

# **Judicature (Timeliness) Legislation Amendment Bill**

Government Bill

As reported from the committee of the whole House



**Key to symbols used in reprinted bill**

**As reported from the committee of the whole House**

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*Hon Paul Goldsmith*

## **Judicature (Timeliness) Legislation Amendment Bill**

Government Bill

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**Judicature (Timeliness) Legislation Amendment Bill**

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Judicature (Timeliness) Legislation Amendment Act **2025**.

**2 Commencement**

This Act comes into force on **1 February 2026**.

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**Part 1**

**Amendments to Senior Courts Act 2016**

**3 Principal Act**

This Part amends the Senior Courts Act 2016.

	Subpart 1—Amendments to increase cap on number of High Court Judges	10
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**4 Section 7 amended (Number of High Court Judges)**

(1) In section 7(1), (2)(c), and (3), replace “55” with “60”.

(1) Replace section 7(1) with:

(1)	<u>The number of High Court Judges appointed from time to time referred to in section 6(2)(b) must—</u>	15
	(a) <u>not be fewer than 60; and</u>	
	(b) <u>not exceed 65.</u>	

- (1A) In section 7(2)(c) and (3), replace “57” with “65”.
- (2) In section 7(2)(c), replace “54.5” with “64.5” “59.5”.
- (3) In section 7(3), replace “the Governor-General thinks that 1 or more additional Judges are” with “at any time the Governor-General thinks that an additional Judge is”.
- (4) After section 7(3)(b), insert:
- (c) the anticipated retirement of any Judge if the retirement is within 3 months of the appointment of the additional Judge.

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## Subpart 2—Amendments in respect of abusive civil proceedings

### 5 Section 49 amended (Powers exercisable by Judges)

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- (1) After section 49(2), insert:
- (2A) A single Judge of the Court of Appeal may—
- (a) make an order or give directions under **section 164B(2)** on a proceeding that is referred to a Judge of the Court of Appeal under **section 164A**:
- (b) hear and determine an appeal against an order made under **section 164B(2)(a)**.
- (2) In section 49(3), replace “Any other” with “In any other case, an”.

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### 6 Section 81 amended (Exercise of powers of court)

After section 81(2), insert:

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- (2A) A single permanent Judge of the Supreme Court may act as the court to—
- (a) make an order or give directions under **section 164B(2)** on a proceeding that is referred to a Judge of the Supreme Court under **section 164A**:
- (b) hear and determine an application for leave to appeal against an order made under **section 164B(2)(a)**.

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### 7 New sections 164A to 164C and cross-headings inserted

After section 164, insert:

*Striking out or otherwise dealing with plainly abusive civil proceeding*

#### 164A Registrar may refer plainly abusive civil proceeding to Judge

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- (1) This section applies if—
- (a) a civil proceeding is tendered for filing in the High Court, Court of Appeal, or Supreme Court; and

- (b) the Registrar of the court in which the proceeding is tendered believes that, on the face of the proceeding, the proceeding is plainly an abuse of the process of the court.
- (2) If the Registrar accepts the proceeding for filing, the Registrar may,—
- (a) as soon as practicable after accepting the proceeding for filing, refer it to a Judge of the court in which the proceeding was filed for consideration as to whether any orders or directions should be made or given under **section 164B**; and 5
- (b) until the Judge has considered the proceeding under that section, decline to take any further actions in relation to the proceeding. 10
- 164B Judge’s powers to make orders and give directions in respect of plainly abusive civil proceeding**
- (1) This section applies if a Judge to whom a Registrar refers a civil proceeding under **section 164A** is satisfied that the proceeding is plainly an abuse of the process of the court. 15
- (2) The Judge may, on the Judge’s own initiative,—
- (a) make an order that the proceeding be struck out; or
- (b) make an order or give directions to ensure that the proceeding is disposed of or, as the case may be, proceeds in a way that complies with rules made under section 148 that apply to the relevant court. 20
- (2A) The Judge may make an order or give directions under **subsection (2)**—
- (a) on the papers; and
- (b) without giving the person who filed the proceeding the opportunity to make submissions.
- Statements that must be contained in strike-out order* 25
- (3) If the Judge makes an order under **subsection (2)(a)** in respect of a proceeding filed by a person, the order must contain a statement stating the following matters:
- (a) if the order is a first strike-out order for the purposes of **section 164C**, the consequences of a subsequent strike-out order being made, in respect of another proceeding filed by the person, within 2 years of the date of the first strike-out order, as specified in **section 164C**; and 30
- (b) if the order is a subsequent strike-out order for the purposes of **section 164C**, that the person is restrained in the manner specified by **section 164C(3)** for the period specified in **section 164C(4)**; and 35
- (c) if the order is made by a Judge of the High Court or a Judge of the Court of Appeal, the person’s rights in respect of appeal against the order.

