District Court Act 2016 apply to the extent they are applicable and subject to any necessary modifications.

(1E) In this section, **employer** and **salary or wages** have the same meanings as in section 154 of the District Court Act 2016.

(2) Any order made by the Tribunal may be unconditional, or subject to such conditions (whether as to the time for, or mode of, compliance, or otherwise) as the Tribunal thinks fit to impose.

(3) Where the Tribunal makes a work order against a party, it shall, where the order is made under section 18(8) or section 46(2), at the same time make an order under subsection (1)(a) of this section to be complied with as an alternative to compliance with the work order.

(4) Subject to section 20, the Tribunal shall not make an order under this Act that exceeds any of the monetary restrictions specified in subsection (5), and any order that exceeds any such restriction shall be entirely of no effect.

(5) The monetary restrictions that apply for the purposes of subsection (4) are as follows:

(a) an order under subsection (1)(a) or under section 47(3)(b) shall not require payment of money exceeding $60,000:

(b) a declaration under subsection (1)(b) shall not relate to a claim or demand exceeding $60,000:

(c) an order under subsection (1)(c) shall not relate to any property exceeding $60,000 in value:

(d) the work to be done or matters to be attended to under a work order shall not exceed $60,000 in value:

(e) an order under paragraph (e) or paragraph (f) of subsection (1) shall not be made in respect of an agreement if the total amount in respect of which an order of the Tribunal is sought exceeds $60,000.

(6) Except as provided in subsection (3), the Tribunal shall not, in respect of a claim, make more than 1 of the orders authorised by paragraphs (a) to (d) of subsection (1), or by any other enactment, if the aggregate amount or value of those orders exceeds $60,000, and every order so made contrary to this subsection shall be entirely of no effect.

(7) *[Repealed]*

(8) Nothing in subsection (1) shall restrict the making by the Tribunal of any order that it is authorised to make by any other enactment.

Compare: 1976 No 35 s 16; 1985 No 38 s 2

Section 19(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 19(1)(h): inserted, on 14 November 2018, by section 40(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 19(1)(i): inserted, on 14 November 2018, by section 40(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 19(1A): inserted, on 14 April 2014, by section 5 of the Disputes Tribunals Amendment Act 2011 (2011 No 37).

Section 19(1A): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 19(1B): inserted, on 14 April 2014, by section 5 of the Disputes Tribunals Amendment Act 2011 (2011 No 37).

Section 19(1C): inserted, on 14 April 2014, by section 5 of the Disputes Tribunals Amendment Act 2011 (2011 No 37).

Section 19(1C): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 19(1D): inserted, on 14 April 2014, by section 5 of the Disputes Tribunals Amendment Act 2011 (2011 No 37).

Section 19(1D): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 19(1E): inserted, on 14 April 2014, by section 5 of the Disputes Tribunals Amendment Act 2011 (2011 No 37).

Section 19(1E): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 19(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 19(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 19(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 19(5): amended, on 29 October 2019, by section 40(2)(a) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 19(5)(a): amended, on 24 January 2026, by section 6(1) of the Disputes Tribunal Amendment Act 2025 (2025 No 60).

Section 19(5)(b): amended, on 24 January 2026, by section 6(1) of the Disputes Tribunal Amendment Act 2025 (2025 No 60).

Section 19(5)(c): amended, on 24 January 2026, by section 6(1) of the Disputes Tribunal Amendment Act 2025 (2025 No 60).

Section 19(5)(d): amended, on 24 January 2026, by section 6(1) of the Disputes Tribunal Amendment Act 2025 (2025 No 60).

Section 19(5)(e): amended, on 24 January 2026, by section 6(1) of the Disputes Tribunal Amendment Act 2025 (2025 No 60).

Section 19(6): amended, on 24 January 2026, by section 6(2) of the Disputes Tribunal Amendment Act 2025 (2025 No 60).

Section 19(6): amended, on 29 October 2019, by section 40(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 19(6): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 19(7): repealed, on 29 October 2019, by section 40(5) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 19(8): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

20 Power of Tribunal to award interest

(1) Subject to subsection (2), where the Tribunal makes an order under section 19(1)(a) or section 47(3)(b) that a party to the proceedings pay money to another party to the proceedings, the Tribunal may, if it thinks fit, order that there shall be included in the amount so ordered to be paid interest, calculated in accordance with (or on a basis that ensures it does not exceed interest calculated in accordance with) Schedule 2 of the Interest on Money Claims Act 2016, on the whole or any part of that amount for the whole or any part of the period between the date when the cause of action arose and the date of the making of the order.

(2) Subsection (1) does not—

(a) *[Repealed]*

(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.

(3) Where the Tribunal makes an order under section 19(1)(a) in respect of a 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 amount ordered to be paid interest, calculated in accordance with (or on a basis that ensures it does not exceed interest calculated in accordance with) Schedule 2 of the Interest on Money Claims Act 2016, for the period between the date as from which interest became payable and the date of the making of the order.

(4) The monetary restrictions provided for by section 10(1A) and (3), and section 19(4) to (6) do not apply in respect of any interest claimed, payable, or ordered to be paid under this section.

(5) *[Repealed]*

Compare: 1947 No 16 s 62B; 1982 No 130 s 4

Section 20(1): amended, on 1 January 2018, by section 29 of the Interest on Money Claims Act 2016 (2016 No 51).

Section 20(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 20(2)(a): repealed, on 1 January 2018, by section 29 of the Interest on Money Claims Act 2016 (2016 No 51).

Section 20(3): amended, on 1 January 2018, by section 29 of the Interest on Money Claims Act 2016 (2016 No 51).

Section 20(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 20(4): amended, on 29 October 2019, by section 41 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 20(4): amended, on 19 December 2002, by section 6 of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

Section 20(5): repealed, on 1 January 2018, by section 29 of the Interest on Money Claims Act 2016 (2016 No 51).

20A Suppression orders

(1) The Tribunal may order that any part of any evidence given or the name of any witness not be published.

(2) An order may be made subject to any conditions that the Tribunal considers appropriate.

(3) A person who breaches an order made under this section is liable on conviction to a fine not exceeding $3,000.

Section 20A: inserted, on 14 November 2018, by section 42 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

21 Reasons for decisions

(1) A Referee must give reasons for his or her final decision in every proceeding.

(2) If a final decision is given orally at the end of a hearing, that decision must be recorded in writing and the reasons for that decision must be included in the written decision.

(3) The Tribunal must provide a copy of a final decision, including the written record of an oral decision, to the parties.

(4) In this section, **final decision** means a decision that determines, or substantially determines, the outcome of any proceeding.

Section 21: replaced, on 14 November 2018, by section 43 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

22 Orders and approved settlements to be recorded in writing

(1) The Tribunal shall make or cause to be made a written record of the terms of—

(a) every agreed settlement approved by it under section 18(3):

(b) every order made by it under section 18(8) or section 34(1) or section 46(2) or section 47(3)(b):

(c) every variation of a term of an agreed settlement under section 47(3)(a).

(2) The Tribunal shall, at the conclusion of the hearing, provide every party to the proceedings who is present at the hearing with a copy of every record made under subsection (1) in those proceedings.

(3) A Registrar shall send a copy of every record made under subsection (1) in any proceedings to every party to those proceedings who is not present at the hearing.

Section 22(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 22(3): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

23 Decisions of Tribunal to be final

Every agreed settlement approved by the Tribunal under section 18(3), and every order made by the Tribunal under section 18(8) or section 46(2) or section 47(3)(b), and every variation of a term of an agreed settlement under section 47(3)(a), shall be final and binding on all parties to the proceedings in which that settlement is approved or the order or variation is made, as the case may require, and, except as provided in section 50, no appeal shall lie in respect of any such order or variation or approved settlement.

