

District Court Bill

(Divided from the Judicature Modernisation Bill)

Government Bill

As reported from the committee of the whole House

This Bill was formerly part of the Judicature Modernisation Bill as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the Bill and divided it into the following Bills:

- Senior Courts Bill comprising clauses 1 and 2, Part 1, and Schedules 1A to 4
- this Bill comprising Part 2 and Schedules 5 to 7
- Judicial Review Procedure Bill comprising Part 3 and Schedule 8
- Interest on Money Claims Bill comprising Part 4 and Schedules 9AAA, 9AA, and 9
- Electronic Courts and Tribunals Bill comprising Part 5
- Arbitration Amendment Bill comprising subpart 1 of Part 6
- Bills of Exchange Amendment Bill comprising subpart 2 of Part 6
- Building Societies Amendment Bill comprising subpart 3 of Part 6
- Children, Young Persons, and Their Families Amendment Bill comprising subpart 4 of Part 6
- Companies Amendment Bill (No 2) comprising subpart 5 of Part 6 and Schedule 10
- Contractual Remedies Amendment Bill comprising subpart 6 of Part 6
- Copyright Amendment Bill (No 2) comprising subpart 7 of Part 6
- Courts (Remote Participation) Amendment Bill comprising subpart 8 of Part 6
- Criminal Procedure Amendment Bill comprising subpart 9 of Part 6
- Employment Relations Amendment Bill (No 4) comprising subpart 10 of Part 6
- Family Courts Amendment Bill comprising subpart 11 of Part 6

- Insolvency Amendment Bill comprising subpart 12 of Part 6
- Local Government (Rating) Amendment Bill comprising subpart 13 of Part 6
- Property Law Amendment Bill comprising subpart 14 of Part 6
- Remuneration Authority Amendment Bill (No 2) comprising subpart 14A of Part 6
- Resource Management Amendment Bill comprising subpart 15 of Part 6
- Te Ture Whenua Maori Amendment Bill comprising subpart 16 of Part 6
- Trans-Tasman Proceedings Amendment Bill comprising subpart 17 of Part 6

Key to symbols used in reprinted bill

As reported from committee of the whole House

text inserted

~~text deleted~~

Hon Amy Adams

District Court Bill

Government Bill

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Schedule 7
Transitional, savings, and related provisions relating to District Court

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the District Court Act **2016**.

2 Commencement

- (1) This Act comes into force on **1 March 2017**. 5
- (2) **Subsection (1)** applies with the following exceptions:
- (a) the following provisions come into force on the day after the date of Royal assent:
- (i) **sections 419 and 419A**:
- (ii) **Schedule 5**: 10
- (b) **section 420(2)** comes into force on **1 January 2018**.

Preliminary provisions

184 Purposes

- The purposes of this **Act** are— 15
- (a) to reconstitute District Courts as a single court with divisions for a Family Court, a Youth Court, and a Disputes Tribunal; and
- (b) to provide for—
- (i) the constitution and jurisdiction of the court; and
- (ii) the practice and procedure of the court; and 20
- (iii) the selection, appointment, removal, and conditions of the judicial and other officers of the court; and
- (c) to make provision for any other related matters; and
- (d) to improve the transparency of court arrangements in a manner consistent with judicial independence. 25

185 Interpretation

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

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

authenticate means,— 30

- (a) in relation to a document other than a document under **Part 10**,—
- (i) ~~signing sign~~ and ~~dating date~~ the document; or
 - (ii) in the case of a document in electronic form, ~~using use~~ any electronic means that adequately identifies the person responsible for its content and the date of authentication; or 5
- (b) in relation to a document under **Part 10**, ~~using use~~ any means that adequately identifies the person responsible for its content and the date of authentication; or
- (c) in relation to a warrant, authenticate in the manner provided in **paragraph (a) or (b)** or by a Registrar entering the particulars of the warrant into a computer system accessible to a constable or a bailiff 10
- bailiff** means a bailiff appointed under **section 248**, and includes any deputy bailiff and any person acting as a bailiff under **section 248(2)**
- Chief District Court Judge** means the Chief District Court Judge appointed under **section 207(1)** 15
- chief executive** means the chief executive of the Ministry of Justice
- Community Magistrate** means a person appointed under **section 221(1)**
- constable** has the same meaning as in section 4 of the Policing Act 2008
- court** means the District Court ~~constituted~~ established under **section 188**
- District Court Judge** ~~or Judge~~ or Judge means a Judge appointed under **section 192(1)** 20
- document**—
- (a) means a document in any form (including, without limitation, a document in an electronic form); and
 - (b) includes, without limitation, any of the following: 25
 - (i) any writing on any material:
 - (ii) information recorded or stored by means of a tape recorder, computer, or other device:
 - (iii) material subsequently derived from information recorded or stored in the manner described in **subparagraph (ii)**: 30
 - (iv) a label, a marking, or any other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means:
 - (v) a book, map, plan, graph, or drawing:
 - (vi) a photograph, film, negative, tape, or ~~any other~~ device in which 1 or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced 35

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

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

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

freezing order means an order restraining a person from removing any assets located in or outside New Zealand or from disposing of, dealing with, or diminishing the value of those assets 5

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

Justice has the same meaning as in section 2 of the Justices of the Peace Act 1957 10

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

lawyer has the same meaning as in section 6 of the Lawyers and Conveyancers Act 2006 15

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

officer of the court means any Registrar, Deputy Registrar, or other employee appointed under the State Sector Act 1988 for the conduct of the business of the court 20

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

permanent Judge does not include an acting District Court Judge

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

prescribed means prescribed by regulations made under **section 413** 25

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

principal Judge means a Judge who is appointed the principal Judge of a division of the court 30

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

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

rules means the rules of the practice and procedure of the court made under **section 411** 35

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

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

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

Compare: 1947 No 16 s 2

186 Act binds the Crown

This **Act** binds the Crown.

187 Application of this Act

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

Part 1

Establishment of District Court

188 District Court

- (1) This **Act** establishes ~~a~~ the District Court of New Zealand (the **court**).
- (2) The court consists of—
 - (a) the Chief District Court Judge; and
 - (aa) the Principal Family Court Judge and the Principal Youth Court Judge; and
 - (b) the other District Court Judges.
- (3) The court has civil and criminal jurisdiction and is a court of record.
- (4) The court is a single court that replaces the District Courts that were continued by the District Courts Act 1947.
- (5) On and after the coming into force of this **Act**,—
 - (a) a District Court in existence immediately before the coming into force of this **Act** is part of the court:
 - (b) any act or thing that was done in relation to a proceeding commenced in a District Court before the coming into force of this **Act** is to be treated as having been done in the court sitting in the same place as that District Court:

- (c) any act or thing that could have been done in relation to a proceeding commenced in a District Court before the coming into force of this **Act** must be done in relation to the proceeding in the court sitting in the same place as that District Court.
- (6) In **subsection (5)**, **District Court** includes a Family Court or a Youth Court that was a division of the particular District Court. 5
- Compare: 1947 No 16 s 3(1)

189 Seal

- The court must have a seal, and each Registrar of the court is responsible for the seal. 10
- Compare: 1947 No 16 s 3(2)

Divisions of court

190 Divisions of court

The court has the following divisions:

- (a) a general division, to exercise the ordinary civil and criminal jurisdiction of the court, including common law and equitable jurisdiction and admiralty jurisdiction: 15
- (b) a division known as the Family Court, to exercise the jurisdiction conferred ~~under~~ by section 11 of the Family Courts Act 1980:
- (c) a division known as the Youth Court, to exercise the jurisdiction conferred ~~under~~ by section 272 of the Children, Young Persons, and Their Families Act 1989: 20
- (d) a division known as the Disputes Tribunal, to exercise the jurisdiction conferred ~~under~~ by section 10 of the Disputes Tribunal Act 1988 and a provision of any other enactment. 25

Compare: 1947 No 16 s 9(4)

Court offices

191 Court offices

- (1) The Governor-General may, by notice in the *Gazette*,—
- (a) declare that an office of the court is established at or for a place; and 30
- (b) specify the date on and after which the office of the court is established.
- (2) An office of the court may be housed in more than 1 building and, if it is established for a place, need not be physically established at that place or at all.
- (3) The Governor-General may, by notice in the *Gazette*, abolish an office of the court. 35
- (4) The following provisions apply on the abolition of an office of the court (the **abolished office**):

- (a) the Minister may direct that the documents and records in the abolished office must be transferred to another office of the court (the **substituted office**):
- (b) when delivered to the Registrar of the substituted office, the documents and records become subject to the custody of that Registrar: 5
- (c) the Registrar of the substituted office may do anything that could under an enactment or a rule have been done by the Registrar of the abolished office:
- (d) a step in a proceeding that could, under an enactment or a rule, have been taken in the abolished office may be taken in the substituted office: 10
- (e) an act or a thing required or authorised by an enactment or a rule to be done by a person at the abolished office in relation to a proceeding or transaction or document may be done by a person at the substituted office:
- (f) an address for service given by a party in relation to a proceeding in the abolished office continues to be the address for service of the party, but, if the address does not comply with any enactment or rule, the party must give a new address for service on first filing a document in the proceeding in the substituted office: 15
- (g) a Judge may— 20
- (i) decide a question as to the application of this section or the procedure to be followed; and
- (ii) make an order that the Judge thinks fit.
- (5) The Governor-General may from time to time appoint cities, towns, or other places in which courts may be held for the exercise of jurisdiction to conduct jury trials in accordance with the Criminal Procedure Act 2011. 25
- (6) ~~The Governor-General may at any time in like manner amend or revoke any appointment made under **subsection (5)**.~~
- (7) ~~The appointment under section 4(2A) of the District Courts Act 1947 of a city, borough, or other place that is in force immediately before the commencement of this section continues in force as if it were an appointment made under **subsection (5)**.~~ 30

Part 2 Judges

Appointment of Judges 35

192 Appointment of Judge

- (1) The Governor-General may, on the advice of the Attorney-General, appoint a Judge.

- (2) The Governor-General appoints a Judge by a signed warrant of appointment.
- (3) The Attorney-General must publish information explaining his or her process for—
- (a) seeking expressions of interest for the appointment of Judges; and
 - (b) nominating persons for appointment as a Judge. 5

193 Maximum number of Judges

- (1) The maximum number of Judges is ~~156~~ 160.
- (2) For the purposes of **subsection (1)**,—
- (a) a Judge who is acting on a full-time basis counts as 1:
 - (b) a Judge who is acting on a part-time basis counts as an appropriate fraction of 1: 10
 - (c) the aggregate number (for example, ~~155.5~~ 159.5) must not exceed the maximum number of Judges that is for the time being permitted.

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

194 Appointment of Judge to sit in other jurisdiction or division of court 15

- (1) A Judge may be appointed to sit in another jurisdiction or division of the court by—
- (a) warrant of the Governor-General; or
 - (b) designation by the Chief District Court Judge; or
 - (c) other prescribed means. 20
- (2) An appointment under **subsection (1)(a) or (b)** is subject to the procedure prescribed (if any) in any enactment for the issue of the warrant or the making of the designation.

195 Appointment of jury trial Judges

- (1) The Governor-General must by warrant appoint sufficient Judges to exercise the criminal jurisdiction of the court in relation to jury trials under the Criminal Procedure Act 2011. 25
- (2) The fact that a Judge is appointed under this section does not limit or affect the power of that Judge to exercise any other jurisdiction of the court or the powers of a Judge. 30

Compare: 1947 No 16 s 5B

197 Who is eligible for appointment as Judge

A person may be appointed as a Judge if—

- (a) that person has for at least 7 years held a New Zealand practising certificate as a barrister or as a barrister and solicitor; or 35
- (b) that person—

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

Compare: 1947 No 16 s 5

198 Tenure of Judges

- (1) A Judge is appointed as a permanent Judge and holds office until he or she resigns, retires, or is removed. 15
- (2) The terms and conditions of the appointment of a Judge may be changed only with the consent of the Judge.

Compare: 1947 No 16 s 5AA(7)

200 Restrictions on Judges

- (1) A Judge must not practise as a lawyer. 20
- (2) A Judge must not undertake any other paid employment or hold any other office (whether paid or not) without the approval of the Chief District Court Judge.
- (3) However, **subsection (1)** does not apply to another office if an enactment permits or requires the office to be held by a Judge. 25
- (4) The Chief District Court Judge may approve other employment or any other office only if he or she is satisfied that the other employment or office is consistent with judicial office.

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

201 Protocol relating to activities of Judges 30

- (1) The Chief Justice must develop and publish a protocol containing guidance on—
 - (a) the employment, or types of employment, that he or she considers may be undertaken consistent with being a Judge; and
 - (b) the offices, or types of offices, that he or she considers may be held consistent with being a Judge. 35
- (2) The protocol required by **subsection (1)** must be prepared in consultation with the Chief District Court Judge.

*Powers of Judges***202 Powers of Judges**

- (1) A Judge has the power—
- (a) to exercise the civil and criminal jurisdiction of the court in accordance with his or her warrant of appointment; and 5
 - (b) if applicable, to exercise the jurisdiction conferred by a warrant to sit in the Family Court or to conduct jury trials, or conferred by a designation to sit in the Youth Court.
- (2) A Judge exercises the jurisdiction of the court by—
- (a) hearing and determining proceedings in the court; and 10
 - (b) exercising the powers conferred by this **Act** or any other enactment on the court or Judges of the court.
- (3) Nothing in **subsection (1)** limits section 436 of the Children, Young Persons, and Their Families Act 1989. 15
Compare: 1947 No 16 s 58

203 Exercise of jurisdiction

The jurisdiction of the court may be exercised by—

- (a) a Judge; or
- (b) if authorised by this **Act** or any other Act or by the rules, a Registrar or any person authorised to carry out the functions of a Registrar. 20

Compare: 1947 No 16 s 40

204 Additional powers of Judges

- (1) A Judge has the same powers and may make the same orders in relation to a proceeding pending before the court as a Judge of the High Court in chambers in a similar proceeding. 25
- (2) Despite **subsection (1)**, an interim injunction restraining a party to a proceeding (whether domiciled, resident, or present in New Zealand) from removing from New Zealand, or otherwise dealing with, assets in New Zealand is the only interlocutory injunction in the nature of a freezing order that a Judge may grant. 30
- (3) A Judge has no power to make a search order.
- (4) **Subsection (3)** does not limit the power of a Judge to make an order for the detention, custody, or preservation of property.