*Automatic restraint on commencing or continuing civil proceeding***164C Automatic restraint on persons from commencing or continuing civil proceeding**

- (1) This section applies if—
- (a) an order is made under **section 164B(2)(a)** in respect of a proceeding filed by a person (the **first strike-out order**); and 5
  - (b) after the first strike-out order is made, an order is made under **section 164B(2)(a)** in respect of another proceeding filed by the same person (the **subsequent strike-out order**); and
  - (c) the subsequent strike-out order referred to in **paragraph (b)** is made within 2 years of the date that the first strike-out order was made. 10
- (2) For the purposes of **subsection (1)**, it does not matter that—
- (a) the first strike-out order and subsequent strike-out order were made in different courts; or
  - (b) the proceedings in respect of the first strike-out order and subsequent strike-out order were commenced against the same or different persons. 15
- (3) A person referred to in **subsection (1)** is restrained from doing any of the following in a senior court, another court, or a tribunal without first obtaining the leave of the High Court:
- (a) commencing a civil proceeding (including an appeal): 20
  - (b) continuing a civil proceeding.
- (4) **Subsection (3)** applies until the earlier of the following:
- (a) 3 years from the date that the subsequent strike-out order is made; or
  - (b) the first strike-out order or subsequent strike-out order is set aside on appeal. 25
- (5) In respect of an application for leave to commence or continue a civil proceeding by a person restrained by **subsection (3)**,—
- (a) the application for leave may be made without notice, but the court may direct that the application for leave be served on any specified person; and 30
  - (b) the application for leave must be determined on the papers, unless the Judge considers that an oral hearing should be conducted because there are exceptional circumstances and it is appropriate to do so in the interests of justice; and
  - (c) the High Court’s determination of the application for leave is final. 35
- (6) A restraint under **subsection (3)** does not apply to an appeal against an order made under **section 164B(2)(a)**.

- (7) This section does not prevent or affect the commencement of a private criminal prosecution in any case.

**8 Cross-heading above section 166 replaced**

Replace the cross-heading above section 166 with:

*Order restricting commencement or continuation of proceeding*

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**9 Schedule 5 amended**

In Schedule 5,—

- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and  
 (b) make all necessary consequential amendments.

**Part 2**

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**Amendments to other legislation**

Subpart 1—Amendments to Criminal Procedure Act 2011

**10 Principal Act**

This subpart amends the Criminal Procedure Act 2011.

**11 Section 35 amended (Court dealing with proceeding before trial or transfer for trial: categories 1 to 3)**

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After section 35(3)(c), insert:

- (d) any direction made under **section 156A**.

**12 New section 156A and cross-heading inserted**

After section 156, insert:

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*Management of pre-trial processes if defendant charged in respect of 2 or more offences in different District Court offices*

**156A Pre-trial processes for 2 or more proceedings in different District Court offices may be managed in single office**

- (1) This section applies if—

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- (a) a defendant is charged with 2 or more offences; and  
 (b) proceedings in respect of the offences have been commenced in 2 or more offices of the District Court.

- (2) A District Court Judge, on the Judge's own initiative or on the application of the prosecutor or the defendant, may direct that the pre-trial processes in respect of some or all the proceedings be managed in one of the offices of the District Court in which proceedings have been commenced.

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- (3) A direction under **subsection (2)** may only be made if the Judge is satisfied that the management in 1 office of the District Court of the pre-trial processes for all the proceedings subject to the direction would—
- (a) ensure the just, timely, and efficient determination of all the proceedings; and
- (b) not be contrary to the interests of justice.

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### 13 New section 319A and cross-heading inserted

In Part 6, after the subpart 12 heading, insert:

*Court of Appeal Judge may remit first appeals to High Court*

#### 319A Judge of Court of Appeal may remit first appeal, or application for leave to appeal to first appeal court, to High Court

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- (1) This section applies to a first appeal or an application for leave to appeal made to the Court of Appeal as the first appeal court under this Part that is against a decision (including a ruling, conviction entered, or sentenced imposed) of the District Court.
- (2) A Judge of the Court of Appeal, acting alone and on their own initiative, may, if they consider it appropriate, remit to the High Court for determination the first appeal or the application for leave to appeal.
- (3) If a matter is remitted to the High Court under **subsection (2)**, the High Court is treated as the first appeal court for the purposes of the subpart of this Part to which the first appeal applies, with all necessary modifications.
- (4) No party may appeal against a decision under this section.