Compare: 1976 No 35 s 17

Section 23: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Part 3
Proceedings of Tribunal

Part 3 heading: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Claims

24 Lodging of claims

(1) Proceedings are commenced by the applicant lodging a claim in a form approved by the chief executive after consultation with the Principal Disputes Referee, together with the prescribed fee (if any), with any office of the Tribunal.

(2) The Tribunal or a Registrar may, subject to subsections (3) and (4), order that the hearing be held at the place nearest, or at any place near, to where the applicant resides or carries on business.

(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, a 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.

Compare: 1976 No 35 s 18

Section 24(1): replaced, on 29 October 2019, by section 44 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 24(2): replaced, on 29 October 2019, by section 44 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 24(3): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 24(4): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 24(4): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

25 Notice of claim and of hearing

(1) When a claim is lodged in accordance with section 24, a Registrar shall—

(a) fix a time and place of hearing and give notice of those details in a form approved by the chief executive after consultation with the Principal Disputes Referee to the applicant; and

(b) as soon as is reasonably practicable, give notice of the claim and of the time and place of hearing in a form approved by the chief executive after consultation with the Principal Disputes Referee to—

(i) the respondent; and

(ii) every other person who appears to the Registrar to have a sufficient connection with the proceedings on the claim in the capacity of an applicant or a respondent.

(2) Where the Tribunal finds that a person who appears to it to have a sufficient connection with the proceedings on a claim in the capacity of an applicant or a respondent has not been given notice of the proceedings, it may direct a Registrar to give, and the Registrar shall give, to such person notice of the claim, and of the time and place for hearing.

(3) For the purposes of this section, a person has a sufficient connection with the proceedings on a claim if that person's presence as an applicant or a respondent is necessary to enable the Tribunal to effectually and completely determine the questions in dispute in the claim or to grant the relief that it considers to be due.

(4) Where a claim to which section 11(1)(b)(ii) applies is made at a hearing, the Tribunal may, in relation to that claim, dispense with the requirements of this section and of section 24(2), or any of those requirements, if it appears to the Tribunal that neither the respondent in the claim nor any other person will be prejudiced thereby.

Compare: 1976 No 35 s 19

Section 25(1): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 25(1)(a): amended, on 29 October 2019, by section 45(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 25(1)(b): amended, on 29 October 2019, by section 45(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 25(2): amended, on 29 October 2019, by section 45(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 25(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

26 Parties

(1) Subject to subsection (2), the applicant, the respondent, and every person to whom notice of a claim has been given under section 25(1)(b)(ii) or section 25(2) shall be the parties to the proceedings on that claim.

(2) The Tribunal may, at any time, order that the name of a person who appears to it to have been improperly joined as a party be struck out from the proceedings.

Compare: 1976 No 35 s 20

Section 26(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

27 Minors

(1) Subject to this section, a minor may be a party to, and shall be bound by, proceedings in the Tribunal as if the minor were a person of full age and capacity.

(2) Where a minor who has not attained the age of 18 years is a party to any proceedings in the Tribunal, the Tribunal may, if it considers that it would be in the interests of the minor to do so,—

(a) at any time appoint to represent the minor a person who is willing to do so and who is not disqualified by section 38(7), and authorise that person to control the conduct of the minor's case; or

(b) when approving a representative under section 38(3), or at any time thereafter, authorise that representative to control the conduct of the minor's case.

(3) A person empowered by or under this section to control the conduct of the case of a minor may do all such things in the proceedings as that person could do if that person were a party to the proceedings in place of that minor.

(4) Nothing in this section shall restrict the application of sections 103 to 110 of the Contract and Commercial Law Act 2017 to—

(a) any settlement agreed to by, or on behalf of, a minor; or

(b) any payment made or proposed to be made by, or on behalf of, or to, or for the benefit of, a minor—

after proceedings have been commenced in the Tribunal.

(5) In this section **proceedings in the Tribunal** means—

(a) proceedings in the Tribunal or on appeal from the Tribunal:

(b) a settlement agreed to in the course of proceedings referred to in paragraph (a):

(c) proceedings under section 45(1) or section 47(1) for enforcement of an order or the term of an agreed settlement—

and includes any order made in proceedings as so defined.

Compare: 1976 No 35 s 24

Section 27(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 27(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 27(4): amended, on 1 September 2017, by section 347 of the Contract and Commercial Law Act 2017 (2017 No 5).

Section 27(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 27(5): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 27(5)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Special provisions relating to claims where applicant or respondent insured

28 Claims for relief where applicant insured

(1) This section applies to any claim for relief made by an applicant who has been, or is entitled to be, or seeks to be, indemnified (whether in whole or in part) by an insurer (in this section and in sections 29 to 34 referred to as the applicant's insurer) for any loss caused by or arising out of the act, omission, or event on which the claim is based.

(2) Where, in any proceedings lodged in the Tribunal, or transferred to the Tribunal under section 24(3) or (4) or section 37, the applicant makes a claim for relief to which this section applies, the applicant shall, at the time when the claim is lodged, or, in the case of a claim that is transferred to the Tribunal, as soon as practicable after the claim is transferred, notify a Registrar of the name and address of the applicant's insurer.

(3) Subject to sections 25(4) and 29(3), where, in any proceedings before the Tribunal, a Registrar receives notice of the name and address of the applicant's insurer under subsection (2), the Registrar shall give notice of the proceedings to that insurer in accordance with section 25(1)(b)(ii).

(4) Where, pursuant to subsection (3), an insurer receives notice of any proceedings before the Tribunal, that insurer shall be deemed, for the purposes of this Act, to be a party to those proceedings.

(5) Where—

(a) any claim for relief to which this section applies is made in any proceedings before the Tribunal; and

(b) the applicant's insurer has not received notice of those proceedings pursuant to subsection (3); and

(c) an acknowledgement signed or authenticated by the applicant and the applicant's insurer has not been lodged with the Tribunal pursuant to section 29(1),—

the Tribunal or a Registrar shall, on the application of the applicant's insurer, order that that insurer be joined as a party to the proceedings.

Section 28(2): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 28(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 28(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 28(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 28(5)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 28(5)(c): amended, on 14 November 2018, by section 46 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

29 Insurer may waive notice of proceedings

(1) Where, in any proceedings lodged in the Tribunal, or transferred to the Tribunal under section 24(3) or (4) or section 37, the applicant makes a claim for relief to which section 28 applies, the applicant may, at the time when the claim is lodged, or, in the case of a claim that is transferred to the Tribunal, as soon as practicable after the claim is transferred, lodge with the Tribunal an acknowledgement from the applicant's insurer that that insurer does not require notice of the proceedings under section 25.

(2) Every acknowledgement lodged under subsection (1) must be in a form approved by the chief executive after consultation with the Principal Disputes Referee, and must be signed or authenticated by both the applicant and the applicant's insurer.

(3) Where, in any proceedings before the Tribunal, an acknowledgement from the applicant's insurer is lodged pursuant to subsection (1),—

(a) notwithstanding anything in section 28(3), a Registrar shall not be required to give notice of those proceedings to that insurer; and

(b) that insurer shall be deemed, for the purposes of this Act, to be a party to those proceedings.

Section 29(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 29(2): replaced, on 29 October 2019, by section 47 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 29(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 29(3)(a): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

30 Insurer may abandon rights of subrogation

(1) In any acknowledgement lodged with the Tribunal under section 29(1) an insurer may, in respect of such sum as is specified in the acknowledgement, abandon the exercise of its rights of subrogation in relation to the cause of action that is the subject of the claim.

(2) Where, pursuant to subsection (1), an insurer abandons its rights of subrogation in respect of a specified sum,—

(a) the applicant shall be deemed to have abandoned so much of the applicant's claim as is equal to that specified sum; and

(b) the approval of an agreed settlement under section 18(3) or, as the case may require, an order of the Tribunal under this Act or any other enactment, in relation to the claim, shall operate to discharge from liability in respect of the amount so abandoned—

(i) the applicant, so far as the applicant might otherwise be liable to the applicant's insurer for that amount; and

(ii) any other person who is a party to that agreed settlement, or against whom the claim and the subsequent order are made, as the case may require.