Compare: 1947 No 16 s 42

205 Other functions of Judges 35

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

- (a) is also a coroner for New Zealand; and

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

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Compare: 1947 No 16 s 8

206 Immunity of Judges

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

Compare: 1947 No 16 s 119

Chief District Court Judge

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207 Chief District Court Judge

- (1) There must be a Chief District Court Judge appointed by the Governor-General on the advice of the Attorney-General.
- (2) The Chief District Court Judge is head of the court.
- (3) The Chief District Court Judge must ensure the orderly and efficient conduct of the court's business; and, for that purpose, may, among other things,—
 - (a) determine the sessions of the court; and
 - (b) assign Judges to those sessions; and
 - (c) assign Judges to particular divisions or jurisdictions; and
 - (ca) assign Judges to the hearing of cases and other duties; and
 - (d) determine the places and schedules of sessions for individual Judges (including varying the places and schedules of sessions for Judges from time to time); and
 - (e) manage the workload of individual Judges; and
 - (f) delegate administrative duties to individual Judges; and
 - (g) oversee and promote the professional development, continuing education, and training of Judges; and
 - (h) make directions and set standards for best practice and procedure in the court.
- (4) The Chief District Court Judge, in assigning a Judge to the Family Court or the Youth Court, may give directions in relation to the Family Court or the Youth Court, as the case may be, but must first consult the Principal Judge of the court in question.
- (5) The fact that a Judge sits in any particular court is conclusive evidence of his or her authority so to do, and no exercise of any jurisdiction or power by a Judge may be questioned on the ground that he or she was not authorised to sit in the court where the jurisdiction or power was so exercised.

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- (6) The reference in **subsections (3), (4), and (5)** to **jurisdictions** means—
- (a) the ordinary civil and criminal jurisdiction of the District Court, including common law and equitable jurisdiction and admiralty jurisdiction:
 - (b) the specialist jurisdiction of the District Court by virtue of the constitution of the Family Court and the Youth Court as divisions of the District Court. 5
- (7) The power conferred by this section on the Chief District Court Judge does not include the power to give directions in relation to any District Court Judge who for the time being presides over, or holds office as a member of, or holds office as, a tribunal. 10
- Compare: 1947 No 16 ss 5A, 9

208 Tenure of Chief District Court Judge

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

- (a) resigns from that office; or
- (b) ceases to hold office as a Judge. 15

Compare: 1947 No 16 s 5A(2)

209 Acting Chief District Court Judge

- (1) The Chief District Court Judge may, with the concurrence of the Chief Justice, nominate a Judge to act in place of the Chief District Court Judge for any period during which— 20
- (a) the office of the Chief District Court Judge is vacant; or
 - (b) the Chief District Court Judge is absent from New Zealand; or
 - (c) the Chief District Court Judge is unable for any reason (including illness) to perform the duties of the office.
- (2) The Chief Justice may nominate a Judge to act in place of the Chief District Court Judge for any period during which the Chief District Court Judge is unable for any reason (including illness) to perform the duties of the office. 25
- (3) For the period of his or her appointment, the Acting Chief District Court Judge is empowered to perform the functions and duties, and to exercise all the powers, of the office of Chief District Court Judge. 30

Compare: 1947 No 16 s 5A(4)

Resignation, retirement, and removal

210 Resignation

A Judge may resign from office at any time by written notice to the Attorney-General. 35

211 Retirement

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

212 Removal

- (1) The Governor-General may, on the advice of the Attorney-General, remove a Judge from office on the grounds of inability or misbehaviour. 5
- (2) To avoid doubt, a Judge may be removed under **subsection (1)** for inability or misbehaviour related to the exercise, contemplated by **section 205(a)**, of the judicial authority conferred on a coroner by the Coroners Act 2006.
- (3) The removal of a Judge may be initiated in accordance with sections 33 and 34 of the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004. 10
- (4) A Judge may not be removed from office except under this section.

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

*Part-time Judges***213 Attorney-General may authorise permanent Judge to sit part-time** 15

- (1) The Attorney-General may, on application by a permanent Judge, authorise the Judge to sit on a part-time basis for a specified period.
- (2) The Attorney-General must not authorise a Judge to sit part-time unless the Chief District Court Judge agrees and, in considering whether to agree, the Chief District Court Judge must have regard to the need to ensure the orderly and efficient conduct of the court's business. 20
- (3) In the case of an Environment Judge, the Chief District Court Judge must first consult the Principal Environment Judge before agreeing to the Judge sitting part-time.
- (4) The Attorney-General may authorise a Judge to sit part-time with effect from— 25
 - (a) the date on which the Judge takes up office; or
 - (b) any other date.
- (5) The Attorney-General may authorise a Judge to sit part-time for a specified period on more than 1 occasion.

Acting Judges 30**214 Appointment of acting Judges**

- (1) The Governor-General may, on the advice of the Attorney-General, appoint 1 or more acting Judges.
- (2) Only a former Judge under the age of 75 years is eligible for appointment as an acting Judge. 35

- (3) Before advising the Governor-General to make an appointment under **subsection (1)**, the Attorney-General must have received a certificate signed by the Chief District Court Judge certifying that the appointment is necessary for the proper conduct of the court.
- (4) Despite section 435 of the Children, Young Persons, and Their Families Act 1989, any person appointed under **subsection (1)** may at the same time or at any subsequent time during the term of that person's appointment be designated as a Youth Court Judge, and the designation takes effect during any period when and in any place where that person is entitled to act as a Judge. 5
- (5) In this section, **former Judge** means a person who has retired or resigned from holding office as a District Court Judge. 10

215 Term of appointment of acting Judge

- (1) An acting Judge may be appointed for a term of not more than 2 years and may be reappointed for 1 or more terms.
- (2) However, an acting Judge must not be appointed— 15
- (a) for a term that extends beyond the date on which the Judge reaches the age of 75 years; or
- (b) for multiple terms collectively totalling more than 5 years.

216 Acting Judge must be authorised to act

- (1) An acting Judge may ~~only act~~ act only to the extent that he or she is authorised to do so by the Chief District Court Judge under **subsection (2)**. 20
- (2) The Chief District Court Judge may authorise an acting Judge to act—
- (a) during 1 or more specified periods; and
- (b) in 1 or more specified places.
- (3) An acting Judge, while acting as authorised by the Chief District Court Judge, has the jurisdiction, powers, protections, privileges, and immunities of a Judge. 25
- Compare: 1947 No 16 s 10A(43), (54)

Remuneration

217 Remuneration of Chief District Court Judge, principal Judges, and permanent Judges 30

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

- (a) a salary at the rate determined by the Remuneration Authority; and
- (b) allowances (if any) as determined by the Remuneration Authority; and 35

- (c) any additional allowances, such as travelling allowances or other incidental or minor allowances, as the Government determines.

Compare: 1947 No 16 s 6(1)

218 Remuneration of part-time or acting Judge

- (1) The salary and allowances of a part-time Judge must be calculated and paid as a pro rata proportion of the salary and allowances of a full-time Judge. 5
- (2) For the period that an acting Judge acts as authorised under **section 216**, the acting Judge must be paid a salary and allowances calculated as a pro rata proportion of the salary and allowances of a full-time Judge under **section 217(a) and (c)**. 10

Compare: 1947 No 16 s 6(2A)

218A Superannuation of acting Judges

- (1) A superannuation subsidy must not be paid to a person who is appointed as an acting Judge under **section 214**.
- (2) **Subsection (1)** does not apply to a compulsory employer contribution within the meaning of section 101A of the KiwiSaver Act 2006. 15

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

- (1) This section applies if the Chief District Court Judge or a principal Judge ceases to hold the position of Chief District Court Judge or principal Judge but continues to hold office as a Judge. 20
- (2) The salary and allowances of the Judge must be reduced by the amount of any salary and allowances that the Judge received solely by virtue of being the Chief District Court Judge or a principal Judge.

Compare: 1947 No 16 s 6(2B)

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220 Judge's remuneration must not be reduced

- (1) The remuneration payable to a Judge must not be reduced while the Judge holds office.
- (2) For the purposes of **subsection (1)**, none of the following is a diminution of remuneration: 30
- (a) the payment of salary on a pro rata basis under **section 218**;
- (b) the payment of reduced salary and allowances under **section 219**.

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

Part 3 Community Magistrates

Community Magistrates

- 221 Appointment of Community Magistrate** 5
- (1) The Governor-General may, on the advice of the Minister, appoint a Community Magistrate.
- (2) Before advising the Governor-General, the Minister may consult with any persons that the Minister considers appropriate.
- Compare: 1947 No 16 s 11A(1), (3)
- 222 Who is eligible for appointment as Community Magistrate** 10
- A person may be appointed as a Community Magistrate if he or she—
- (a) is capable, ~~through~~ because of his or her personal qualities, experience, and skills, of performing the functions of a Community Magistrate; and
- (b) has been designated under the prescribed selection process as a person eligible for appointment as a Community Magistrate. 15
- Compare: 1947 No 16 s 11A(2)
- 223 Functions and powers of Community Magistrate**
- (1) A Community Magistrate must carry out the functions of, and may exercise the powers conferred on, Community Magistrates by the Criminal Procedure Act 2011, the Summary Offences Act 1981, or any other enactment. 20
- (2) Each Community Magistrate must sit in the court and at the times that the Chief District Court Judge directs after consulting—
- (a) the Chief Community Magistrate; or
- (b) if there is no Chief Community Magistrate, any other Community Magistrate as the Chief District Court Judge thinks fit. 25
- (3) The fact that a Community Magistrate sits in the court is conclusive evidence of his or her authority to do so.
- Compare: 1947 No 16 s 11C
- 224 Tenure of Community Magistrate** 30
- A Community Magistrate holds office until he or she resigns, retires, or is removed.
- 225 Retirement, resignation, and removal**
- (1) A Community Magistrate must retire from office on reaching the age of 70 years.
- (2) A Community Magistrate may resign from office at any time by written notice to the Minister. 35

- (3) The Governor-General may, on the advice of the Minister, remove a Community Magistrate from office if any of the following grounds for removal is proved to the satisfaction of the Governor-General:
- (a) neglect of duty:
 - (b) inability: 5
 - (c) disability affecting performance of duty:
 - (d) bankruptcy:
 - (e) misconduct.
- Compare: 1947 No 16 s 11F
- 226 Remuneration of Community Magistrate must not be reduced** 10
- The remuneration payable to a Community Magistrate must not be reduced while the Community Magistrate holds office.
- Compare: 1947 No 16 s 11G(3)
- 227 Restrictions on Community Magistrates**
- A Community Magistrate must not— 15
- (a) hold any office or engage in any employment or occupation that will, in the opinion of the Governor-General, impair the proper discharge of his or her functions as a Community Magistrate; or
 - (b) be a lawyer; or
 - (c) be a Police employee; or 20
 - (d) be employed by the Ministry of Justice or the Department of Corrections; or
 - (e) be an officer of the High Court or of the District Court; or
 - (f) be a party to a prison management contract entered into under section 198(1) of the Corrections Act 2004 or to a security contract entered into under section 166 of the Corrections Act 2004; or 25
 - (g) be a security officer as defined in section 3(1) of the Corrections Act 2004; or
 - (h) be a social worker as defined in section 2(1) of the Children, Young Persons, and Their Families Act 1989. 30
- Compare: 1947 No 16 s 11B

Immunity for Community Magistrates

- 228 No proceeding against Community Magistrate unless he or she acted without jurisdiction**
- (1) No proceeding may be commenced against any Community Magistrate for any act done by him or her; unless he or she has exceeded his or her jurisdiction or has acted without jurisdiction. 35

- (2) If a warrant to seize property or a warrant of commitment is granted by a Community Magistrate in good faith in reliance on a conviction or an order entered or made by a Justice or Community Magistrate, no proceeding may be commenced against the Community Magistrate who granted the warrant by reason of any defect in the conviction or order, or by reason of any want of jurisdiction in the Justice or Community Magistrate who entered or made it. 5
- Compare: 1947 No 16 s 11CA
- 229 No proceeding against Community Magistrate to be commenced in District Court**
- No proceeding against any Community Magistrate by any person claiming to have been injured by an act done by the Community Magistrate in excess of jurisdiction or without jurisdiction may be commenced in the District Court. 10
- Compare: 1947 No 16 s 11CB
- 230 Onus of proof**
- In any proceeding commenced against a Community Magistrate by a person claiming to have been injured by an act done by the Community Magistrate in excess of jurisdiction or without jurisdiction, the onus of proving the excess or want of jurisdiction lies on the person alleging it. 15
- Compare: 1947 No 16 s 11CC
- 231 Plaintiff may be ordered to give security for costs** 20
- (1) This section applies to any proceeding commenced against a Community Magistrate by a person claiming to have been injured by an act done by the Community Magistrate in excess of jurisdiction or without jurisdiction.
- (2) The High Court or any Judge of that court, on application by the Community Magistrate at any time before the day fixed for the trial of the proceeding, may order the plaintiff to give security for the costs of the proceeding to the satisfaction of the Registrar of the High Court in an amount not exceeding \$2,000. 25
- (3) If security is ordered to be given, the High Court or Judge may direct that in the meantime all proceedings are stayed. 30
- Compare: 1947 No 16 s 11CD
- 232 Indemnity to Community Magistrate**
- (1) **Subsection (2)** applies to any Community Magistrate against whom a judgment has been entered to pay damages or costs to any person injured as a result of any act done by the Community Magistrate in excess of jurisdiction or without jurisdiction. 35
- (2) The Community Magistrate must be indemnified by the Crown to the full amount of the judgment if he or she produces a certificate authenticated by a Judge of the High Court stating that, in the Judge's opinion,—

- (a) the Community Magistrate acted in good faith under the belief that he or she had in fact jurisdiction; and
- (b) in all the circumstances the Community Magistrate ought fairly and reasonably to be excused.
- (3) **Subsections (4) and (5)** apply if a Community Magistrate settles a claim against him or her by paying or agreeing to pay an agreed amount of damages or costs before proceedings are commenced, or before or during the trial of the proceeding. 5
- (4) The Community Magistrate must be indemnified by the Crown to the full amount of the amount paid or agreed to be paid if he or she produces a certificate authenticated by a Judge of the High Court stating that, in the Judge's opinion,— 10
- (a) the Community Magistrate acted in good faith under the belief that he or she had in fact jurisdiction; and
- (b) in all the circumstances the Community Magistrate ought fairly and reasonably to be excused; and 15
- (c) the amount paid or agreed to be paid was fair and reasonable.
- (5) If the High Court Judge is not satisfied of the matter in **subsection (4)(c)**, the Judge may issue the certificate in respect of any lesser amount that in the Judge's opinion is adequate to settle the plaintiff's claim, and in that case the Community Magistrate must be indemnified by the Crown to the amount specified in the certificate. 20
- (6) Application for a certificate under any of **subsections (2), (4), and (5)** may be made by a Community Magistrate at any time to a Judge in chambers, and the Judge has power to grant the certificate after considering all evidence that is given before him or her either orally or in the form of affidavits. 25
- (7) A copy of the application must be served by the Community Magistrate on the Attorney-General, who is entitled to appear and oppose it.