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### 14 Schedule 1AA amended

In Schedule 1AA,—

- (a) insert the Part set out in **Schedule 2** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

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Subpart 2—Amendments to Coroners Act 2006

### 15 Principal Act

This subpart amends the Coroners Act 2006.

### 16 Section 4 amended (Coroner's role)

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Replace section 4(1)(e)(iii) with:

- (iii) to complete and sign a certificate of findings in relation to the death (if the inquiry is completed and not earlier closed); and

- 17 Section 8 amended (Overview of this Act)**
- Replace section 8(3) with:
- (3) Part 3 deals with—
- (a) the opening and conduct of inquiries into the causes and circumstances of deaths and, in particular,—
    - (i) the holding of inquests and completion of inquiries: 5
    - (ii) inquiries or further inquiries ordered by the Solicitor-General or the High Court; and
  - (b) the closing of inquiries.
- 18 Section 28 amended (Any person may access specified certificates and notices)** 10
- After section 28(1)(a), insert:
- (aa) a notice under **section 65A(5)** of a coroner’s decision to close an inquiry that the coroner has opened; or
- 19 Section 55 amended (Return on request of retained parts and samples)** 15
- After section 55(2)(b), insert:
- (c) the coroner notifies the Secretary of the coroner’s decision to close an inquiry under **section 65A**.
- 20 New section 65A inserted (Coroner may close inquiry despite initial decision)** 20
- After section 65, insert:
- 65A Coroner may close inquiry despite initial decision**
- Grounds for closing inquiry*
- (1) A coroner, after deciding to open an inquiry (the **initial decision**), may close that inquiry if the coroner— 25
- (a) is satisfied that new information unavailable at the time of the initial decision, or another change in circumstances, means that it is no longer appropriate to conduct the inquiry; and
  - (b) has considered submissions made under **subsection (4)**.
- Restrictions on closing inquiry* 30
- (2) However, a coroner must not close an inquiry under **subsection (1)**—
- (a) that is required to be opened and conducted under section 60; or
  - (b) on or after the date fixed for an inquest under section 81(1) or (2); or
  - (c) if the coroner is not satisfied of the matters in section 92(1); or

- (d) if the inquiry is ordered by the Solicitor-General or the High Court under any of sections 95 to 97.
- Notification of proposal to close inquiry*
- (3) Before deciding to close an inquiry under **subsection (1)**, a coroner must notify interested parties, in an approved form, of the proposal to close the inquiry, including— 5
- (a) the reasons for proposing to close the inquiry; and
- (b) a statement that the coroner is satisfied as to the identity of the dead person concerned.
- (4) Persons notified under **subsection (3)** may make submissions to the coroner on the proposal within 15 working days of the notification being made. 10
- Notification after inquiry closed*
- (5) A coroner who decides to close an inquiry under **subsection (1)** must notify the following persons of the decision in an approved form: 15
- (a) the Secretary;
- (b) interested parties.
- (6) An approved form under **subsection (5)** must contain or have attached to it, as the case requires,—
- (a) the coroner’s reasons for the decision to close the inquiry; and
- (b) if any submissions are made under **subsection (4)**, the coroner’s consideration of those submissions; and 20
- (c) the cause of death to the extent that it is known; and
- (d) a statement that the coroner is satisfied as to the identity of the dead person concerned.
- (7) The coroner may record the cause of death as presumed natural causes if the coroner is satisfied, based on the evidence gathered to date, that— 25
- (a) the death appears to be from natural causes; and
- (b) no further investigation is required to discharge the coroner’s role under this Act.
- (7A) In the coroner’s notification under **subsection (5)**, the coroner is not required to provide information about the circumstances of the death concerned if the coroner— 30
- (a) takes into account the public interest in the circumstances of the death; and
- (b) considers that there is no clear benefit to the public in providing the information. 35
- (8) The coroner’s notification under **subsection (5)** prevails over a certificate of interim findings issued under section 93 in relation to the death concerned.