Section 30(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

31 Applicant entitled to control conduct of case

Where, in any proceedings before the Tribunal, a claim for relief to which section 28 applies is made, the applicant shall, subject to section 27 and sections 32 to 34, be entitled to control the conduct of the applicant's case, notwithstanding that the applicant's insurer becomes a party to those proceedings pursuant to section 28(4) or (5) or section 29(3).

Section 31 heading: replaced, on 14 November 2018, by section 48 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 31: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

32 Insurer may prove amount of loss

Notwithstanding anything in section 31, where, in any proceedings before the Tribunal,—

(a) a claim for relief to which section 28 applies is made; and

(b) the applicant's insurer becomes a party to those proceedings pursuant to section 28(4) or (5) or section 29(3),—

the applicant's insurer shall, subject to this Act, be entitled—

(c) to prove, as part of the applicant's claim, any amount, or part of any amount, paid by the insurer to or for the benefit of the applicant as an indemnity for any loss arising out of the cause of action that is the subject of the claim:

(d) to apply to the Tribunal for an order that the amount specified in the claim for relief be increased to include the amount to which paragraph (c) applies, where the claim for relief does not include that amount, and the Tribunal shall make such an order.

Section 32: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

33 Applicant to have priority in respect of uninsured loss

(1) Where, in any proceedings before the Tribunal,—

(a) a claim for relief to which section 28 applies is made; and

(b) the applicant's insurer becomes a party to those proceedings pursuant to section 28(4) or (5) or section 29(3); and

(c) the Tribunal makes an order under section 19(1)(a) that a party to the proceedings pay money to any other party,—

the Tribunal, where the evidence before it enables it to do so, shall indicate in that order what part of that amount relates to loss for which the applicant has not been indemnified by the applicant's insurer.

(2) Where, in any order made under section 19(1)(a), the Tribunal indicates that part of the amount ordered to be paid relates to loss for which the applicant has not been indemnified by the applicant's insurer,—

(a) that part of that amount shall be paid to the applicant, who shall not be required to account for it to the applicant's insurer; and

(b) the applicant's insurer shall not be entitled to any payment under that order unless paragraph (a) has been complied with.

Section 33(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 33(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

34 Insurer may apply for claim to be struck out

(1) Where, in any proceedings before the Tribunal,—

(a) a claim for relief to which section 28 applies is made; and

(b) the applicant's insurer becomes a party to those proceedings pursuant to section 28(4) or (5) or section 29(3); and

(c) the claim would not be within the jurisdiction of the Tribunal if the amount sought to be proved by the applicant's insurer under section 32(c) were included in the claim,—

the Tribunal may,—

(d) on the application of the applicant's insurer, strike out the claim; or

(e) if the parties so agree, order that the proceedings be transferred to the District Court in its ordinary civil jurisdiction.

(2) In striking out a claim pursuant to subsection (1), or in ordering the transfer of a claim pursuant to that subsection, the Tribunal may require the applicant's insurer to give a written undertaking that—

(a) the insurer will, with due diligence and expedition, commence, and (except where the proceedings are settled) prosecute to trial and judgment, proceedings in an appropriate court to recover all recoverable losses of the applicant (including all losses for which the insurer is not liable to indemnify the applicant)—

(i) arising out of the cause of action on which the claim that is struck out or transferred is based; and

(ii) that were sought to be recovered in that claim; and

(b) the insurer will not settle any proceedings commenced in accordance with the requirements of paragraph (a) unless that settlement makes provision for the payment, to the applicant, of an amount equal to all losses of the applicant—

(i) that arose out of the cause of action on which the claim that is struck out or transferred is based; and

(ii) that were sought to be recovered in that claim; and

(iii) that would have been recoverable in the proceedings that are settled; and

(iv) for which the insurer is not liable to indemnify the applicant; and

(c) before retaining any amount awarded in any judgment entered in any proceedings commenced in accordance with the requirements of paragraph (a), or any payment made pursuant to any settlement of those proceedings, the insurer will pay to the applicant an amount equal to all losses of the applicant that are recovered in those proceedings, or provided for in any settlement of those proceedings, and for which the insurer is not liable to indemnify the applicant.

(3) An undertaking given by an insurer pursuant to subsection (2) is binding on the insurer, and is deemed to be a contract between the insurer and the applicant.

(4) Any provision in any agreement (including one made before the commencement of this Act) that is inconsistent with any provision of this section or of sections 28 to 33, or that purports to exclude, modify, or restrict the operation of any such provision, shall be of no effect.

Section 34(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 34(1)(e): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

35 Insured respondent to notify insurer

(1) This section applies to any claim lodged in the Tribunal, or transferred to the Tribunal under section 24(3) or (4) or section 37, that is against a respondent who, if the claim were successful, might be entitled to be indemnified (in whole or in part) in respect of that claim by any insurer (in this section referred to as the respondent's insurer).

(2) Where any respondent receives notice of a claim to which this section applies, the respondent shall, as soon as practicable after receiving such notice, notify the respondent's insurer of that claim.

(3) At the commencement of a hearing of a claim, the Tribunal shall ascertain whether the claim is a claim to which this section applies, and if so, whether the respondent has notified the respondent's insurer of that claim.

(4) Where, pursuant to subsection (3), the Tribunal ascertains that the respondent has not notified the respondent's insurer of the claim, the Tribunal may adjourn the proceedings, and upon such adjournment a Registrar shall forthwith notify the respondent's insurer of the claim.

(5) Where a claim is made in the course of any proceedings before the Tribunal, the Tribunal shall ascertain whether the claim is a claim to which this section applies, and if so, may adjourn the proceedings, and upon such adjournment a Registrar shall notify the respondent's insurer of that claim.

(6) Where a claim to which this section applies is made in any proceedings before the Tribunal, the Tribunal or a Registrar shall, on the application of any insurer who is entitled, under this section, to be notified of that claim, order that the insurer be joined as a party to those proceedings.

Section 35(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 35(4): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 35(5): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 35(5): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 35(6): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Transfer of proceedings

36 Transfer of proceedings to District Court, etc

(1) Where any proceedings have been commenced in, or transferred under section 24(3) or (4) or section 37 to, the Tribunal, and the Tribunal has no jurisdiction to hear and determine those proceedings, the Tribunal may, instead of striking out the proceedings, order that they be transferred to the District Court in its ordinary civil jurisdiction.

(2) Where any proceedings have been commenced in, or transferred under section 24(3) or (4) or section 37 to, an office of the Tribunal, the Tribunal or a Registrar may, on the application of a party (other than an insurer who has become a party to those proceedings pursuant to section 28(4) or (5) or section 29(3) or section 35(6)) or of the Tribunal's or that Registrar's own motion, order that the proceedings be transferred to the District Court in its ordinary civil jurisdiction if, in the opinion of the Tribunal or that Registrar, the proceedings would more properly be determined in the District Court.

(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 Vehicle Sales Act 2003; and

(b) would, in the opinion of the Tribunal, more properly be determined by a Motor Vehicle Disputes Tribunal.

(4) Any order made by the Tribunal under subsection (3) is to be treated as if it were an application filed at the office of the Motor Vehicle Disputes Tribunal.

(5) The Tribunal shall not make an order under subsection (1) or subsection (2) in respect of a claim if any agreement of a kind described in section 16(2) requires that the claim be submitted to arbitration.

Compare: 1976 No 35 s 22

Section 36(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 36(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 36(3): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 36(4): substituted, on 15 December 2003, by section 145 of the Motor Vehicle Sales Act 2003 (2003 No 12).

Section 36(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

37 Transfer of proceedings from District Court, etc

(1) Where proceedings within the jurisdiction of the Tribunal have been commenced in the District Court before a claim in respect of the same issues between the same parties has been lodged in the Tribunal, or transferred to the Tribunal under this section, a District Court Judge or Registrar may, on the application of either party or of that Judge's or that Registrar's own motion, order that the proceedings be transferred to the Tribunal.