Compare: 1947 No 16 s 11CE

Chief Community Magistrate 30

233 Chief Community Magistrate

There may be a Chief Community Magistrate.

234 Appointment of Chief Community Magistrate

- (1) The Governor-General may, on the advice of the Minister, appoint the Chief Community Magistrate. 35
- (2) Regulations made under this **Act** may prescribe the criteria and procedure for the appointment of the Chief Community Magistrate, but the absence of those regulations does not preclude an appointment.

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

235 Who is eligible for appointment as Chief Community Magistrate

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

Compare: 1947 No 16 s 11D(2)

236 Tenure of Chief Community Magistrate

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

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

237 Functions of Chief Community Magistrate

- (1) The functions of the Chief Community Magistrate include—
 - (a) taking appropriate steps to ensure that the integrity of the office of Community Magistrate is maintained and that Community Magistrates operate effectively and efficiently within the framework of the District Court: 15
 - (b) the other functions conferred on the Chief Community Magistrate by regulations made under this **Act** or by any other enactment.
- (2) Without limiting **subsection (1)**, the Chief Community Magistrate—
 - (a) may sit as a Community Magistrate and exercise the jurisdiction of a Community Magistrate: 20
 - (b) must be consulted by the Chief District Court Judge, in accordance with **section 223(2)**, with regard to the rostering of Community Magistrates:
 - (c) may be involved in the design and implementation of training programmes for Community Magistrates in consultation with the Ministry of Justice and the Chief District Court Judge: 25
 - (d) may, where appropriate, liaise with interested persons on matters affecting the office of Community Magistrate.

Compare: 1947 No 16 s 11E

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238 Acting Chief Community Magistrate

- (1) The Governor-General may, on the advice of the Minister, appoint a Community Magistrate to act in place of the Chief Community Magistrate for any period during which—
 - (a) the office of the Chief Community Magistrate is vacant; or 35
 - (b) the Chief Community Magistrate is absent from New Zealand; or
 - (c) the Chief Community Magistrate is unable for any reason (including illness) to perform the duties of the office.

- (2) For the period of his or her appointment, the Acting Chief Community Magistrate is empowered to perform the functions and duties, and to exercise all the powers, of the office of Chief Community Magistrate.

Compare: 1947 No 16 s 11D(6)

Acting Community Magistrates

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239 Appointment of acting Community Magistrates

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

Compare: 1947 No 16 s 11H(1)

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240 Term of appointment of acting Community Magistrate

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

Compare: 1947 No 16 s 11H(2)

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241 Acting Community Magistrate must be authorised to act

- (1) An acting Community Magistrate may ~~only act~~ act only to the extent that he or she is authorised to do so by the Chief District Court Judge.
- (2) Before authorising an acting Community Magistrate, the Chief District Court Judge must consult ~~with~~ the Chief Community Magistrate or, if there is no Chief Community Magistrate, any other Community Magistrate that the Chief District Court Judge thinks appropriate.
- (3) The Chief District Court Judge may authorise an acting Community Magistrate to act—
- (a) during 1 or more specified periods; and
- (b) in 1 or more specified places.
- (4) An acting Community Magistrate, while acting as authorised by the Chief District Court Judge, has the jurisdiction, powers, protections, privileges, and immunities of a Community Magistrate.

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

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*Remuneration***242 Remuneration of Chief Community Magistrate and Community Magistrates**

- (1) The Chief Community Magistrate must be paid, out of public money, without further appropriation than this section,— 5
- (a) a salary or a fee, or an allowance, at the rate determined by the Remuneration Authority; and
- (b) any additional allowances, such as travelling allowances or other incidental or minor allowances, as determined by the Governor-General by Order in Council. 10
- (2) Each Community Magistrate must be paid, out of public money, without further appropriation than this section,—
- (a) a salary, or a fee, or an allowance at the rate determined by the Governor-General by Order in Council; and
- (b) any additional allowances, such as travelling allowances or other incidental or minor allowances, as determined by the Governor-General by Order in Council. 15
- (3) An Order in Council made under **subsection (1)(b) or (2)** is a legislative instrument, but not a disallowable instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act. 20

Compare: 1947 No 16 s 11G(2)

243 Remuneration of acting Community Magistrate

For the period that an acting Community Magistrate acts as authorised under **section 241**, the acting Community Magistrate must be paid the salary, fee, and allowances determined for a Community Magistrate under **section 242**. 25

Compare: 1947 No 16 s 11H(4)

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

- (1) Registrars, Deputy Registrars, and other officers of the court (other than bailiffs) may be appointed under the State Sector Act 1988 for the conduct of the business of the court. 30
- (2) In any case where a Registrar or Deputy Registrar has died or is prevented by illness or other cause from acting in his or her office, a Judge may appoint a Deputy Registrar to act for such period as the Judge thinks fit, and a Judge may at any time terminate that person's appointment. 35

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

245 Powers of Registrars and Deputy Registrars

- (1) A Registrar has the duties and powers—
- (a) conferred by this **Act**, any other enactment, or the rules:
 - (b) necessary or desirable to ensure the efficient and effective administration of the operations of the court. 5
- (2) A Deputy Registrar has and may perform and exercise the same duties and powers as a Registrar.
- (3) **Subsection (2)** is subject to any provision to the contrary in the rules.
Compare: 1947 No 16 ss 12, 14(1A)

246 Registrar must hold record of proceedings 10

- (1) The Registrar must hold such records of, and in relation to, proceedings as the chief executive requires.
- (2) If the existence of the record of the court is in dispute, the existence of the record must be determined by the court. 15
Compare: 1947 No 16 s 13(1), (3)

247 Admissibility of document required to be held by Registrar

- (1) This section applies to—
- (a) a document or part of a document required by the rules to be held by a Registrar; ~~or~~ and
 - (b) a copy of or an extract from the document or part of the document that has been sealed with the seal of the court and authenticated and certified by a Registrar as a true copy or correct extract. 20
- (2) A document or part of a document, or a copy of or an extract from it, referred to in **subsection (1)** is admissible without further proof as evidence of—
- (a) the document or part of it; and 25
 - (b) the proceeding to which it relates; and
 - (c) the regularity of that proceeding.
- Compare: 1947 No 16 s 13(2)

248 Appointment of bailiffs

- (1) Bailiffs and deputy bailiffs may be appointed under the State Sector Act 1988 for the exercise of the powers and performance of duties of bailiffs set out in **section 250**. 30
- (2) A Judge may authorise a constable or other person to act on a particular occasion as a bailiff.
- (3) A bailiff must take an oath of office in the following form (or make an affirmation as provided by section 4 of the Oaths and Declarations Act 1957): 35
English form

“I, [name], swear that I will faithfully and diligently serve Her (or His) Majesty [specify the name of the reigning Sovereign, as in: Queen Elizabeth the Second], Queen (or King) of New Zealand, her (or his) heirs and successors, as a bailiff at [place], without favour or affection, malice or ill-will. While I hold this office I will, to the best of my power, keep the peace and prevent offences against the peace and will, to the best of my skill and knowledge, perform all the duties of the office of bailiff according to law. So help me God.” 5

Māori form

“Tēnei au, a [ingoa], e kī taurangi nei, ka rato pirihianga, urupū hoki ahau i Ia Arikiniui [tohua te ingoa o te Arikiniui kei runga i te torona, pērā ki a Kuini Ira-hāpeti te Tuarua], Kuini (Kīngi rānei) o Niu Tīreni, me ōna uri whakaheke, hei kaituku hāmene ki [wāhi] i roto i te kore tautoko, kore aroha rānei, kore mahi kino, kore whakaaro kino rānei. I te wā ke tēnei tūranga ahau ka pōkaikaha ahau ki te hohou i te rongo me te kaupare atu i nga mahi kotikoti i te rongo, ā, i roto i ōku tino pūkenga me ōku mōhio, ka whakatutuki i ngā mahi kua whakaritea hei mahi mā te kaituku hāmene, e ai ki te ture. Nō reira, āwhina mai i ahau e te Atua.” 10 15

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

249 Appointment of deputy bailiffs

- (1) A Judge may— 20
- (a) appoint a deputy to act for a bailiff who is prevented ~~from~~ by illness or other cause from acting as bailiff; and
 - (b) in the case of the death of a bailiff, ~~may~~ appoint a deputy to act as bailiff until another appointment is made.
- (2) A Judge may at any time terminate the appointment of a deputy bailiff appointed under **subsection (1)**. 25

Compare: 1947 No 16 s 16(1)

250 Powers and duties of bailiffs

- (1) A bailiff has— 30
- (a) the powers of a constable:
 - (b) the power to serve a court document or an order:
 - (c) the power to enforce an order of the court:
 - (d) the power to execute a warrant:
 - (e) any other powers conferred by this **Act**, any other enactment, or the rules. 35
- (2) A bailiff must—
- (a) attend each session of the court to which he or she is appointed for such time as is required, unless his or her presence is excused by the court:

- (b) as required, serve the summonses and orders, and execute the warrants, issued by the court, but may authorise any person to act for him or her in effecting the service or execution:
- (c) conform to the rules and regulations governing the execution of the office of bailiff, and in other respects be subject to the directions of a Judge or Registrar. 5
- (3) In enforcing an order of the court, a bailiff has the same powers and is subject to the same liabilities as a Sheriff of the High Court.
- (4) Sections 121, 128, and 129 of the Search and Surveillance Act 2012 (which relate to a general power to stop vehicles) do not apply to a bailiff. 10
Compare: 1947 No 16 ss 17(1), (2), 17A
- 251 Powers, etc, of deputy bailiffs**
- A deputy bailiff, under this **Act** and any other Act, has the same powers and privileges, must perform the same duties, and is subject to the same penalties and provisions as if he or she were a bailiff. 15
Compare: 1947 No 16 s 16(2)
- 252 Misconduct of officers**
- (1) This section applies if an officer of the court is charged with—
- (a) extortion or misconduct while acting on court business; or
- (b) failing to account for or pay money received by him or her under the authority of this **Act**. 20
- (2) A Judge may inquire into the matter and may require the attendance of all necessary persons as if those persons were witnesses in a proceeding.
- (3) After inquiry, the Judge may—
- (a) make orders for the repayment of money extorted or received and for the payment of damages and costs; and 25
- (b) impose a fine on the officer not exceeding \$2,000 for each offence.
Compare: 1947 No 16 s 19
- 253 Officer of court must not act as lawyer in court proceedings**
- (1) Except as provided by this **Act** or the rules or by any other enactment, an officer of the court must not directly or indirectly act as a lawyer or an agent for any party in any proceedings in any court. 30
- (2) A person who contravenes **subsection (1)** commits an offence and is liable on conviction to a fine not exceeding \$1,000. 35
Compare: 1947 No 16 s 20

*Court business***254 Sessions of court and adjournments**

- (1) Subject to a direction by the Chief District Court Judge, a Judge may hold a session of the court at a time and place the Judge thinks fit.
- (2) Subject to the power of a Judge under **subsection (1)**, a Registrar may hold a session of the court at a time and place the Registrar thinks fit if— 5
- (a) the Registrar is satisfied that the session could more conveniently or fairly be held at that time and place; and
- (b) all the parties to the proceeding consent.
- (3) A Judge may adjourn a session of the court to a time and place the Judge thinks fit. 10
- (4) A Registrar must adjourn a session of the court if a Judge is not present at the time appointed for that session, and the Registrar may adjourn it to the time and place that the Registrar determines.
- (5) Nothing in **section 191** affects the power of a Judge under **subsection (1)**. 15
Compare: 1947 No 16, ss 4A, 22, and 23

Part 4
Jurisdiction

Criminal jurisdiction of District Court

- 255 Criminal jurisdiction of court** 20
- The court has the jurisdiction in relation to criminal proceedings conferred by—
- (a) the Criminal Procedure Act 2011; and
- (b) any other enactment.

Civil jurisdiction of District Court 25**256 General civil jurisdiction**

- (1) The court has jurisdiction to hear and determine a proceeding—
- (a) in which the amount claimed or the value of the property in dispute does not exceed \$350,000;
- (b) that, under any enactment other than this **Act**, may be heard and determined in the court. 30
- (2) The amount claimed in a proceeding under **subsection (1)** may be for the balance, not exceeding \$350,000, of an amount owing after a set-off of any claim by the defendant that is admitted by the claimant.