- 21 Section 83 amended (Specialist advisers to sit with and help coroners)**  
Replace section 83(4) with:
- (4) The appointment of a specialist adviser ends when—
- (a) the coroner conducting the inquiry concerned closes the inquiry under **section 65A**; or
  - (b) the coroner conducting the inquiry concerned completes and signs a certificate of findings in relation to the death concerned.
- 22 Section 94A amended (Chief coroner to monitor inquiries not completed within 1 year)**  
In section 94A, insert as subsection (2):
- (2) **Subsection (1)** does not apply if an inquiry is closed under **section 65A**.
- 23 Section 94B amended (Chief coroner to publish information regarding certain inquiries for which findings not completed)**  
After section 94B(2), insert:
- (3) However, this section does not apply to an inquiry closed under **section 65A**.
- 24 Section 118 amended (Coroner may call for investigations or examinations or commission reports)**  
After section 118(1)(b), insert:
- (c) for the purpose of deciding whether to close an inquiry that has been opened.
- 25 Schedule 1 amended**  
In Schedule 1,—
- (a) insert the Part set out in **Schedule 3** of this Act as the last Part; and
  - (b) make all necessary consequential amendments.
- Subpart 3—Amendments to High Court Rules 2016
- 26 Principal rules**  
This subpart amends the High Court Rules 2016.
- 27 Rule 2.1 amended (Jurisdiction and powers)**  
Replace rule 2.1(3)(b) with:
- (b) under **sections 164A and 164B** of the Act.
- 28 Rules 5.35A to 5.35C and cross-heading above rule 5.35A revoked**  
Revoke rules 5.35A to 5.35C and the cross-heading above rule 5.35A.

**29 Schedule 1AA amended**

In Schedule 1AA,—

- (a) insert the Part set out in **Schedule 4** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

**Schedule 1**  
**New Part 3 inserted into Schedule 5 of Senior Courts Act 2016**

**s 9**

<b>Part 3</b>		
<b>Provision relating to Judicature (Timeliness) Legislation Amendment Act 2025</b>		<b>5</b>
<b>13</b>	<b>Section 164A not to apply to existing proceedings</b>	
(1)	<b>Section 164A</b> does not apply to civil proceedings tendered for filing before the commencement date.	
(2)	In this clause, <b>commencement date</b> means the date on which the Judicature (Timeliness) Legislation Amendment Act <b>2025</b> comes into force.	<b>10</b>

**Schedule 2**  
**New Part 5 inserted into Schedule 1AA of Criminal Procedure Act**  
**2011**

s 14

<b>Part 5</b>	5
<b>Provisions relating to Judicature (Timeliness) Legislation Amendment Act 2025</b>	
<b>8 Interpretation</b>	
In this Part, unless the context otherwise requires,—	
<b>amendment Act</b> means the Judicature (Timeliness) Legislation Amendment Act <b>2025</b>	10
<b>commencement date</b> means the date on which the amendment Act comes into force.	
<b>9 Amendment Act not to apply to existing proceedings</b>	
(1) A direction under <b>section 156A</b> may not be made in respect of proceedings commenced before the commencement date.	15
(2) <b>Section 319A</b> does not apply to appeals or applications for leave to appeal made to the Court of Appeal before the commencement date.	

**Schedule 3**  
**New Part 3 inserted into Schedule 1 of Coroners Act 2006**

**s 25**

<b>Part 3</b>	
<b>Provision relating to Judicature (Timeliness) Legislation Amendment Act 2025</b>	5
<b>8 Application of section 65A to inquiries opened before, on, or after commencement date</b>	
(1) An inquiry opened before, on, or after the commencement date is an inquiry for the purposes of <b>section 65A</b> .	10
(2) In this clause, <b>commencement date</b> means the date on which <b>section 65A</b> of this Act comes into force.	

**Schedule 4**  
**New Part 3 inserted into Schedule 1AA of High Court Rules 2016**

s 29

<b>Part 3</b>	
<b>Provision relating to Judicature (Timeliness) Legislation Amendment Act 2025</b>	5
<b>4 Continuation of rules relating to plainly abusive proceedings</b>	
(1) This clause applies to a proceeding tendered for filing before the commencement date.	
(2) Rules 2.1 and 5.35A to 5.35C, as in force immediately before the commencement date, continue to apply to the proceeding.	10
(3) In this clause, <b>commencement date</b> means the date on which the Judicature (Timeliness) Legislation Amendment Act <b>2025</b> comes into force.	

**Legislative history**

22 May 2025	Introduction (Bill 159–1), first reading and referral to Justice Committee
22 September 2025	Reported from Justice Committee (Bill 159–2)
18 November 2025	Second reading, committee of the whole House (Bill 159–3)
9 December 2025	Recommittal to committee of the whole House (Bill 159–4)