(2) Where proceedings within the jurisdiction of the Tribunal have been commenced in the High Court before a claim in respect of the same issues between the same parties has been lodged in the Tribunal, or transferred to the Tribunal under this section, that court or a Judge of that court may, on the application of

either party or of its or that Judge's own motion, order that the proceedings be transferred to the Tribunal.

(3) The Tribunal to which proceedings are transferred under subsection (1) or subsection (2) may have regard to any notes of evidence transmitted to it and it shall not be necessary for that evidence to be given again in the Tribunal unless the Tribunal so requires.

Compare: 1976 No 35 s 23

Section 37(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 37(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 37(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Hearings

38 Right to appear at hearings

(1) At the hearing of a claim every party shall be entitled to attend and be heard.

(2) Subject to subsections (3) and (3A), no party shall be entitled to be represented at a hearing by a representative unless it appears to the Tribunal to be proper in all the circumstances to so allow, and the Tribunal approves such representative.

(3) The following parties may be represented by a representative who is approved by the Tribunal:

(a) the Crown, if the representative is an officer or employee of the Crown:

(b) a corporation or an unincorporated body of persons, if the representative is an officer or employee or a member of the corporation or body or holds directly or indirectly, at least a 50% interest in it:

(c) a person jointly liable or entitled with another or others, if the representative is one of the persons jointly liable or entitled or, in the case of a partnership, is an employee of those persons:

(d) a minor, or other person under disability:

(e) any other person, if the Tribunal is satisfied that for sufficient cause that person is unable to appear in person or is unable to present his or her case adequately.

(3A) If an insurer is a party, it may, subject to subsection (3B), be represented by any agent who—

(a) has been engaged by the insurer solely or principally as an underwriter or to administer insurance claims; and

(b) is authorised for the purpose by the insurer; and

(c) is approved by the Tribunal.

(3B) For the purposes of subsection (3A), if the agent approved by the Tribunal is not an individual (for example a body corporate), an employee, officer, or member of the agent may carry out the duties of the agent under that subsection, but only if the individual concerned is also approved by the Tribunal.

(4) Where a representative of a party is proposed for the Tribunal's approval, the Tribunal shall satisfy itself that the person proposed has sufficient knowledge of the case and sufficient authority to bind the party.

(5) The Tribunal may permit any person nominated by a party to be present at the hearing and to assist the party in the presentation of his or her case if it appears to the Tribunal to be proper in all the circumstances to so permit, and the Tribunal approves such person.

(6) No person approved by the Tribunal under subsection (5) shall be entitled to be heard at the hearing, and the Tribunal may exclude any such person from the hearing at any time.

(7) The Tribunal shall not—

(a) appoint under section 27(2)(a); or

(b) approve as a representative under subsections (2), (3), or (3A); or

(c) approve under subsection (5)—

any person who is, or has been, enrolled as a barrister and solicitor, or who, in the opinion of the Tribunal, is, or has been, regularly engaged in advocacy work before other tribunals; but this prohibition does not apply where—

(d) the person proposed for approval under subsection (3) or (3A) is a person or one of the persons jointly liable or entitled with another or others; or

(e) the party seeking to be represented is a company and the person proposed for approval under subsection (3) or (3A) is the majority shareholder of the company.

(8) Where the Tribunal appoints any person under section 27(2)(a) or approves any person under subsection (2), (3), (3A), or (5) of this section, the Tribunal may impose in respect of any such appointment or approval such conditions as it considers necessary to ensure that any other party to the proceedings is not substantially disadvantaged by that appointment or approval.

Compare: 1976 No 35 s 24; 1986 No 120 s 93

Section 38(2): amended, on 14 November 2018, by section 49(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 38(3)(b): amended, on 14 November 2018, by section 49(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 38(3A): inserted, on 14 November 2018, by section 49(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 38(3B): inserted, on 14 November 2018, by section 49(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 38(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 38(5): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 38(6): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 38(7): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 38(7)(b): amended, on 14 November 2018, by section 49(4) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 38(7)(d): amended, on 14 November 2018, by section 49(5) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 38(7)(e): amended, on 14 November 2018, by section 49(6) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 38(8): amended, on 14 November 2018, by section 49(7) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 38(8): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

39 Proceedings to be held in private

(1) All proceedings before the Tribunal shall be held in private.

(2) Nothing in subsection (1) shall prevent the Tribunal from hearing 2 or more claims together if it appears to the Tribunal that it would be convenient to the Tribunal and the parties to do so.

(3) Notwithstanding subsection (1), the Tribunal may permit to be present at any proceedings a person who has a genuine and proper interest either in those proceedings or in the proceedings of the Tribunal generally.

Compare: 1976 No 35 s 25

Section 39(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 39(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 39(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

40 Evidence

(1) Evidence tendered to the Tribunal by or on behalf of a party to any proceedings need not be given on oath, but the Tribunal may at any stage of the proceedings require that such evidence, or any specified part of such evidence, be given on oath, whether orally or in writing.

(2) The Tribunal may, on its own initiative, seek and receive such other evidence and make such other investigations and inquiries as it thinks fit.

(3) All evidence and information received or ascertained under subsection (2) shall be disclosed to every party, and every party shall be given an opportunity to comment on it.

(4) The Tribunal may receive and take into account any relevant evidence or information, whether or not that evidence or information would normally be admissible in a court of law.

Compare: 1976 No 35 s 26

Section 40(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 40(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 40(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

41 Investigator may be appointed

(1) The Tribunal may, if it thinks fit, appoint a person to inquire into, and report to it upon, any matter of fact having a bearing on any proceedings and may give such directions as to the nature, scope, and conduct of the inquiry as it thinks fit.

(2) Where, in any proceedings before the Tribunal, a person is appointed under subsection (1) to report to the Tribunal on any matter,—

(a) a Registrar shall ensure that a copy of the report is made available to every party to those proceedings as soon as practicable after it is presented to the Tribunal; and

(b) the hearing of those proceedings shall not begin or, as the case may require, resume until at least 10 days have elapsed after the date on which the report is made available to the parties.

(3) A person appointed under subsection (1) shall be paid, out of money appropriated by Parliament for the purpose, such fees and expenses as are fixed by a Registrar.

Compare: 1976 No 35 s 27

Section 41(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 41(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 41(2)(a): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 41(3): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

42 Tribunal may act on evidence available

(1) Where the case of any party is not presented to the Tribunal, after reasonable opportunity has been given to that party to do so, the issues in dispute in the proceedings may be resolved by the Tribunal, or relief in respect of an undisputed claim may be granted by it, on such evidence or information as is before it, including evidence or information obtained pursuant to section 40(2).

(2) An order made by the Tribunal in the circumstances described in subsection (1) shall not be challenged on the ground that the case of the party was not presented to the Tribunal, but the party may apply for a rehearing under section 49 on the ground that there was sufficient reason for that party's failure to present that party's case.

Compare: 1976 No 35 s 28

42A Use of electronic facilities to hear matters

The hearing of a matter or any part of it may be conducted by telephone, audiovisual link, or other remote access facility if the Referee conducting the hearing of the matter, considers it appropriate and the necessary facilities are available.

Section 42A: inserted, on 14 November 2018, by section 50 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

43 Costs

(1) Except as provided in this section, costs shall not be awarded against a party to any proceedings before the Tribunal.

(2) Where, in the opinion of the Tribunal, a claim made by a party is frivolous or vexatious, it may, subject to any rules made under this Act, order that party to pay—

(a) to the Crown, the fees and expenses of any witness, or of an Investigator, that have been paid by the Crown:

(b) to a party, the costs of that party in connection with the proceedings.