Compare: 1947 No 16 s 29

35

257 Money recoverable by statute

- (1) The court has jurisdiction to hear and determine a proceeding—
- (a) for the recovery of any penalty, expenses, costs, contribution, or similar monetary liability that is recoverable under any enactment; and
 - (b) in which the amount claimed does not exceed \$350,000 excluding interest under the **Judicature Modernisation Act 2013** that may be payable under section 87 of the Judicature Act 1908. 5
- (2) **Subsection (1)** does not apply if an enactment expressly provides that the proceeding ~~can~~ may only be brought in another court.
- (3) In **subsection (1)(a)**, **penalty** does not include a fine to which a person is liable on conviction of an offence. 10
- Compare: 1947 No 16 s 30

258 Jurisdiction in equity

- (1) Subject to other provisions in this **Act**, the court has the same equitable jurisdiction as the High Court. 15
- (2) However, the court does not have jurisdiction under **subsection (1)** to hear and determine a proceeding in which the amount claimed or the value of the property that is the subject of the proceeding exceeds \$350,000.
- (3) **Subsection (1)** does not apply if an enactment (other than **section 11 of the Judicature Modernisation Act 2013**) expressly provides that the proceeding is a proceeding or class of proceeding that another court has jurisdiction to hear and determine. 20
- (4) Despite **subsection (3)**, the court may make orders under section 49 of the Administration Act 1969.
- Compare: 1947 No 16 s 34(1)(a), (2), (2A), ~~(3)~~ 25

259 Jurisdiction in relation to partnerships

- (1) The court has jurisdiction to hear and determine any proceeding for the dissolution or winding up of any partnership (whether or not the existence of the partnership is in dispute); if the total assets of the partnership do not exceed \$350,000 in amount or value. 30
- (2) No proceeding in the court for the dissolution or winding up of a partnership, nor any order made in the proceeding, prevents a creditor from applying for the adjudication of a member of the partnership as a bankrupt.
- Compare: 1947 No 16 s 34(1)(b), (3)

260 Exceptions 35

- (1) The court does not have jurisdiction to hear and determine the following classes of proceedings:
- (a) proceedings for the recovery of land (but *see* section **261(1)(a)**):

- (b) proceedings relating to the title to a royal privilege or other grant of a Crown prerogative:
- (c) proceedings relating to the validity or interpretation of a will:
- (d) proceedings or applications that under any enactment must be heard and determined by a court other than the District Court. 5
- (2) However, despite **subsection (1)(c)**, the court does have jurisdiction to hear and determine any proceedings in which title to inheritable property is in issue if the proceedings are otherwise within its jurisdiction.
- Compare: 1947 No 16 ss 29(1), 35
- 261 Jurisdiction to recover land in certain cases** 10
- (1) Despite **section 260(1)(a)**, the court has jurisdiction to hear and determine a proceeding for the recovery of land in the situations specified in **subsection (2)** if—
- (a) the annual rent does not exceed \$62,500; or
- (b) the value of the land does not exceed \$500,000. 15
- (2) The situations are—
- (a) a lessee or other person occupying premises has failed to vacate the whole or part of the premises after—
- (i) the lease has ended or been terminated by the lessor or the lessee; and 20
- (ii) the lessor or the lessee (in the case of another person occupying the whole or part of the premises) has given notice to vacate the premises or has demanded possession of the premises, as the case may be:
- (b) a lessor is entitled to exercise a right to re-enter premises for non-payment of rent: 25
- (c) a person without right, title, or licence is in possession of the land.
- (3) For the purposes of **subsection (1)(b)**, if the capital value of the land appears in a district valuation roll under the Rating Valuations Act 1998, that value is the value of the land. 30
- Compare: 1947 No 16 s 31
- 262 Abandonment of part of claim to give court jurisdiction**
- (1) This section applies to a proceeding that, apart from this section, the court would not have jurisdiction to hear and determine because the amount of the claim or the value of the property or relief claimed or in issue exceeds the monetary limit of the court's jurisdiction. 35
- (2) If the claimant abandons the excess,—
- (a) the court has jurisdiction to hear and determine the proceeding; and

- (b) the claimant cannot recover an amount exceeding the monetary limit of jurisdiction plus costs.
- (3) The judgment of the court in the proceeding operates as a full discharge of the cause of action.
Compare: 1947 No 16 s 36 5
- 263 Extension of jurisdiction by consent**
- (1) This section applies to a proceeding (including a proceeding in admiralty) that, apart from this section, the court would not have jurisdiction to hear and determine because the amount of the claim or the value of the property or relief claimed or in issue exceeds the monetary limit of the court's jurisdiction. 10
- (2) If the parties to the proceeding or to a counterclaim in the proceeding consent,—
- (a) the monetary limit of the court's jurisdiction is extended, for the purposes of the proceeding, to the limit of the amount of the claim or the value of the property or relief claimed; and 15
- (b) the court may hear and determine the proceeding on that basis.
Compare: 1947 No 16 s 37
- 264 Jurisdiction exclusive of interest**
- ~~Interest included in the amount for which a judgment is given under the **Judicature Modernisation Act 2013** payable under **Part 4 of the Judicature Modernisation Act 2013** included in the amount for which a judgment is given~~ is not to be taken into account for the purposes of determining the jurisdiction of the court. 20
Compare: 1947 No 16 s 42A
- 265 Causes of action not to be divided** 25
- (1) A cause of action may not be divided for the purpose of bringing 2 or more proceedings or a counterclaim.
- (2) Nothing in **subsection (1)** prevents a party from including in a single proceeding multiple causes of action that in the aggregate, but not individually, exceed the jurisdiction of the court. 30
Compare: 1947 No 16 s 38
- 266 Remedies**
- Subject to **section 291**, in a proceeding a Judge may, in the same way as a Judge of the High Court in the same or a similar proceeding,—
- (a) grant ~~the same~~ remedies, redress, or relief; 35
- (b) dispose of the proceeding:

- (c) give ~~the same~~ effect to every ground of defence or counterclaim, whether legal or equitable.

Compare: 1947 No 16 s 41

267 Proceedings against absent defendant

The court must not determine any proceeding against a defendant who is absent from New Zealand unless the court is satisfied that— 5

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

Compare: 1947 No 16 s 39

10

Part 5 Transfer of proceedings

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

- (1) This section applies to a proceeding in which the amount of the claim or the value of the property or relief claimed or in issue exceeds \$90,000. 15
- (2) A defendant in the proceeding may by notice require that the proceeding be transferred to the High Court.
- (3) On receipt of the notice, a Judge must order that the proceeding is ~~be~~ transferred to the High Court.
- (4) This section does not apply to a proceeding for the recovery of land, unless a Judge certifies that, in the Judge's opinion,— 20
- (a) an important question of law is likely to arise; or
 (b) a question of title to ~~an~~ hereditament is likely to arise other than incidentally.

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

25

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

- (1) This section applies to a proceeding in which the amount of the claim or the value of the property or relief claimed or in issue does not exceed \$90,000.
- (2) A Judge may, on application by a defendant in the proceeding, transfer the proceeding to the High Court if the Judge is satisfied that— 30
- (a) an important question of law or fact is likely to arise; or
 (b) a question of title to ~~an~~ hereditament is likely to arise other than incidentally.

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

35

270 Procedure for transfer of proceeding

- (1) A notice or an application for the transfer of a proceeding under **section 268 or 269** must be given or made within the prescribed period or, with the leave of a Judge, within any further time specified by the Judge.
- (2) An order transferring the proceeding may be made on such conditions as the Judge thinks fit including requiring the defendant to give security for the costs of the proceeding in the High Court. 5
- (3) **Sections 268 and 269** apply to a counterclaim as if—
- (a) the counterclaim were a proceeding; and
 - (b) the defendant in the counterclaim were the defendant in the proceeding. 10
- (4) On the transfer of a proceeding in which there is a counterclaim or on the transfer of a counterclaim, the whole proceeding, including the claim and the counterclaim, must be transferred to the High Court.
- (5) For the purposes of **subsection (4)**, the Registrar of the relevant office of the District Court must send to the Registrar of the relevant registry of the High Court— 15
- (a) a sealed copy of the order transferring the proceeding; and
 - (b) a copy of the documents by which the proceeding was commenced and of all other documents filed in the District Court in the proceeding; and
 - (c) a copy of such other documents as the Judge of the District Court directs. 20

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

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

- (1) A High Court Judge may, on application by a party to a proceeding, order the removal of the proceeding into the High Court if the Judge is satisfied that it is desirable to do so. 25
- (1A) In deciding whether to make an order under **subsection (1)**, the Judge must have regard to the following factors:
- (a) the nature of the case:
 - (b) the complexity of the case: 30
 - (c) the general or public importance of the case:
 - (d) the amount in issue:
 - (e) the likely length of the hearing:
 - (f) the financial resources of the parties:
 - (g) whether it is otherwise in the interests of justice to make the order. 35
- (2) The order may be made on such conditions, including conditions as to costs or giving security for costs, ~~that~~ as the Judge thinks fit.

- (3) This section overrides **sections 268 to 270**.

Compare: 1947 No 16 s 43(6)

272 Transfer of proceeding if no jurisdiction

- (1) A Judge may order the transfer of a proceeding for which the court does not have jurisdiction to the High Court or to another court that has jurisdiction. 5
This subsection is subject to **subsection (2)**.
- (2) A Judge may strike out a proceeding if satisfied that the claimant knew or ought to have known that the court did not have jurisdiction to hear and determine the proceeding.
- (3) A Judge who strikes out a proceeding under **subsection (2)** may award costs 10
as if the court did have jurisdiction and the claim failed.

Compare: 1947 No 16 s 44

273 Transfer of proceeding to High Court if counterclaim exceeds jurisdiction

- (1) This section applies to a proceeding in the court in which a counterclaim or set-off and counterclaim involves a matter that is outside the jurisdiction of the court. 15
- (2) A party to the proceeding may apply, within the time prescribed by the High Court Rules **2016**, to the High Court for an order transferring the proceeding, or the proceeding on the counterclaim or set-off and counterclaim, to the High Court. 20
- (3) A Judge of the High Court may order that—
- (a) the proceeding ~~is~~ be transferred to the High Court; or
 - (b) the proceeding ~~is~~ be heard and determined in the District Court; or
 - (c) only the proceeding on the counterclaim or set-off and counterclaim ~~is~~ be heard in the High Court and that the rest of the proceeding ~~is~~ be heard and determined in the District Court. 25
- (4) Execution of a judgment of the court in favour of a claimant in a proceeding to which **subsection (3)(c)** applies must, unless the High Court orders otherwise, be stayed until the proceeding transferred to the High Court is heard and determined. 30
- (5) The court has jurisdiction to hear and determine a proceeding to which this section applies if—
- (a) no application is made under **subsection (2)** within the time prescribed by the High Court Rules **2016**; or
 - (b) the High Court orders that the proceeding ~~is~~ be heard and determined in the District Court. 35
- (6) **Subsection (5)** overrides anything to the contrary in any other enactment.

- (7) Where the High Court makes an order under this section, the Registrar of the relevant registry of the High Court must send a copy of the order to the Registrar of the relevant office of the District Court.

Compare: 1947 No 16 s 45

274 Transfer of summary judgment applications to High Court 5

- (1) Subject to **subsection (1A)**, a Judge may, on the application of a party to a summary judgment application made in the court or on the Judge's own initiative, order that the summary judgment application or a matter arising in the summary judgment application ~~is~~ be transferred to the High Court.

- (1A) A Judge may make the order if the Judge is satisfied that an important question of law is likely to arise. 10

- (2) The High Court may—

(a) hear and determine the summary judgment application or a matter arising in it; or

(b) refer the summary judgment application or a matter arising in it back to the District Court with any directions that the High Court thinks fit. 15

Compare: 1947 No 16 s 45A

275 Determination of question of law by High Court

- (1) A Judge may order that a question of law in a proceeding in the court must be determined by the High Court. 20

- (2) The High Court has the same power to determine the question as the District Court.

Compare: 1947 No 16 s 45B

276 Transfer of proceeding from High Court to District Court

- (1) A Judge of the High Court may, on the application of a party to a proceeding commenced in the High Court, transfer the proceeding to the District Court if—

(a) an agreement under **section 263** applies to the proceeding; or

(b) the subject matter of the proceeding is within the jurisdiction of the District Court. 30

- (2) A Judge of the High Court may, on the Judge's own initiative, order the transfer to the District Court of a proceeding commenced in the High Court if—

(a) the subject matter of the proceeding is within the jurisdiction of the District Court; and

(b) the Judge is satisfied that no important question of law or fact is likely to arise in the proceeding. 35

Compare: 1947 No 16 s 46

277 Procedure on transfer of proceeding to District Court

- (1) If an order is made under **section 276** to transfer a proceeding to the District Court, the Registrar of the relevant registry of the High Court must send to the Registrar of the relevant office of the District Court—
- (a) a sealed copy of the order transferring the proceeding; and 5
 - (b) a copy of the documents by which the proceeding was commenced and of all other documents filed in the High Court in the proceeding; and
 - (c) a copy of such other documents as the Judge of the High Court directs.
- (2) Subject to the rules, the District Court has jurisdiction to hear and determine the proceeding on the transfer to the court of the documents, despite anything contained in any other enactment, and must do so as if the proceeding ~~had~~ was originally commenced in the District Court. 10
- (3) The transfer of the proceeding to the District Court does not affect—
- (a) any right of appeal or the right to apply for leave to appeal against any decision of the High Court in the proceeding or against the order transferring the proceeding; or 15
 - (b) the right to enforce a judgment or an order of the High Court made in the proceeding.