(3) Where, in the opinion of the Tribunal, any party has—

(a) lodged a claim knowing that the claim is not within the jurisdiction of the Tribunal; or

(b) unnecessarily prolonged any proceedings by engaging in conduct intended to impede the prompt resolution of the proceedings,—

the Tribunal may, subject to any rules made under this Act, order that party to pay to any other party the costs, or part of the costs, of that other party in connection with the proceedings.

(4) Where—

(a) any proceedings within the jurisdiction of the Tribunal have been commenced in the District Court; and

(b) those proceedings have been transferred to the Tribunal under section 37(1); and

(c) the Tribunal is satisfied that those proceedings were commenced in that court and not in the Tribunal on account of any act or omission of any party to those proceedings that was intended or likely to induce the party

who commenced those proceedings to believe that the proceedings were not within the jurisdiction of the Tribunal,—

the Tribunal may order the first-mentioned party to pay to the party who commenced the proceedings—

(d) the fee paid by the latter party in respect of the filing of those proceedings in the District Court; and

(e) any solicitor's costs incurred by the latter party in respect of the preparation of the documents necessary for the filing of those proceedings, which costs shall not exceed the amount prescribed in relation to that matter under rules made under the District Court Act 2016.

(5) In any other case, the Tribunal may order a respondent to pay an applicant the cost of any filing fee paid by the applicant under section 24 if the applicant's claim succeeds in whole or in part.

(6) However, the Tribunal must not make an order under subsection (5) if the Tribunal has, under section 18(3), approved a settlement agreed by the applicant and the respondent in relation to the claim.

(7) The monetary restrictions provided for by sections 10(1A) and (3) and 19(4) to (6) do not apply in respect of any costs claimed, payable, or ordered to be paid under this section.

Compare: 1976 No 35 s 29

Section 43(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 43(3)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 43(4)(a): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 43(4)(b): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 43(4)(c): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 43(4)(e): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 43(5): inserted, on 10 July 2026, by section 5 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 43(6): inserted, on 10 July 2026, by section 5 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 43(7): inserted, on 10 July 2026, by section 5 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

44 Procedure where no provision made

Subject to this Act and to any rules made under this Act and any practice notes issued under section 6C(1)(ha), the Tribunal shall adopt such procedure as it thinks best suited to the ends of justice.

Compare: 1976 No 35 s 30

Section 44: amended, on 14 November 2018, by section 51 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 44: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Enforcement of orders

45 Enforcement of orders except work orders

(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.

(2) Where application is made to the District Court for the issue of any process to enforce an order provided for by section 19(3) (requiring a party to pay money to another as an alternative to compliance with a work order), a Registrar shall give notice of the application to the party against whom enforcement is sought.

(3) If that party does not file in the court, within the period prescribed for so doing, a notice of objection in a form approved by the chief executive after consultation with the Principal Disputes Referee, the order may, after the expiry of that period, be enforced pursuant to subsection (1).

(4) The notice referred to in subsection (3) may only be given on the ground that it is the belief of the party that the order of the Tribunal has been fully complied with and that that party therefore disputes the entitlement of the applicant to enforce it.

(5) If the party against whom enforcement is sought files the notice referred to in subsection (3) within the prescribed time, a Registrar shall refer the matter to the Tribunal to be heard and determined under section 46(2).

Compare: 1976 No 35 s 31(1)–(5)

Section 45(1): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 45(2): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 45(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 45(3): amended, on 29 October 2019, by section 52 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 45(5): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

46 Enforcement of work orders

(1) Where—

(a) a party in whose favour a work order has been made considers that the work order has not been complied with by the other party; and

(b) that other party has not complied with the alternative money order provided for by section 19(3),—

the party in whose favour the work order was made may, instead of applying to the District Court for the issue of a process for enforcement pursuant to section 45(1), lodge in the Tribunal a request in a form approved by the chief executive after consultation with the Principal Disputes Referee that the work order be enforced.

(2) Subsequent proceedings shall be taken on a request for enforcement under subsection (1) and on a notice under section 45(5) as if such request or notice were a claim lodged under section 24; and upon the hearing of the matter the Tribunal may—

(a) vary the work order, or make a further work order, or any other order that is authorised by section 19:

(b) grant leave to the party in whose favour the work order was made to enforce the alternative money order provided for by section 19(3), or so much of that order as the Tribunal may allow, and either subject to or without compliance with the provisions of section 45(2):

(c) discharge any order previously made by the Tribunal.

(3) After the expiration of 12 months from the date of a work order, it shall not be enforced without the leave of the Tribunal.

Compare: 1976 No 35 s 32

Section 46(1): amended, on 29 October 2019, by section 53 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

47 Enforcement of agreed settlements

(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.

(2) Where—

(a) a term of an agreed settlement approved by the Tribunal under section 18(3) provides for a party to make good a defect in any property, or a deficiency in the performance of services, by doing such work or attending to such matters (including the replacement of any property) as may be specified in the agreement; and

(b) a party who would benefit by the enforcement of that term considers that the term has not been complied with by the other party,—

the party who would benefit by the enforcement of the term may lodge in the Tribunal a request in a form approved by the chief executive after consultation with the Principal Disputes Referee for that term to be enforced.

(3) Subsequent proceedings shall be taken on a request for enforcement under subsection (2) as if such request were a claim lodged under section 24; and upon the hearing of the matter the Tribunal may—

(a) if the parties so agree, vary the term of the agreed settlement that is sought to be enforced, or any other term of that settlement:

(b) strike out the term of the agreed settlement that is sought to be enforced and, subject to section 19(4), order the party against whom enforcement of the term is sought to pay money to the party seeking to enforce it.

Section 47(1): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 47(2): amended, on 29 October 2019, by section 54 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 47(2)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

48 No filing fee payable

[Repealed]

Section 48: repealed, on 29 October 2019, by section 55 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Part 4
Rehearings and appeals

49 Rehearings

(1) The Tribunal may order the rehearing of a claim following an application by a party, and may grant the application on any terms it thinks fit.

(1A) In any case, the Tribunal may order only 1 rehearing unless the Tribunal considers that the interests of justice require more than 1 rehearing.

(2) A rehearing may be ordered under subsection (1) only—

(a) where an order has been made under section 18(8); or

(b) where an order has been made under section 46(2) or section 47(3)(b), or a term of an agreed settlement has been varied under section 47(3)(a), and, in all such cases, shall be limited to rehearing the enforcement proceedings taken under those sections; or

(c) where an agreed settlement has been approved by the Tribunal under section 18(3) and, after the hearing, a party to the settlement discovers facts directly relevant to the dispute that could not, with reasonable diligence, have been obtained before the hearing and that, if known at the time, would have had a bearing on whether that party agreed to the settlement.

(3) Every application for a rehearing shall be made within 20 working days after the Tribunal's order (or, in the case of an agreed settlement, the Tribunal's approval of the settlement or the variation of a term of that settlement under section 47(3)(a), as the case may require) or within such further time as the

Tribunal may, on application, allow, and shall be served upon the other parties to the proceedings.

(4) Upon a rehearing being granted,—

(a) a Registrar shall notify all parties to the proceedings of the making of the order and of the time and place appointed for the rehearing; and

(b) the order or approval or variation made or given by the Tribunal upon the first hearing shall cease to have effect.

(5) Notwithstanding subsection (4)(b), if the party on whose application a rehearing is ordered does not appear at the time and place for the rehearing or at any time and place to which the rehearing is adjourned, the Tribunal may, without rehearing or further rehearing the claim, direct that the original order or approval or variation, as the case may be, be restored to full force and effect.

(6) This Act shall apply to a rehearing in all respects as it applies to an original hearing.

(7) On receipt of an application for a rehearing, the Tribunal may stay the implementation of the order, approval, or variation until the application is decided.

Compare: 1976 No 35 s 33; 1986 No 120 s 105(4), (5)

Section 49(1): replaced, on 29 October 2019, by section 56(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 49(1A): inserted, on 29 October 2019, by section 56(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 49(2)(c): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 49(3): amended, on 24 October 2019, by section 45 of the Statutes Amendment Act 2019 (2019 No 56).

Section 49(4)(a): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 49(7): inserted, on 29 October 2019, by section 56(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 49 compare note: amended, on 29 October 2019, by section 56(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

50 Appeals

(1) Any party to proceedings before the Tribunal may appeal to the District Court against an order made by the Tribunal under section 18(8) or section 46(2) or section 47(3)(b), or against the approval by the Tribunal of an agreed settlement under section 18(3), or against the variation of a term of an agreed settlement under section 47(3)(a), on the grounds that—

(a) the proceedings were conducted by the Referee; or

(b) an inquiry was carried out by an Investigator—

in a manner that was unfair to the appellant and prejudicially affected the result of the proceedings.

(2) Without limiting the generality of subsection (1), a Referee shall be deemed to have conducted the proceedings in a manner that was unfair to the appellant and prejudicially affected the result if—

(a) the Referee fails to have regard to any provision of any enactment that is brought to the attention of the Referee at the hearing; and

(b) as a result of that failure, the result of the proceedings is unfair to the appellant.

(3) An appeal shall be brought by a party by the filing of a notice of appeal, in a form approved by the chief executive after consultation with the Principal Disputes Referee, in the District Court within 20 working days of the making or giving of the order or approval or variation appealed against, or within such further time as a District Court Judge may, on application, allow.

(4) As soon as practicable after such notice of appeal has been filed, a Registrar shall lodge a copy of the notice in the Tribunal's records relating to the proceedings.

(5) A Registrar shall fix the time and place for the hearing of the appeal and shall notify the appellant.

(6) A copy of every notice of appeal together with a notice of the time and place for hearing the appeal shall be served by a Registrar on every other party to the proceedings before the Tribunal, and each such party may appear and be heard.

(7) The filing of a notice of appeal against an order or the approval of an agreed settlement or the variation of a term of an agreed settlement shall operate as a stay of any process for the enforcement of that order or that settlement or that variation, as the case may require, but the Tribunal may at any time, on the application of a party to the proceedings, order that any process may be resumed or commenced or, the process having been resumed or commenced, order that it be further stayed.

Compare: 1976 No 35 s 34

Section 50(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 50(3): amended, on 29 October 2019, by section 57 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 50(4): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 50(5): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 50(6): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

51 Referee or Investigator to furnish report

(1) Within 28 days after the notice of appeal has been lodged in the Tribunal's records under section 50(4), the Referee who heard the proceedings and, where applicable, the Investigator, shall furnish to a Registrar a report on the manner

in which the proceedings were, or where applicable the inquiry was, conducted and the reasons therefor.

(2) A Referee shall keep a record of the proceedings of the Tribunal sufficient to enable that Referee, if required, to furnish a report under subsection (1), and an Investigator shall do likewise in relation to an inquiry conducted by that Investigator.

(3) Where, for any reason, the Referee who heard the proceedings or, where applicable, the Investigator, is unavailable to furnish the report, the report shall be compiled by a Registrar from such information as that Registrar is able to collect from the records of the Tribunal or otherwise.

(4) A Registrar shall ensure that a copy of the report furnished or compiled under subsection (1) or subsection (3) is made available to the appellant, and to every other party to the proceedings, a reasonable time before the hearing of the appeal.

Compare: 1976 No 35 s 35

Section 51(1): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 51(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 51(3): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 51(4): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

52 Right of audience

For the avoidance of doubt, it is hereby declared that section 107 of the District Court Act 2016 shall apply in respect of the hearing of every appeal under section 50.

Section 52: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

53 Powers of District Court Judge on appeal

(1) On the hearing of the appeal a District Court Judge may—

(a) quash the order or the approval or the variation, as the case may be, and order a rehearing of the claim in the Tribunal on such terms as the Judge thinks fit; or

(b) quash the order or the approval or the variation, as the case may be, and transfer the proceedings to the District Court for hearing; or

(ba) vary the order, the approval, or the variation, as the case may be; or

(c) dismiss the appeal.

(2) In ordering a rehearing under subsection (1)(a), the Judge may give to the Tribunal such directions as the Judge thinks fit as to the conduct of the rehearing.

(3) An appeal under this section shall be heard by a District Court Judge in chambers and, subject to this Act and to any rules made under this Act, the procedure at any such hearing shall be such as the Judge may determine.

Compare: 1976 No 35 s 36

Section 53(1)(b): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 53(1)(ba): inserted, on 14 November 2018, by section 58 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Part 5
Miscellaneous provisions

54 Want of form

No proceedings of the Tribunal, or order or other document of the Tribunal shall be set aside or quashed for want of form.

Compare: 1976 No 35 s 37

Section 54: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

55 Registrar to provide assistance

A Registrar shall ensure that assistance is reasonably available, either from that Registrar himself or herself, or from that Registrar's staff, to any person who seeks it in completing the forms required by this Act, or by any rules made under this Act, in relation to the lodging of a claim in the Tribunal, an application for a rehearing, an appeal against an order or approval or variation made or given by the Tribunal, or the enforcement of an order or an agreed settlement in the Tribunal or in the District Court.

Compare: 1976 No 35 s 38

Section 55: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

56 Contempt of Tribunal

(1) Every person commits an offence and is liable on conviction to a fine not exceeding $1,000 who—

(a) wilfully insults or obstructs a Referee, or any witness or any officer of the Tribunal during a sitting of the Tribunal or while a Referee, a witness, or an officer is going to, or returning from, a sitting of the Tribunal; or

(b) wilfully insults or obstructs any person in attendance at a sitting of the Tribunal; or

(c) wilfully interrupts, or otherwise misbehaves at, a sitting of the Tribunal; or

(d) wilfully and without lawful excuse disobeys any order or direction of the Tribunal (other than an order mentioned in section 18(3) or section 18(8)

or section 46(2) or section 47(3)(b)) in the course of the hearing of any proceedings.

(2) A Referee may order the exclusion from a sitting of the Tribunal of any person whose behaviour, in the opinion of the Referee, constitutes an offence against subsection (1), whether or not such person is charged with the offence; and any Registrar, or officer under a Registrar's control, or constable may take such steps as are reasonably necessary to enforce such exclusion.

Compare: 1976 No 35 s 39

Section 56(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 56(1)(a): amended, on 14 November 2018, by section 59 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 56(1)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 56(1)(b): amended, on 14 November 2018, by section 59 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 56(1)(b): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 56(1)(c): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 56(1)(d): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 56(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

56A Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site maintained by or on behalf of the chief executive:

(a) information about the purpose of the Tribunal and how to commence a claim:

(b) any requirements that must be met for a claim:

(c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

Section 56A: inserted, on 14 November 2018, by section 60 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

57 Publication of orders

(1) A Registrar shall cause to be published, in such manner as the Minister from time to time directs, such particulars relating to proceedings in the Tribunal as the Minister specifies in the direction.

(2) Subsection (1) is subject to section 20A.

Compare: 1976 No 35 s 40

Section 57(1): amended, on 14 November 2018, by section 63 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 57(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 57(2): inserted, on 14 November 2018, by section 61 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

58 Protection of Referees, Investigators, etc

(1) A Referee, in the performance of his or her duties under this Act, shall have and enjoy the same protection as a Justice of the Peace acting in his or her criminal jurisdiction has and enjoys under sections 4A to 4F of the Justices of the Peace Act 1957.

(2) For the avoidance of doubt as to the privileges and immunities of Referees, parties, representatives, and witnesses in the proceedings of the Tribunal it is hereby declared that such proceedings are judicial proceedings.

(3) The privileges and immunities referred to in subsection (2) shall extend and apply to—

(a) the Tribunal acting under section 40(2); and

(b) an Investigator acting under section 41; and

(c) a person who gives information, or makes any statement, to the Investigator or Tribunal on any such occasion.