Compare: 1947 No 16 s 47

278 Costs in cases transferred 20

- (1) This section applies to a proceeding or counterclaim or set-off and counterclaim (a **transferred proceeding**) that is transferred—
- (a) from the District Court to the High Court; or
 - (b) from the High Court to the District Court.
- (2) Any order for costs in a transferred proceeding must be made by the court to which the proceeding is transferred. 25
- (3) **Subsection (2)** is subject to an order of the court that made the order to transfer the proceeding.
- (4) An order for costs in relation to part of a proceeding transferred to the District Court that takes place in the High Court— 30
- (a) must be made in accordance with the High Court Rules **2016**; and
 - (b) subject to any order by a High Court Judge, may be made by a District Court Judge.
- (5) **Subsection (6)** applies to—
- (a) a summary judgment application or a matter arising on a summary judgment application that has, after having been transferred to the High Court under **section 274**, been referred back to the District Court: 35

- (b) a proceeding continued in the District Court after a question of law in the proceeding has, under **section 275**, been determined in the High Court.
- (6) An order for costs in the proceeding or matter in relation to the proceeding in the District Court both before and after transfer to the High Court must be made by a District Court Judge. 5
- (7) Despite **subsection (6)**, an order for costs incurred in the High Court may be made only by a High Court Judge in accordance with the High Court Rules **2016**, but may be included in a judgment or an order made by the District Court. 10
- Compare: 1947 No 16 s 48

Part 6 Procedure

Parties

- 279 Trustees, executors, and administrators** 15
- (1) Any trustee, executor, or administrator may be a party to a proceeding as if he or she were a party in his or her own right, without joining any of the persons beneficially interested in the trust or estate, and is taken to represent those persons in the proceeding.
- (2) The court may at any stage of the proceeding make an order joining any of the persons beneficially interested as parties to the proceeding, whether as an additional party or in substitution for an existing party. 20
- Compare: 1947 No 16 s 49
- 280 Minors**
- (1) Any minor who is or has been married or in a civil union may be a party to a proceeding in contract or tort in his or her own name. 25
- (2) A judgment in a proceeding under **subsection (1)** may be given and enforced in the minor's own name.
- (3) In this section, **minor** means a person who is under the age of 18 years.
- (4) Any minor who is or has been married or in a civil union and any person over the age of 18 years but under the age of 21 years may make or be a party to an application under section 8 of the Domestic Actions Act 1975 without a next friend or guardian *ad litem*. 30
- (5) The court may make orders on an application referred to in **subsection (4)**, and proceedings to enforce an order may be taken, in the minor's own name. 35
- Compare: 1947 No 16 s 50(1)–(3)

281 Persons jointly liable

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

- (a) it is sufficient to serve any 1 or more of those persons; and
- (b) judgment may be obtained, and execution issued, against a person served, whether or not the others who are jointly liable have been served or sued or are within the jurisdiction of the court; and 5
- (c) a person against whom judgment is obtained and who has satisfied the amount of the judgment in full or in part may recover contribution from any other person who is jointly liable. 10

Compare: 1947 No 16 s 51

282 Bankruptcy of plaintiff

- (1) The bankruptcy of a plaintiff in a proceeding that the Official Assignee might continue for the benefit of creditors does not bring the proceeding to an end if, within a reasonable time as ordered by the court, the Official Assignee elects to continue it. 15
- (2) The court may adjourn the proceeding to enable an election to be made.
- (3) If the Official Assignee does not elect to continue the proceeding within the time allowed by the court, the defendant may rely on the bankruptcy as a defence to the proceeding. 20

Compare: 1947 No 16 s 52

*Witnesses***283 Witness expenses**

- (1) The following persons are entitled, in the prescribed amount, to witness expenses and compensation for loss of time:
 - (a) a person who comes to the court on a witness summons: 25
 - (b) a person who gives evidence in a proceeding.
- (2) Despite **subsection (1)**, the court may disallow the whole or part of any witness expenses or compensation for loss of time.
- (3) The person who calls the witness is liable to pay the amount of witness expenses and compensation for loss of time. 30

Compare: 1947 No 16 s 53

284 Offence to disobey witness summons

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who, having been served with a witness summons,—
 - (a) ~~having been served with a witness summons,~~ fails without reasonable excuse to appear or to produce any documents required to be produced in accordance with the summons; or 35

- (b) refuses to be sworn or to give evidence.
- (2) It is a defence to a charge under **subsection (1)** that the person's witness expenses in the prescribed amount have not been paid or tendered to him or her at the time the witness summons is served or within a reasonable time before the hearing. 5
- (3) The conviction of a person for an offence against this section does not prevent a civil claim against the person for failing to comply with a witness summons or for refusing to be sworn or to give evidence.
- Compare: 1947 No 16 s 54
- 285 Examination of witnesses and service of process overseas** 10
- On an application made in accordance with the rules, the court may—
- (a) issue a commission, request, or order for the examination of witnesses overseas for the purpose of any proceeding:
- (b) direct and supervise the service overseas of any process of the court.
- Compare: 1947 No 16 s 55 15
- 286 Who may take affidavit**
- (1) Any of the following persons may take an affidavit or an affirmation to be used in the court:
- (a) a Judge:
- (b) a Registrar: 20
- (c) a Justice of the Peace:
- (d) a Community Magistrate:
- (e) a lawyer.
- (2) However, a lawyer may not take an affidavit or an affirmation for use in a proceeding in which the lawyer is engaged, unless the affidavit or affirmation is for use in an *ex parte* application in a non-contentious proceeding. 25
- Compare: 1947 No 16 s 56

Discovery

- 287 Pre-discovery**
- (1) The court may, in the circumstances set out in the rules, make the orders set out in **subsection (2)** if— 30
- (a) a person (**A**) has made an application for those orders in accordance with the rules; and
- (b) it appears to the court that A is or may be entitled to bring a proceeding in the court; and 35
- (c) it appears to the court that another person (**B**) is likely to have or have had in B's possession, custody, or power a document or class of docu-

ments that is relevant to an issue arising or likely to arise in A's proceeding.

- (2) The court may order B—
- (a) to disclose to the court and to any other prescribed person whether the document or documents are in B's possession, custody, or power; and 5
 - (b) if a document has been but is no longer in B's possession, custody, or power, to disclose to the court and to any other prescribed person when B parted with it and what has become of it; and
 - (c) to produce such of those documents as are in B's possession, custody, or power to the court or to any other prescribed person. 10

Compare: 1947 No 16 s 56A

288 Discovery against non-party after proceeding commenced

- (1) This section applies if it appears to the court, at any stage of a proceeding and in such circumstances as may be prescribed, that a document or class of documents may be or may have been in the possession, custody, or power of a person (C) who is not a party to the proceeding. 15
- (2) The court may order C—
- (a) to disclose to the court and to any other prescribed person whether the document or documents are in C's possession, custody, or power; and
 - (b) if a document has been but is no longer in C's possession, custody, or power, to disclose to the court and to any other prescribed person when C parted with it and what has become of it; and 20
 - (c) to produce such of those documents as are in C's possession, custody, or power to the court or to any other prescribed person. 25

Compare: 1947 No 16 s 56B

Part 7 Hearing

289 Right to appear

- (1) A natural person who is a party to a proceeding in the court may—
- (a) appear and act for himself or herself; or 30
 - (b) be represented by a lawyer.
- (3) A corporation may—
- (a) appear and act through any officer or attorney of the corporation; or
 - (b) be represented by a lawyer.
- (3A) In special circumstances and with the permission of the court, a person (P), 35
whether a natural person or a corporation, may be represented—

- (a) by an agent authorised in writing by P, if P is in New Zealand or carries on business in New Zealand; or
- (b) if P is not in New Zealand or does not carry on business in New Zealand, by an agent authorised by a person holding P's power of attorney to become a party to the proceeding in P's name. 5
- (4) An agent who represents a person under **subsection (2) or (3A)** is not entitled to receive any fee or reward for doing so.
- Compare: 1947 No 16 s 57
- 290 Trial by Judge**
- (1) In all proceedings brought in the court, the Judge is the sole judge and must determine all questions of fact and law. 10
- (2) However, nothing in this section affects the power to make rules authorising the Registrar to exercise jurisdiction and powers conferred on the court by this or any other enactment.
- Compare: 1947 No 16 s 58 15
- 291 Equity and good conscience**
- In a proceeding in which the amount claimed or the value of the property in issue does not exceed \$5,000, the court may—
- (a) receive any evidence the court thinks fit, even though the evidence may not be admissible under the Evidence Act 2006; and 20
- (b) determine the proceeding according to equity and good conscience.
- Compare: 1947 No 16 s 59; 1988 No 110 s 18(6)
- 292 Judge must record various matters**
- (1) The Judge at a hearing in a proceeding in which there is a right of appeal without leave must record or cause to be recorded, whether by way of transcript or otherwise, the following matters: 25
- (a) the facts in evidence; and
- (b) any question of law or equity raised at the hearing; and
- (c) the Judge's decision and of his or her determination of the proceeding.
- (2) On the application of a party to the proceeding, and on payment of the prescribed fee (if any), the Judge must ensure that a copy of the records, whether in hard copy or electronic form, is provided to that party. 30
- (3) **Subsection (2)** applies whether or not a notice of appeal has been served.
- Compare: 1947 No 16 s 60

293 Reference to arbitration

- (1) The court may, with the consent of the parties to a proceeding, order the proceeding or any issue in dispute in the proceeding to be referred to arbitration under the Arbitration Act 1996.
- (2) The Judge may, on the application of a party to the proceeding, revoke the reference. 5
- (3) Without limiting **subsection (2)**, a reference may be revoked if the arbitral tribunal does not make an award within 20 working days after the date of the order of reference.
- (4) An award has the same effect as a judgment of the court and must be entered as a judgment in the proceeding. 10

Compare: 1947 No 16 s 61(1)–(4)

294 Application to set arbitral award aside

- (1) Despite **section 293(4)**, the court may, on the application of a party to the proceeding,— 15
- (a) set aside an arbitral award made on a reference under **section 293**; or
- (b) set the award aside and, with the consent of the parties, order the proceeding or the issue in dispute to be referred to arbitration again.
- (2) An application under **subsection (1)** must be made within 10 working days after the entry of the award as a judgment or within any further time as a Judge may allow. 20
- (3) A judgment may not be enforced until an application under **subsection (1)** is determined.
- (4) On hearing an application under **subsection (1)**, the court—
- (a) may consider any evidence that is placed before it; or 25
- (b) may call for evidence to be placed before it.
- (5) The decision of the court after hearing the application must be entered as a judgment of the court.

Compare: 1947 No 16 s 61(4)–(6)

295 Judge may refer matter to Registrar or referee 30

- (1) Subject to the rules, a Judge may refer the following to a Registrar or a referee to make an inquiry and a report:
- (a) any proceedings that require the prolonged examination of documents or any scientific or local examination that the Judge considers cannot conveniently be made before him or her: 35
- (b) any proceedings where the question in dispute consists wholly or partly of matters of account:
- (c) with the consent of the parties, any other proceedings:

- (d) any question arising in any proceedings.
- (2) When a reference is made under **subsection (1)**, the Judge may—
- (a) give directions to the Registrar or referee for the conduct of the reference:
- (b) remit a report for a further inquiry and report: 5
- (c) on consideration of the report or further report, make a judgment or an order in the proceedings that the Judge thinks fit.
- Compare: 1947 No 16 s 62
- 296 Judge may refer matter of account to Registrar, etc**
- (1) A Judge may, after deciding or reserving any question of liability, refer to a Registrar or a Registrar and an accountant only any matter of account ~~only~~ that is disputed between the parties. 10
- (2) After deciding the question of liability, the Judge may give judgment on the Registrar's report. 15
- Compare: 1947 No 16 s 62(3)
- 297 Reference by consent**
- (1) With the consent of the parties, a Judge may refer any question in any proceedings that requires any scientific, technical, business, or professional investigation to a Registrar or a referee for an inquiry and a report.
- (2) Where a reference is made under **subsection (1)**, the Judge may— 20
- (a) give directions to the Registrar or referee for the conduct of the reference:
- (b) with the consent of the parties, direct that the Registrar or referee make the inquiry and report without any requirement to hear the parties or to act judicially. 25
- (3) The report of a Registrar or referee on any question referred under this section is binding on the parties, unless the Judge has directed otherwise.
- Compare: 1947 No 16 s 62A

Part 8

Judgments, orders, and removal of judgments 30

Judgments and orders

- 298 Finality of judgments and orders**
- (1) A judgment or an order of the court is final and conclusive between the parties.
- (2) **Subsection (1)** is subject to this **Act**, any other enactment, and the rules. 35
- Compare: 1947 No 16 s 63

- 299 Technical defects do not invalidate judgment, order, or proceeding**
 A technical defect or an irregularity does not invalidate a judgment, an order, or a proceeding.
 Compare: 1947 No 16 s 64
- 300 Payment of judgments or orders** 5
 (1) When giving a judgment or making an order for the payment of an amount of money (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise), the court may order the amount of money to be paid—
 (a) in 1 amount, whether immediately or within the time that the court determines; or 10
 (b) in instalments, as determined by the court.
 (2) Except when the court makes an express order for payment in instalments, every judgment or order for the payment of an amount of money is taken to include an order for the payment immediately of the whole amount. 15
 Compare: 1947 No 16 s 65(1), (2)
- 301 Stay if party unable to pay judgment amount**
 (1) The court may suspend or stay or vary any judgment or order for the payment of an amount of money if the court considers that the party who must pay the money is unable to do so. 20
 (2) The court may suspend or stay or vary the judgment or order for the period and on the terms that the court thinks fit, and may extend the suspension or stay or variation for as long as the cause of the inability continues.
 Compare: 1947 No 16 s 65(3)
- Removal of judgments* 25
- 302 Removal of judgment of District Court into High Court**
 (1) A judgment creditor or a person on the judgment creditor's behalf may apply to the court to remove into the High Court a final judgment or an order of the District Court (the **judgment**) for the payment of an amount of money.
 (2) The Registrar must issue a certificate of removal in the prescribed form, which may be filed by the judgment creditor in the High Court. 30
 (3) The Registrar must not issue a certificate of removal—
 (a) before the expiry of the time for giving notice of an appeal against the judgment:
 (b) if an enforcement proceeding has been issued in relation to the judgment, until the enforcement proceeding has been withdrawn or completed. 35

- (4) No further steps may be taken in relation to the proceeding in which the judgment was given after the Registrar's certificate has been filed in the High Court.
- (5) On the removal of the judgment,—
- (a) the judgment may be enforced as a judgment of the High Court, with such fees and costs as may be paid or allowed in connection with the removal and entry of judgment: 5
- (b) no appeal may be brought against the judgment.
- (6) A Judge of the High Court may, on the application of the judgment creditor or judgment debtor, set the removal aside on such terms as to costs or otherwise that the Judge thinks fit. 10

Compare: 1947 No 16 s 66

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

- (1) A proceeding may be brought in the High Court on a judgment or an order of the District Court. 15
- (2) Costs may be awarded to the plaintiff in the proceeding only if a Judge of the High Court is satisfied that the proceeding was necessary and proper to enforce the judgment or order against the person or property of the defendant.