Compare: 1976 No 35 s 41; 1979 No 144 s 3

Section 58(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 58(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 58(3)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

59 Referee to be employee for accident compensation purposes

[Repealed]

Section 59: repealed, on 10 July 2026, by section 6 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

60 Rules

(1) The Governor-General may from time to time, by Order in Council, make rules—

(a) regulating the practice and procedure of the Tribunal:

(b) prescribing such things (including fees) as are required by this Act to be prescribed:

(c) prescribing such matters as are necessary for carrying out the provisions of this Act.

(2) Without limiting the generality of subsection (1), rules may be made providing for the following:

(a) the criteria and procedures for assessing candidates for recommendation for appointment or reappointment as Principal Disputes Referee or as Referees:

(b) the keeping of records by the Tribunal and the form of such records:

(c) the form of documents to be issued by the Tribunal and the sealing of such documents:

(d) the form and content of documents to be used by parties and intending parties, and the service of documents and the giving of notices by such persons:

(e) the functions, powers, and duties of the Tribunal and Registrars in relation to—

(i) the service of documents and giving of notices:

(ii) the enlargement of dates of hearing:

(iii) the adjournment of proceedings:

(iv) the reports of Investigators:

(f) the withdrawal and amendment of claims:

(g) the summonsing of witnesses, and the payment of witnesses from public funds or otherwise:

(ga) the giving of evidence to the Tribunal, including the giving of evidence from a distance (for example by video link or telephone conference):

(h) the commission of offences by, and punishment of, persons who refuse to give evidence or obey a summons to witness:

(i) the functions, powers, and duties of Investigators:

(j) the costs that may be awarded under section 43:

(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:

(l) the removal of orders of, or agreed settlements approved by, the Tribunal into the District Court for enforcement:

(m) the searching of the records of the Tribunal.

(3) Notwithstanding section 61, rules made under this section may make particular provision for—

(a) the giving of notices to, and service of documents on, the Crown; and

(b) the length of the notice to be given to the Crown before proceedings to which the Crown is a party may be heard.

(4) Rules under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1976 No 35 s 43

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 60(1)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 60(2)(a): amended, on 3 July 1998, by section 9 of the Disputes Tribunals Amendment Act 1998 (1998 No 84).

Section 60(2)(b): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 60(2)(c): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 60(2)(e): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 60(2)(ga): inserted, on 30 March 1995, by section 2 of the Disputes Tribunals Amendment Act 1995 (1995 No 8).

Section 60(2)(ga): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 60(2)(k): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 60(2)(l): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 60(2)(m): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 60(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

61 Crown Proceedings Act 1950 not restricted

Nothing in this Act shall limit or restrict the operation of the Crown Proceedings Act 1950.

Compare: 1976 No 35 s 44

Part 6
Amendments to other Acts

Amendments to Contracts (Privity) Act 1982

[Repealed]

Heading: repealed, on 19 December 2002, pursuant to section 7 of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

62 Interpretation

[Repealed]

Section 62: repealed, on 19 December 2002, by section 7 of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

63 Jurisdiction of Disputes Tribunals

[Repealed]

Section 63: repealed, on 19 December 2002, by section 7 of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

Amendments to Contractual Mistakes Act 1977

[Repealed]

Heading: repealed, on 19 December 2002, pursuant to section 7 of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

64 Interpretation

[Repealed]

Section 64: repealed, on 19 December 2002, by section 7 of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

65 Jurisdiction of Disputes Tribunals

[Repealed]

Section 65: repealed, on 19 December 2002, by section 7 of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

Amendments to Contractual Remedies Act 1979

66 Interpretation

[Repealed]

Section 66: repealed, on 19 December 2002, by section 7 of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

67 Statements during negotiations for a contract

Amendment(s) incorporated in the Act(s).

68 Jurisdiction of Disputes Tribunals

[Repealed]

Section 68: repealed, on 19 December 2002, by section 7 of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

Amendments to Credit Contracts Act 1981

[Repealed]

Heading: repealed, on 1 April 2005, by section 139 of the Credit Contracts and Consumer Finance Act 2003 (2003 No 52).

69 Interpretation

[Repealed]

Section 69: repealed, on 1 April 2005, by section 139 of the Credit Contracts and Consumer Finance Act 2003 (2003 No 52).

70 Jurisdiction of Disputes Tribunals

[Repealed]

Section 70: repealed, on 5 March 1999, by section 3 of the Credit Contracts Amendment Act 1999 (1999 No 2).

Amendments to Fencing Act 1978

71 Interpretation

Amendment(s) incorporated in the Act(s).

72 Proceedings to be in accordance with District Courts Act 1947

Amendment(s) incorporated in the Act(s).

73 Jurisdiction of Disputes Tribunals

Amendment(s) incorporated in the Act(s).

74 Rules

Amendment(s) incorporated in the Act(s).

Amendments to Hire Purchase Act 1971

[Repealed]

Heading: repealed, on 1 April 2005, by section 139 of the Credit Contracts and Consumer Finance Act 2003 (2003 No 52).

75 Interpretation

[Repealed]

Section 75: repealed, on 1 April 2005, by section 139 of the Credit Contracts and Consumer Finance Act 2003 (2003 No 52).

76 Jurisdiction of Disputes Tribunals

[Repealed]

Section 76: repealed, on 5 March 1999, by section 3(a) of the Hire Purchase Amendment Act 1999 (1999 No 6).

Amendments to Illegal Contracts Act 1970

[Repealed]

Heading: repealed, on 19 December 2002, pursuant to section 7 of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

77 Interpretation

[Repealed]

Section 77: repealed, on 19 December 2002, by section 7 of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

78 Jurisdiction of Disputes Tribunals

[Repealed]

Section 78: repealed, on 19 December 2002, by section 7 of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

Amendments to Minors' Contracts Act 1969

79 Interpretation

Amendment(s) incorporated in the Act(s).

80 Settlement of claims by minors

Amendment(s) incorporated in the Act(s).

81 Jurisdiction of Disputes Tribunals

Amendment(s) incorporated in the Act(s).

Part 7
Repeals, consequential amendments, and transitional provisions

82 Repeals and consequential amendments

(1) The following enactments are hereby repealed, namely:

(a) the Small Claims Tribunals Act 1976:

(b) the Small Claims Tribunals Amendment Act 1979:

(c) *Amendment(s) incorporated in the Act(s)*:

(d) the Contractual Mistakes Amendment Act 1985:

(e) the Contractual Remedies Amendment Act 1985:

(f) the Hire Purchase Amendment Act 1985:

(g) the Illegal Contracts Amendment Act 1985:

(h) the Minors' Contracts Amendment Act 1985:

(i) the Small Claims Tribunals Amendment Act 1985.

(2) The enactments specified in Schedule 2 are hereby consequentially amended in the manner indicated in that schedule.

(3) The repeal by subsection (1) of sections 5 and 6 of, and the Schedule of, the District Courts Amendment Act 1982 shall not affect the validity of anything validated by those sections or that schedule.

83 References to Small Claims Tribunals, etc, deemed references to Disputes Tribunal

Every reference to a Small Claims Tribunal in any enactment (other than an enactment to which sections 62 to 81 apply or an enactment specified in Schedule 2) passed before the commencement of this section or in any document executed before that date, shall, after the commencement of this section, be deemed for all purposes to be a reference to the Disputes Tribunal established under this Act, and every reference to a Referee of a Small Claims Tribunal shall, after the commencement of this section, be deemed for all purposes to be a reference to a Referee of the Disputes Tribunal established under this Act.

Section 83 heading: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 83: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

84 Transitional provisions

(1) Every Small Claims Tribunal established under section 4 of the Small Claims Tribunals Act 1976 before the commencement of this section shall, if that Tribunal was subsisting immediately before the commencement of this section, be deemed for all purposes to have been established as a Disputes Tribunal under this Act.

(2) Every person who, immediately before the commencement of this section, held office as a Referee pursuant to section 7 of the Small Claims Tribunals Act 1976 shall, without further appointment, be deemed as from the commencement of this section for all purposes to have been appointed as a Referee under this Act, and that person's warrant of appointment shall be construed accordingly.

(3) All proceedings commenced under the Small Claims Tribunals Act 1976, and pending or in progress at the commencement of this section, may be continued, completed, and enforced under this Act.

(4) Any form that was printed, before the commencement of this section, in the form prescribed by or under, and for the purposes of, the Small Claims Tribunals Act 1976 may be used for the purposes of this Act after the commence-

ment of this section, and it shall not be necessary, merely because of any of the provisions of this Act, to alter any printed material in any such form.

Schedule 1AA
Transitional, savings, and related provisions

s 2A

Schedule 1AA: inserted, on 29 October 2019, by section 62 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Part 1
Provisions relating to Tribunals Powers and Procedures Legislation Act 2018

Schedule 1AA Part 1: inserted, on 29 October 2019, by section 62 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

1 Reappointment of some existing Referees

(1) For the purpose of this clause, **commencement date** means the date on which section 33(1) of the Tribunals Powers and Procedures Legislation Act 2018 comes into force.

(2) A person who holds the position of Referee immediately before the commencement date and who does not meet the qualification requirement in section 7(2)(a) may be reappointed as a Referee under section 7 if he or she meets the requirements of section 7(2)(b) and (c).

Schedule 1AA clause 1: inserted, on 29 October 2019, by section 62 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Part 2
Provision relating to Remuneration Authority Legislation Act 2022

Schedule 1AA Part 2: inserted, on 1 December 2022, by section 9(a) of the Remuneration Authority Legislation Act 2022 (2022 No 74).

2 Remuneration of Principal Disputes Referee and Referees

(1) A person who immediately before the commencement date held office as the Principal Disputes Referee or a Referee continues to be paid the same amount of remuneration and allowances that applied to that office immediately before that date, until new remuneration and allowances are determined by the Remuneration Authority under section 9(1)(a).

(2) In this clause,—

commencement date means the date on which the Remuneration Authority Legislation Act 2022 comes into force

Principal Disputes Referee includes a person appointed as an Acting Principal Disputes Referee under section 6B.

Schedule 1AA clause 2: inserted, on 1 December 2022, by section 9(a) of the Remuneration Authority Legislation Act 2022 (2022 No 74).

Part 3
Provisions relating to Disputes Tribunal Amendment Act 2025

Schedule 1AA Part 3: inserted, on 24 January 2026, by section 7(a) of the Disputes Tribunal Amendment Act 2025 (2025 No 60).

3 Jurisdictional limit of claims made before commencement date

(1) This clause applies to a person who, before the commencement date,—

(a) makes a claim under this Act; and

(b) abandons under section 14 so much of the claim as exceeds $30,000 in order to bring the claim within the jurisdiction of the Tribunal.

(2) If the claim has not been disposed of before the commencement date, the person may not, on or after the commencement date,—

(a) amend the claim to include any of the amount of the claim that the person abandoned under section 14; or

(b) withdraw, or ask the Disputes Tribunal to strike out, the claim in order to make a new claim seeking—

(i) the amount originally claimed; and

(ii) the amount, in whole or in part, that the person had abandoned under section 14.

(3) In this clause, **commencement date** means the date on which this clause comes into force.

Schedule 1AA clause 3: inserted, on 24 January 2026, by section 7(a) of the Disputes Tribunal Amendment Act 2025 (2025 No 60).

Schedule 1
Powers and jurisdiction of Disputes Tribunal

s 10(1A), (2)

Schedule 1: substituted, on 19 December 2002, by section 8 of the Disputes Tribunals Amendment Act 2002 (2002 No 80).

Schedule 1 heading: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Part 1
Enactments under which Disputes Tribunal may exercise powers

Schedule 1 Part 1: replaced, on 1 September 2017, by section 347 of the Contract and Commercial Law Act 2017 (2017 No 5).

Subparts 1, 2, 3, 4, and 5 of Part 2 of the Contract and Commercial Law Act 2017

Part 2
Enactments that confer jurisdiction on Disputes Tribunal

Schedule 1 Part 2 heading: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Civil Aviation Act 2023, subparts 2 and 3 of Part 8

Consumer Guarantees Act 1993

Credit Contracts and Consumer Finance Act 2003

Customer and Product Data Act 2025

Fair Trading Act 1986

Fencing Act 1978

Friendly Societies and Credit Unions Act 1982

Motor Vehicle Securities Act 1989

Subpart 6 of Part 2 of the Contract and Commercial Law Act 2017

Schedule 1 Part 2: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Schedule 1 Part 2: amended, on 30 March 2025, by section 148 of the Customer and Product Data Act 2025 (2025 No 14).

Schedule 1 Part 2: amended, on 1 September 2017, by section 347 of the Contract and Commercial Law Act 2017 (2017 No 5).

Schedule 1 Part 2: amended, on 6 June 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Schedule 1 Part 2: amended, on 1 April 2005, by section 139 of the Credit Contracts and Consumer Finance Act 2003 (2003 No 52).

Schedule 2
Consequential amendments

s 82(2)

Crown Proceedings Act 1950 (1950 No 54) (RS Vol 2, p 23)

Amendment(s) incorporated in the Act(s).

District Courts Act 1947 (1947 No 16) (RS Vol 5, p 1)

Amendment(s) incorporated in the Act(s).

Fair Trading Act 1986 (1986 No 121)

Amendment(s) incorporated in the Act(s).

Friendly Societies and Credit Unions Act 1982 (1982 No 118)

Amendment(s) incorporated in the Act(s).

Inferior Courts Procedure Act 1909 (1909 No 13) (RS Vol 3, p 13)

Amendment(s) incorporated in the Act(s).

Maori Language Act 1987 (1987 No 176)

Amendment(s) incorporated in the Act(s).

Oaths and Declarations Act 1957 (1957 No 88) (RS Vol 4, p 1)

Amendment(s) incorporated in the Act(s).

Notes

1 General

This is a consolidation of the Disputes Tribunal Act 1988 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42): sections 4–6

Disputes Tribunal Amendment Act 2025 (2025 No 60): Part 1

Customer and Product Data Act 2025 (2025 No 14): section 148

Civil Aviation Act 2023 (2023 No 10): section 486

Remuneration Authority Legislation Act 2022 (2022 No 74): Part 2 subpart 1

Plant Variety Rights Act 2022 (2022 No 61): section 159

Secondary Legislation Act 2021 (2021 No 7): section 3

Statutes Amendment Act 2019 (2019 No 56): section 45

Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51): Part 1 subpart 4

Contract and Commercial Law Act 2017 (2017 No 5): section 347

Interest on Money Claims Act 2016 (2016 No 51): section 29

District Court Act 2016 (2016 No 49): sections 257–261

Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33): section 82

Disputes Tribunals Amendment Act 2013 (2013 No 113)

Patents Act 2013 (2013 No 68): section 249

Criminal Procedure Act 2011 (2011 No 81): section 413

Disputes Tribunals Amendment Act 2011 (2011 No 37)

Limitation Act 2010 (2010 No 110): section 58

Arbitration Amendment Act 2007 (2007 No 94): section 11

Credit Contracts and Consumer Finance Act 2003 (2003 No 52): section 139

Motor Vehicle Sales Act 2003 (2003 No 12): section 145

Disputes Tribunals Amendment Act 2002 (2002 No 80)

Trade Marks Act 2002 (2002 No 49): section 201

Sentencing Act 2002 (2002 No 9): section 186

Hire Purchase Amendment Act 1999 (1999 No 6): section 3(a)

Credit Contracts Amendment Act 1999 (1999 No 2): section 3

Disputes Tribunals Amendment Act 1998 (1998 No 84)

Disputes Tribunals Amendment Act 1995 (1995 No 8)

Copyright Act 1994 (1994 No 143): section 236(1)

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