Compare: 1947 No 16 s 67

304 Removal of judgment or order of High Court into District Court 20

- (1) A judgment creditor or a person on behalf of the judgment creditor may apply to the High Court to remove into the District Court a judgment or an order or a decree ~~(the judgment)~~ of the High Court (the judgment) for payment of an amount of money.
- (2) The Registrar of the High Court must issue a certificate of removal in the prescribed form, which may be filed by the judgment creditor in the District Court. 25
- (3) No further steps may be taken in relation to the proceeding in which the judgment was given in the High Court after the Registrar of the High Court has issued the certificate. 30
- (4) On the filing of the certificate,—
- (a) if the District Court has jurisdiction in relation to the amount of the judgment, the judgment plus interest may be enforced in the District Court; or
- (b) if the District Court has jurisdiction in relation to the unpaid balance of the judgment, the unpaid balance of the judgment plus interest may be enforced in the District Court; or 35
- (c) if the District Court has jurisdiction in relation to the amount of part of the judgment and the judgment creditor abandons any amount in excess

of that amount, the part of the judgment or of the unpaid balance of that part plus interest may be enforced in the District Court.

- (5) A judgment may also be enforced for any fees and costs awarded in connection with removing it into the District Court.
- (6) Except as provided by this section, no proceeding on a judgment of the High Court may be brought in the District Court. 5

Compare: 1947 No 16 s 68

Part 9 Appeals

Appeals to High Court 10

305 Interpretation

In this **Part**,—

appeal means an appeal under **section 306**

decision includes a judgment and an interim or a final order, but does not include an order under **section 394** (which relates to an order for contempt of court) 15

make includes give.

Compare: 1947 No 16 s 71

306 General right of appeal

- (1) This **Part** applies to a decision of the court, other than a decision of a kind in respect of which an enactment other than this **Act**— 20
- (a) expressly confers a right of appeal; or
- (b) expressly provides that there is no right of appeal.

- (2) A party to a proceeding in the District Court may appeal to the High Court against the whole or a part of a decision made by the District Court in or in relation to the proceeding. 25

Compare: 1947 No 16 s 72

307 No appeal if agreement that decision would be binding

- (1) An appeal may not be brought if, before the decision of the court, all the parties to the proceeding agree in writing that the decision will be binding on them. 30
- (2) This section overrides **section 306**.

Compare: 1947 No 16 s 73

308 Security for appeal

- (1) An appellant under **section 306** may be required under the High Court Rules **2016** to give the Registrar of the High Court security for costs. 35

- (2) **Subsection (1)** does not apply if the appellant has been granted legal aid for the proceeding under the Legal Services Act 2011.
- (3) If security for costs is not given within the time required by the High Court Rules **2016**, the appeal is abandoned.
Compare: 1947 No 16 s 74 5
- 309 Appeals to be by way of rehearing**
Appeals must be by way of rehearing.
Compare: 1947 No 16 s 75
- 310 Powers of High Court on appeal**
- (1) The High Court may, after hearing an appeal,— 10
- (a) make any decision it thinks should have been made:
 - (b) direct the District Court—
 - (i) to rehear the proceeding; or
 - (ii) to consider or determine, whether for the first time or again, any matters the High Court directs; or 15
 - (iii) to enter judgment for a specified party to the proceeding ~~the High Court directs~~:
 - (c) make any further or other orders the High Court thinks fit:
 - (d) make an order as to costs.
- (2) The High Court must state its reasons for giving a direction under **subsection (1)(b)**. 20
- (3) The High Court may give the District Court any direction it thinks fit relating to—
- (a) rehearing the proceeding; or
 - (b) considering and determining any particular matter. 25
- (4) The High Court may act under **subsection (1)** in respect of the whole decision even ~~though~~ if the appeal is against only part of it.
- (5) Even ~~though~~ if an interlocutory decision made in a proceeding has not been appealed against, the High Court may—
- (a) act under **subsection (1)**; and 30
 - (b) set the interlocutory decision aside; and
 - (c) if it sets the interlocutory decision aside, make in its place any interlocutory decision or decisions the District Court could have made.
- (6) The powers under this section may be exercised in favour of a respondent or party to the proceeding even ~~though~~ if the respondent or party did not appeal against the decision. 35
Compare: 1947 No 16 s 76

311 Repayment of judgment amount and interest

- (1) This subsection applies if—
- (a) a party to a proceeding in the District Court (**A**) has, in accordance with a judgment or an order of the court, paid an amount to another party to the proceeding (**B**); and 5
 - (b) on appeal, the effect of the High Court's determination is that some or all of the amount did not need to be paid.
- (2) The High Court—
- (a) may order B to repay to A some or all of the amount paid by A; and
 - (b) may also order B to pay to A interest at a rate not greater than the prescribed rate (within the meaning of section 87(3) of the Judicature Act 1908) on the amount ordered to be repaid. 10

Compare: 1947 No 16 s 77

312 Enforcement proceedings

For the purposes of enforcement proceedings, a judgment or an order of the High Court under **section 310(1)(a) or (b)** or under **section 311(2)** must be treated as if it were a judgment or order of the District Court in which the decision appealed against was made. 15

Compare: 1947 No 16 s 78

Part 10

20

Enforcement of judgments*Enforcement proceedings***313 Types of enforcement proceeding**

The types of enforcement proceeding in the court are—

- (a) a proceeding to enforce a judgment or an order for the payment of money (*see* **section 315**): 25
- (b) a proceeding to enforce a judgment or an order ~~in the nature of an injunction~~ (*see* **section 316**):
- (c) a proceeding to enforce a discovery order made under **section 287 or 288** (*see* **section 317**): 30
- (d) a proceeding to enforce a judgment or an order for the recovery of land (*see* **section 318**):
- (e) a proceeding to enforce a judgment or an order for the delivery of specific chattels (*see* **section 319**).

314 Judgment may be enforced in any office of District Court

- (1) A judgment or an order of the District Court or of a District Court Judge may be enforced in any court comprising the District Court in its general division and need not be enforced in the court in which the judgment was entered or the order made. 5
- (2) Two or more proceedings for the enforcement of a judgment or an order may be taken concurrently, but the judgment creditor is not entitled to recover a greater amount than the total of the amount owing under the judgment or order and the costs and fees of any proceeding for enforcement.
- (3) Enforcement proceedings may be taken concurrently in accordance with **sub-section (2)** in more than 1 court comprising the District Court in its general division. 10

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

315 Judgment or order for payment of money

Any judgment or order of any court or of any Judge for the payment of an amount of money may be enforced in the District Court by any 1 or more of the following proceedings: 15

- (a) execution against the goods and chattels of the judgment debtor under a warrant to seize property:
- (b) garnishee proceedings for the attachment of money due to the judgment debtor: 20
- (c) proceedings for a charging order in respect of any property held by the judgment debtor and specified in **section 366(2)**:
- (d) proceedings for an attachment order against the salary or wages of the judgment debtor. 25

Compare: 1947 No 16 s 79(1)

316 Judgment or order in nature of injunction, etc

- (1) This section—
- (a) applies to a judgment or an order in the nature of an injunction; and
- (b) applies to a judgment or an order within the competence of the court that, if it were given or made in the High Court, could be enforced in the High Court by a writ of arrest; but 30
- (c) does not apply to an order for the recovery of land.
- (2) A judgment or an order to which this section applies may be enforced, by order or warrant of a Judge, by detention for a term not exceeding 3 months. 35

Compare: 1947 No 16 s 79(2)

317 Discovery order

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

- (a) by detention for a term not exceeding 3 months; or 5
- (b) by a fine not exceeding \$1,000.

Compare: 1947 No 16 s 79(2A)

318 Judgment or order for recovery of land

A judgment or an order for the recovery of land may be enforced under a warrant for the recovery of land. 10

Compare: 1947 No 16 s 79(3)

319 Judgment or order for delivery of specific chattels

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

- (a) under a warrant for the recovery of chattels; or 15
- (b) by detention for a term not exceeding 3 months; or
- (c) by a fine not exceeding \$1,000.

Compare: 1947 No 16 s 79(4)

*Time when enforcement proceedings may commence***320 Time when enforcement proceedings may commence: general rule 20**

(1) Except as provided in **section 321**, proceedings to enforce a judgment or an order may not be commenced unless—

- (a) at least 48 hours have expired after the judgment was entered or the order was made; or
- (b) a Judge grants leave. 25

(2) However, if a judgment or an order may be appealed against without the leave of the court, a Judge may—

- (a) order a stay of any proceedings to enforce the judgment or order; or
- (b) order that an attachment order to enforce the judgment or order not take effect until after the time allowed for giving notice of an appeal has expired. 30

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

321 Exception to general rule: attachment orders

(1) An attachment order to enforce a judgment or an order for the payment of money may be made, and proceedings for such an attachment order may be commenced, at any time after the judgment is entered or the order is made. 35

- (2) An attachment order may be made, and proceedings for such an attachment order may be commenced, immediately after a judgment or an order for the payment of money is filed if,—
- (a) in the case of a money order (as defined in section 19(1A) of the Disputes Tribunals Act 1988 or, as the case may be, section 78(2AB) of the Residential Tenancies Act 1986),— 5
- (i) the money order records that the parties have agreed to enforce the payment of money specified in the money order by way of an attachment order made under this **Act**; and
- (ii) section 19(1B) of the Disputes Tribunals Act 1988 or, as the case may be, section 78(2AC) of the Residential Tenancies Act 1986 is complied with; or 10
- (b) in the case of a judgment or an order made by a court,—
- (i) the judgment or order records that the parties have agreed to enforce the payment of money specified in the judgment or order by way of an attachment order made under this **Act**; and 15
- (ii) **subsection (3)** is complied with.
- (3) **Subsection (2)** ~~The subsection~~ is complied with if—
- (a) the judgment or order was given or made at or following a hearing at which both parties were present; and 20
- (b) the party ordered to pay money consented to the payment of the money being enforced by way of an attachment order; and
- (c) both parties agreed on the terms of the attachment order, including the details specified in **section 338**; and
- (d) the judgment or order includes the details specified in **section 338**. 25
- (4) Nothing in **subsection (3)(c)** allows the parties to agree on a net amount to be paid for an earnings period that would otherwise derogate from **section 339(3)**.
- (5) For the purposes of **subsection (3)**, **hearing** includes a judicial settlement conference held under the rules. 30
- Compare: 1947 No 16 s 79(5), (5C)–(5F)

Restrictions on enforcement proceeding

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

- (1) A judgment or an order of the court that is more than 6 years old must not be enforced unless— 35
- (a) a Judge grants leave; or
- (b) there has been a payment into court or to the judgment creditor ~~by the judgment debtor~~ made by or on behalf of the party liable within the

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

- (2) For the purposes of **subsection (1)**, a judgment that is an arbitral award entered as a judgment is more than 6 years old if 6 years have elapsed since the date on which the award became enforceable by action in New Zealand. 5
- (3) A Judge may grant leave on an application without notice.
Compare: 1947 No 16 s 80

323 No enforcement of order for payment by instalments without default

- (1) An order for the payment of an amount of money by instalments must not be enforced unless there has occurred a default in the payment of an instalment according to the order. 10
- (2) If there is a default, an enforcement proceeding or successive enforcement proceedings may be taken for the whole of the amount owing, including any unpaid costs, unless the court on the application of the liable party orders otherwise. 15
Compare: 1947 No 16 s 81

324 Proceeding on cross-judgment

- (1) This section applies if there are cross-judgments between the parties.
- (2) An enforcement proceeding can be taken only by the party who has obtained judgment for the larger amount, and then only for so much of ~~the~~ that larger amount that remains owing after deducting the ~~smaller~~ amount ~~(the remainder)~~ ~~owed to the other party~~. 20
Compare: 1947 No 16 s 82

Stay of enforcement proceeding

325 Stay of enforcement proceeding for inability to pay 25

- (1) A Judge may stay an enforcement proceeding against a party if satisfied that the party is unable from any cause to pay any amount that is recoverable against that party (whether by way of meeting the claim or counterclaim in the proceedings or by way of costs or otherwise) or any instalment of that amount.
- (2) The Judge may stay the enforcement proceeding for the period and on the terms that the Judge thinks fit, and may renew the stay from time to time until the liable party is able to pay. 30
Compare: 1947 No 16 s 83

326 Stay of proceeding on appeal

- A notice of appeal operates as a stay of proceedings under the decision appealed from only if— 35
- (a) a Judge orders that the proceedings are stayed; or

- (b) the appellant has deposited with the Registrar the amount of the judgment or order under appeal and the costs, pending determination of the appeal; or
- (c) the appellant has given security to the satisfaction of the Registrar for the amount of the judgment or order and costs. 5

Compare: 1947 No 16 s 84

Information about judgment debtor's means

327 Filing of financial statement

- (1) In this **Act**, **financial statement** means a statement, in a form approved by the chief executive, of a judgment debtor's— 10
 - (a) assets and liabilities; and
 - (b) income and expenditure for the preceding 52 weeks.
- (2) A financial statement may be completed by the judgment creditor or the judgment debtor.
- (3) If the financial statement is completed by the judgment creditor, the statement must include details of the source of the information contained in the statement and the date to which the information relates. 15
- (4) A completed financial statement may be filed in the court at any time after a judgment or an order for the payment of money is entered or made.
- (5) The party who files a completed financial statement must serve a copy of the statement on the other party. 20

Compare: 1947 No 16 s 84A

328 Notice to complete financial statement

- (1) If a judgment creditor serves a notice to complete a financial statement on the judgment debtor, the judgment debtor must, within 10 working days after the date of service,— 25
 - (a) complete a financial statement; and
 - (b) return it to the judgment creditor.
- (2) The notice to complete a financial statement must be—
 - (a) in a form approved by the chief executive; and 30
 - (b) accompanied by 2 copies of the approved form for a financial statement (1 for the judgment debtor to complete and return, the other for the judgment debtor's use).

Compare: 1947 No 16 s 84B

329 Court to request information about judgment debtor's means 35

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

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

- (2) The request may be made by any means of communication that the court considers appropriate.
 - (3) The information may be provided at any place and using any means of communication that the court considers appropriate, and the court may request the person providing the information to verify it on oath. 5
Compare: 1947 No 16 s 84C
- 330 Court may order hearing if information about judgment debtor's means not provided, etc** 10
- (1) This section applies if—
 - (a) no information about the judgment debtor's means for satisfying the judgment debt is provided to the court following a request under **section 329**; or
 - (b) the court wishes to obtain information about the judgment debtor's means for satisfying the judgment debt in addition to information provided under **section 329** before exercising its powers under **section 335**; or 15
 - (c) a person providing information to the court under **section 329** refuses to verify it on oath. 20
 - (2) The court may issue a summons, in a form approved by the chief executive, requiring the judgment debtor or, if the judgment debtor is a body corporate, an officer of the judgment debtor to attend a hearing and be questioned by the court about the judgment debtor's means for satisfying the judgment debt.
 - (3) If the court issues a summons, the court may also— 25
 - (a) order any of the judgment debtor's books or other documents to be produced at the hearing;
 - (b) order that the hearing be held at a place other than in a court;
 - (c) impose such other terms and conditions as the court thinks proper in respect of the hearing. 30
 - (4) The summons must be served on the judgment debtor by a person referred to in **section 390(3)(a)**, and, at the same time as the summons is served, the judgment debtor must be notified of the court's power to cancel the hearing in the circumstances referred to in **subsection (5)**.
 - (4A) The hearing must not be held until at least 3 working days ~~or any shorter period agreed by the judgment debtor has passed~~ after the date on which the summons was served or any shorter period agreed by the judgment debtor. 35
 - (5) The court may cancel a hearing if, before the date of the hearing,—

- (a) ~~such information about the judgment debtor's means for satisfying the judgment debt is provided that, in the opinion of the court, it is unnecessary for the hearing to take place; and~~
- (a) the court considers that a hearing is not needed because the judgment debtor has provided enough information about the judgment debtor's means for satisfying the debt; and 5
- (b) if the court so requests, the person providing the information verifies it on oath.
- (6) If a hearing takes place,—
- (a) the judgment debtor or, if the judgment debtor is a body corporate, an officer of the judgment debtor must appear in person: 10
- (b) the court may require the judgment debtor or officer and any witness to take an oath before giving evidence:
- (c) the judgment debtor may be represented by a lawyer who may question the judgment debtor or officer and be heard on the matter of the judgment debtor's means for satisfying the judgment debt: 15
- (d) the judgment debtor or officer may be questioned by the court:
- (e) any witness may be questioned by or on behalf of the judgment debtor or by the court.
- (7) A hearing may from time to time be adjourned by the court to a time and place to be appointed. 20

Compare: 1947 No 16 s 84D

331 Application for financial assessment hearing

- (1) This section applies if a judgment creditor applies, in a form approved by the chief executive, for a hearing (a **financial assessment hearing**) for the judgment debtor or, if the judgment debtor is a body corporate, an officer of the judgment debtor to be questioned about the judgment debtor's means for satisfying the judgment debt. 25
- (2) The court must issue a summons, in a form approved by the chief executive, requiring the judgment debtor or an officer of the judgment debtor to attend the hearing. 30
- (3) The court may also—
- (a) order any of the judgment debtor's books or other documents to be produced at the hearing:
- (b) order that the hearing be held at a place other than in a court: 35
- (c) impose such other terms and conditions as the court thinks proper in respect of the hearing.
- (4) The summons must be served on the judgment debtor by a person referred to in **section 390(3)(b)**.

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

Compare: 1947 No 16 s 84E

332 Power to arrest judgment debtor or officer

- (1) This section applies if a summons issued under **section 330 or 331** cannot be served on a judgment debtor. 5
- (2) This section also applies if—
- (a) a summons was served on a judgment debtor at least 3 working days, or any shorter period agreed under **section 330(4A) or 333(1)**, before the date of the hearing to which the summons relates; and
- (b) the judgment debtor fails to appear in person at the hearing or at any subsequent adjournment of the hearing. 10
- (3) This section applies in relation to a judgment debtor that is a body corporate if—
- (a) a summons was served on an officer of the judgment debtor (the **relevant officer**) at least 3 working days, or any shorter period agreed under **section 330(4A) or 333(1)**, before the date of the hearing to which the summons relates; and 15
- (b) an officer of the judgment debtor (whether or not the relevant officer) fails to appear in person at the hearing or at any subsequent adjournment of the hearing. 20
- (4) The summons must not be enforced by detention, but a Judge or Registrar may issue a warrant to arrest the judgment debtor or the relevant officer.
- (5) If the judgment debtor or the relevant officer is arrested under this section, the following provisions apply:
- (a) the judgment debtor or the relevant officer must be brought before a Judge or Registrar as soon as possible for the purpose of commencing or continuing the hearing: 25
- (b) the judgment debtor or relevant officer is bailable as of right:
- (c) section 168 of the Criminal Procedure Act 2011 and Parts 1 to 3 of the Bail Act 2000 apply, with any necessary modifications, as if an appearance at the hearing before a Judge or Registrar constituted part of the hearing of a charge, and as if references in those provisions to a court included references to a Judge or Registrar: 30
- (d) if the judgment debtor or relevant officer cannot practicably be brought before a Judge or Registrar, then a Police employee or bailiff may grant bail to the judgment debtor or relevant officer, and Parts 1 to 3 of the Bail Act 2000 apply, with any necessary modifications, as if the bail were granted by a Police employee under section 21(1) of that Act. 35
- (6) In this section, **summons** means—

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

Compare: 1947 No 16 s 84EA

333 Financial assessment hearing

- (1) A financial assessment hearing must not be held until at least 3 working days; 5
~~or any shorter period agreed by the judgment debtor, has passed~~ after the date
 on which the summons was served or any shorter period agreed by the judg-
ment debtor.
- (2) The judgment debtor or, if the judgment debtor is a body corporate, an officer 10
 of the judgment debtor must appear in person at a financial assessment hearing.
- (3) The court may require the judgment debtor or the officer and any witness to
 take an oath before giving evidence.
- (4) The judgment debtor may be represented at the hearing by a lawyer, who may
 question the judgment debtor or the officer and be heard on the matter of the 15
 judgment debtor's means for satisfying the judgment debt.
- (5) The judgment debtor or the officer may be questioned by or on behalf of the
 judgment creditor or by the court.
- (6) Any witness may be questioned by or on behalf of the judgment creditor or the
 judgment debtor or by the court.
- (7) A financial assessment hearing may from time to time be adjourned by the 20
 court to a time and place to be appointed.

Compare: 1947 No 16 s 84EB

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

The ~~exercise of the~~ jurisdiction of the court under **sections 329, 330, 331, 333, 335, 337, and 343** may be exercised by a Registrar. 25

335 Orders by court following filing of financial statement, etc

- (1) This section applies if, after a judgment has been entered or an order made for
 the payment of money ~~has been entered or made,~~— 30
 - (a) a financial statement is filed in the court; or
 - (b) the judgment debtor provides the court with information about the judg-
 ment debtor's means for satisfying the judgment debt under **section**
329; or
 - (c) a hearing under **section 330** or a financial assessment hearing takes 35
 place.
- (2) The court may do any 1 or more of the following:
 - (a) direct that 1 or more of the proceedings referred to in **section 315** be
 commenced or continued (as the case may be), ~~and~~ direct that any steps

- be taken in such proceedings, and, for any such purpose, issue any warrant or summons or make any order:
- (c) order that the money owing under the judgment or order be paid in instalments:
 - (d) stay any proceedings to enforce the judgment or order: 5
 - (e) vary any order made under this **Act** relating to the enforcement of the judgment or order.
- (3) The court may do any of the things referred to in **subsection (2)** even though if—
- (a) no application is made for the direction, order, stay, or variation in question; or 10
 - (b) an application is made for a different direction, order, stay, or variation; or
 - (c) no hearing takes place; or
 - (d) in a case where a financial statement is filed in the court by 1 party, the other party has not had the opportunity to make representations to the court about the financial statement. 15

Compare: 1947 No 16 s 84EC

Attachment orders

- 336 Interpretation** 20
- In **sections 337 to 343**, unless the context otherwise requires,—
- earnings period** has the meaning given by **section 338(b)**
- employer**, in relation to a judgment debtor, includes—
- (a) a person by whom a retiring allowance or pension or other payment of a similar nature is payable to the judgment debtor: 25
 - (b) the Accident Compensation Corporation in respect of weekly compensation payable to the judgment debtor under the Accident Compensation Act 2001:
 - (c) the chief executive of the department for the time being responsible for the administration of the Social Security Act 1964 in respect of a benefit payable to the judgment debtor 30
- salary or wages** includes—
- (a) a retiring allowance or other payment of a similar nature:
 - (b) a bonus or an incentive payment:
 - (c) a payment of commission: 35
 - (d) a payment in consideration of work performed under a contract for services:

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

Compare: 1947 No 16 s 84F

- 337 Attachment orders** 5
- (1) The court may make an attachment order to enforce a judgment or an order for the payment of money—
 - (a) in the circumstances referred to in **section 321(2)**; or
 - (b) in the circumstances referred to in **section 335(1)**; or
 - (c) on the application of the judgment creditor or judgment debtor. 10
 - (2) If an application is made under **subsection (1)(c)**,—
 - (a) the party who makes the application must serve a copy of it on the other party; and
 - (b) the court may make the attachment order even though the other party has not had the opportunity to make representations to the court about the application. 15
 - (3) If an attachment order is made, it must be served on the employer to whom the order relates, the judgment creditor, and the judgment debtor.
 - (4) Except as otherwise ordered by the court, an attachment order takes effect when a copy of the order is served on the employer. 20

Compare: 1947 No 16 s 84G

338 Content of attachment orders

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

- (a) the employer to whom the order relates; and 25
- (b) whether deductions are to be made every week, fortnight, or month or by reference to some other period (the **earnings period**); and
- (c) the amount or percentage to be deducted from the judgment debtor's salary or wages for the earnings period; and
- (d) the amount or percentage below which the net amount paid to the judgment debtor for the earnings period must not fall; and 30
- (e) the name and the address or bank account number of the person to whom the amounts deducted are to be paid; and
- (f) that the order is to remain in force until the judgment debt has been paid in full or, if the order is to remain in force for a fixed period, that period. 35

Compare: 1947 No 16 s 84H

339 Effect of attachment orders

- (1) An attachment order must direct that the money due and payable under the judgment or order being enforced is, by way of such amounts; and ~~payable by reference~~ in relation to such earnings period; as are specified in the attachment order, a charge on any salary or wages that from time to time while the attachment order is in force become due and payable by the employer to the judgment debtor. 5
- (2) The charge created—
- (a) accrues from earnings period to earnings period, and on the day of the earnings period specified in the order; and 10
- (b) attaches to all salary or wages that become due by the employer to the judgment debtor at any time while the attachment order is in force, whether or not the contract of employment in respect of which the salary or wages so become due existed at the date of the attachment order; and
- (c) is subject to any charge created by an attachment order under the Family Proceedings Act 1980 or the Summary Proceedings Act 1957 and to any item referred to in **subsection (5)(a) and (b)** (whether created, issued, or authorised before or after the date on which the order referred to in **subsection (1)** was made); but 15
- (d) prevails over and has priority to any assignment or charge created by the judgment debtor (whether before or after the making of the attachment order under this **Act**) ~~and~~ so that the attachment order has the same effect as if no such assignment or charge had been made or created by the judgment debtor. 20
- (3) Despite **subsections (1) and (2)**, no attachment order is to operate so that, when its effect is considered either alone or with the effect of any item referred to in **subsection (5)**, the net amount paid to a judgment debtor for an earnings period is below the protected earnings rate for the earnings period and, where necessary, the amount to be deducted from the judgment debtor's salary or wages for the earnings period is treated as being reduced or cancelled accordingly. 25 30
- (4) Nothing in section 84 of the Social Security Act 1964 applies to an attachment order.
- (5) The items are—
- (a) a deduction notice under the Child Support Act 1991, the Family Proceedings Act 1980, the Social Security Act 1964, or the Tax Administration Act 1994: 35
- (b) a deduction for the recovery of payments under section 86 of the Social Security Act 1964:
- (c) a charge created by an attachment order under this or any other Act. 40
- (6) In this section,—

net earnings, in relation to an earnings period, means the balance left after deducting from the judgment debtor's salary or wages for the earnings period the amount of tax required to be withheld or deducted in accordance with the PAYE rules of the Income Tax Act 2007 if the salary or wages ~~were~~ are the only salary or wages paid to the judgment debtor by the employer for the earnings period 5

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

- (a) 60% of net earnings for the earnings period; and
- (b) the amount or percentage referred to in **section 338(d)**. 10

Compare: 1947 No 16 s 84I

340 Liability of employer

- (1) Subject to **section 339(3)**, as long as an attachment order remains in force, the employer to whom it relates must from time to time, whenever any salary and wages are due and payable by the employer to the judgment debtor,— 15
 - (a) deduct from that money a sufficient amount to satisfy the charge on the money so far as the ~~same~~ charge has accrued before the day on which the salary or wages becomes due and payable; and
 - (b) not later than the 20th day of the next month after the month in which the deduction is made, pay the amount so deducted to the person specified in the attachment order. 20
- (2) All amounts so deducted and paid must be taken to have been paid by the employer in satisfaction of the salary or wages payable by the employer to the judgment debtor.
- (3) All amounts so deducted must be taken to have been paid by the judgment debtor in satisfaction of the judgment debtor's liability to pay the judgment debt. 25
- (4) If the judgment debtor gives notice of resignation, or is given notice of dismissal, from the employment of the employer to whom the attachment order relates, the employer must, within 5 working days after receiving or giving the notice, notify the person referred to in **section 338(e)** of the date of the last day of the judgment debtor's employment. 30
- (5) If the employer to whom the attachment order relates ceases to pay salary or wages to the judgment debtor for a reason other than the judgment debtor's dismissal or resignation from the employment of the employer, the employer must, within 5 working days after ceasing to pay the salary or wages, notify the person referred to in **section 338(e)** of the day on which the salary or wages ceased to be paid. 35
- (6) Where the employer makes default in the payment of any money in satisfaction of a charge created by an attachment order, that money becomes a debt due by 40

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

- (7) An employer who fails without reasonable excuse to comply with **subsection (1)(a) or (b)** commits an offence and is liable on conviction to a fine not exceeding \$1,000. 5

Compare: 1947 No 16 s 84J

341 Wrongful treatment of employee

An employer commits an offence, and is liable on conviction to a fine not exceeding \$1,000, who dismisses any employee or alters any employee's position in the employer's business or undertaking to the employee's prejudice by reason of— 10

- (a) the employee having been ordered to pay money owing under 1 or more judgments or orders imposed by the District Court or the High Court for the payment of an amount of money; or
- (b) an attachment order having been served on the employer; or 15
- (c) the employer becoming aware that an attachment order is being made or has been made in respect of the employee.

Compare: 1947 No 16 s 84K

342 Extent to which attachment orders bind the Crown

- (1) In this section,— 20

employing department means—

- (a) a department of State in which a person is employed; and
- (b) in relation to a person to whom any retiring allowance or pension or other payment of a similar nature is payable—
 - (i) out of the Government Superannuation Fund, the Government Superannuation Fund Authority: 25
 - (ii) out of the National Provident Fund, the Board of Trustees of the National Provident Fund

servant of the Crown—

- (a) means a person in the service of Her Majesty in respect of the Government of New Zealand: 30
- (b) includes a person in temporary or casual service:
- (c) does not include a person in honorary service:
- (d) includes any person serving in any of the New Zealand Armed Forces:
- (e) includes a person to whom any retiring allowance or pension or other payment of a similar nature is payable out of the Government Superannuation Fund or the National Provident Fund. 35

- (2) **Sections 337 to 341 and 343** bind the Crown to the extent of and subject to **subsections (3) and (4)**.
- (3) If the judgment debtor is a servant of the Crown, an attachment order may be made against the Crown as employer.
- (4) Where the judgment debtor is entitled to a benefit within the meaning of the Social Security Act 1964, an attachment order may be made against the chief executive of the department for the time being responsible for the administration of that Act, and— 5
- (a) service of the order must be effected—
- (i) by leaving a copy of the order at, or sending a copy of the order by post to, either the district office of the department nearest to the judgment debtor's place of residence or an address notified by the chief executive of the department to the chief executive; or 10
- (ii) by sending the order by email or other electronic means to an email address notified by the chief executive of the department to the chief executive of the Ministry of Justice; and 15
- (b) **section 341** does not apply.

Compare: 1947 No 16 s 84L

343 Variation, suspension, and discharge of attachment orders

- (1) A judgment creditor or judgment debtor may apply to the court at any time for an attachment order to be varied, suspended, or discharged. 20
- (2) The party who makes an application under **subsection (1)** must serve a copy of the application on the other party.
- (3) If an application under **subsection (1)** is made, the court may vary, suspend, or discharge the attachment order if good cause is shown to the satisfaction of the court why the order should be so varied, suspended, or discharged. 25
- (4) The court may vary, suspend, or discharge the attachment order even ~~though~~ if the other party has not had the opportunity to make representations to the court about the application.
- (5) If an attachment order is varied, suspended, or discharged under **subsection (3)**, notice of the variation, suspension, or discharge must be served on the employer to whom the order relates, the judgment creditor, and the judgment debtor. 30
- (6) A variation, suspension, or discharge of an attachment order takes effect when the notice referred to in **subsection (5)** is served on the employer, unless (in the case of a discharge) **subsection (7)** applies. 35
- (7) An attachment order may also be discharged at any time by written notice (which may be given by email or other electronic means) from the judgment

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

Compare: 1947 No 16 s 84M

344 Review of Registrar's decision

- (1) Any person affected by any order or direction made by a Registrar under **section 332, 335, 337, 343, or 347** may apply to a Judge for a review of the order or direction. 5
- (2) However, a judgment creditor may apply for a review of an order or a direction made by a Registrar under **section 335 or section 337** only if a financial assessment hearing that was attended by the judgment creditor or his or her representative has taken place. 10
- (3) An application under **subsection (1)** must be made within 15 working days of the making of the order or direction, or within the further time that the Judge, on application, may allow.
- (4) On receiving an application under **subsection (1)**, the Judge may order that the order or direction under review is suspended pending the review. 15
- (5) On review, the Judge may confirm, rescind, or vary the Registrar's order or direction, and the order or direction has effect, or ceases to have effect, as the case may be.

Compare: 1947 No 16 s 84N

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Contempt of enforcement proceedings

345 Contempt of enforcement proceedings

- (1) No order may be made under **subsection (3)** unless any of the circumstances described in **subsection (2)** apply and the court is satisfied beyond reasonable doubt that— 25
 - (a) the judgment debtor has sufficient means to pay the judgment debt but refuses to do so; and
 - (b) all other methods of enforcing the judgment have been considered or tried and are inappropriate or have been unsuccessful.
- (2) The circumstances referred to in **subsection (1)** are as follows: 30
 - (a) a financial statement has been filed in court:
 - (b) the court has been provided with information about the judgment debtor's means for satisfying the judgment debt under **section 329**:
 - (c) a hearing under **section 330** or a financial assessment hearing has taken place. 35
- (3) The court may, on the application of a judgment creditor, ~~order the judgment debtor to do community work, not exceeding 200 hours, as the court thinks fit.~~ do either or both of the following:

- (a) order the judgment debtor to do community work, not exceeding 200 hours, as the court thinks fit:
- (b) impose any of the orders referred to in **section 315, 318, or 319**, or do any of the things referred to in **section 335(2)**.
- (4) ~~Alternatively, the court may impose any of the orders referred to in **section 315, 318, or 319** or do any of the things referred to in **section 335(2)** instead of or in addition to ordering the judgment debtor to do community work under **subsection (3)**:~~ 5
- (5) An order made under **subsection (3)** has effect as if it were a sentence of community work, and the relevant provisions of Part 2 of the Sentencing Act 2002, with any necessary modifications, apply accordingly. 10
- (6) If the District Court, acting under this section, orders a judgment debtor to do community work, the judgment debtor has the same right of appeal to the High Court against the order as the judgment debtor would have had if the judgment debtor had been convicted and sentenced by the District Court before a Judge alone in relation to a charge. 15
- (7) An order made under **subsection (3)** does not operate to extinguish or affect the liability of the judgment debtor to pay the judgment debt.
- (8) A proceeding under this section may from time to time be adjourned by the court to a time and place to be appointed. 20

Compare: 1947 No 16 s 84O

346 Process for dealing with application for contempt of enforcement proceedings

- (1) On receipt of an application under **section 345(3)**, the Registrar must—
- (a) appoint a time and place for the hearing of the application if satisfied, on the basis of information provided with the application, that the judgment debtor has sufficient means to pay the judgment debt but refuses to do so; or 25
- (b) if not so satisfied, refer the application to a Judge.
- (2) On the referral of an application under **subsection (1)(b)**, the Judge must— 30
- (a) deal with the application on the papers; and
- (b) consider whether he or she is satisfied, on the basis of information provided with the application, that the judgment debtor has sufficient means to pay the judgment debt but refuses to do so.
- (3) If the Judge is so satisfied, he or she must direct the Registrar to appoint a time and place for the hearing of the application. 35
- (4) If the Judge is not so satisfied, he or she must decline the application.
- (5) If the Registrar appoints a time and place for the hearing of the application under **subsection (1)(a) or (3)**, the judgment debtor must be served with a

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

- (6) The Registrar must notify the judgment creditor of the time and place so appointed.
- (7) If the application is declined under **subsection (4)**, the Registrar must notify the judgment creditor that the application has been declined. 5

Compare: 1947 No 16 s 84OA

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

- (1) If a copy of the application cannot be served on the judgment debtor under **section 346(5)**, or if the judgment debtor fails to appear at the hearing of the application (or the resumption of the hearing, in the case of an adjourned hearing), a Judge or Registrar may issue a warrant to arrest the judgment debtor and bring the judgment debtor before the court as soon as possible. 10
- (2) A warrant under **subsection (1)** ceases to have effect if the judgment debtor pays, or causes to be paid, the amount due under the judgment debt. 15
- (3) If a judgment debtor is arrested under a warrant issued under **subsection (1)**, the following provisions apply:
- (a) the judgment debtor must be brought before a Judge or, if a Judge is not available, the Registrar: 20
- (b) if the judgment debtor is brought before the Registrar, the Registrar must appoint a time and place for the judgment debtor to appear before a Judge for the purpose of commencing or continuing the hearing:
- (c) the judgment debtor is bailable as of right:
- (d) section 168 of the Criminal Procedure Act 2011 and Parts 1 to 3 of the Bail Act 2000 apply, with any necessary modifications ~~that may be necessary~~, as if the hearing of the application referred to in **subsection (1)** were the hearing of a charge: 25
- (e) if the judgment debtor cannot practicably be brought immediately before a Judge or Registrar, then any Police employee or any bailiff may grant bail to the judgment debtor, and Parts 1 to 3 of the Bail Act 2000 apply, with any necessary modifications, as if the bail were granted by a Police employee under section 21(1) of that Act. 30

Compare: 1947 No 16 s 84OB

348 Judgment debtor doing community work is discharged on payment 35

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

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

5

Compare: 1947 No 16 s 84Q

Warrants to seize property

349 Warrant to seize property 10

- (1) A warrant to seize property is a warrant that requires the bailiff or constable to whom it is directed to seize and sell goods of a judgment debtor for payment of the following debts:

- (a) the judgment debt, or so much of it that remains unpaid; and
- (b) the costs of executing the warrant; and
- (c) the costs of previous proceedings (if any) for enforcement of the judgment debt.

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- (2) By the warrant, the bailiff or constable is authorised to seize—

- (a) the goods of the judgment debtor, except—
 - (i) his or her tools of trade to a value not exceeding \$5,000; and
 - (ii) his or her necessary household furniture and effects, including clothing for the judgment debtor and his or her family, to a value not exceeding \$10,000; and
- (b) money, bank notes, and securities (that is, bills of exchange, promissory notes, bonds, specialties, or other securities for money).

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- (3) The warrant must be in a form approved by the chief executive.

- (4) The Governor-General may from time to time, by Order in Council, amend **subsection (2)** by increasing any amount specified in that subsection.

Compare: 1947 No 16 s 85

350 Immobilisation of motor vehicles 30

- (1) A bailiff or constable executing a warrant to seize property may, while seizing, or instead of seizing, a motor vehicle, immobilise the vehicle by attaching to it any device designed for the purpose, pending payment of the unpaid amount.

- (2) A vehicle may not be immobilised under **subsection (1)** unless, at the time of its immobilisation, the vehicle—

35

- (a) is on private property; or

- (b) is in a public place and the bailiff or constable is satisfied that immobilising the vehicle will not cause undue inconvenience to other persons.
- (3) If a motor vehicle is immobilised under this section, a bailiff or constable—
- (a) may seize the vehicle at any time;
- (b) on the direction of the Registrar, must seize the vehicle. 5
- (4) A person commits an offence if, without reasonable excuse, the person—
- (a) tampers with, removes, or attempts to remove a device attached to a motor vehicle under **subsection (1)**; or
- (b) removes, or attempts to remove,—
- (i) a motor vehicle to which a device is, or has been, attached under **subsection (1)**; or 10
- (ii) any part of that vehicle; or
- (iii) any other property from that vehicle.
- (5) A person who commits an offence under **subsection (4)** is liable on conviction to a fine not exceeding \$1,000. 15
- Compare: 1947 No 16 s 85A

351 Disposal of securities seized

- (1) The bailiff who seizes securities referred to in **section 349(2)(b)** must deliver them to the Registrar.
- (2) The Registrar must hold the securities for the benefit of the enforcement creditor or as security for the enforcement debtor's debts ~~under referred to in~~ **section 349(1)**. 20
- (3) The execution creditor may sue for the money secured by or payable under the securities on their due date and may sue—
- (a) in the name of the enforcement debtor; or 25
- (b) in the name of any person in whose name the person against whom execution has issued might have sued.

Compare: 1947 No 16 s 86

352 Offence of rescuing goods seized

- (1) A person who rescues or attempts to rescue goods seized in execution under a warrant to seize property commits an offence and is liable on conviction to a fine not exceeding \$300. 30
- (2) A bailiff or a constable may arrest ~~that the~~ the person referred to in **subsection (1)** with or without a warrant.

Compare: 1947 No 16 s 87

35

*Sale of goods seized under warrant to seize property***353 Period to elapse before sale**

(1) Goods seized under a warrant to seize property must not be sold before 5 working days after the date of seizure have elapsed.

(2) **Subsection (1)** does not apply if— 5

(a) the goods are perishable; or

(b) the owner of the goods makes a written request (which may be by email or other electronic means) for earlier sale.

Compare: 1947 No 16 s 88

354 Goods must be sold by public auction unless court orders otherwise 10

(1) Goods seized under a warrant to seize property must be sold by public auction unless a court orders otherwise.

(2) A bailiff who is authorised to execute a warrant to seize property may, if he or she first obtains the Registrar's written approval (which may be given by email or other electronic means), sell goods seized under the warrant without the necessity of taking out an auctioneer's licence. 15

(3) **Subsection (2)** overrides any enactment or rule of law to the contrary.

(4) The jurisdiction of a court under this section may be exercised by the Registrar.

Compare: 1947 No 16 s 89

355 Purchaser from bailiff acquires goods free of all ownership and other proprietary interests 20

(1) A person who purchases from a bailiff goods seized under a warrant to seize property, and who purchases without a claimant to the goods having paid a deposit or provided security in accordance with **section 360(2)**, acquires good title to the goods free of all ownership interests and other proprietary interests held in them before the sale. 25

(2) This section is subject to—

(a) sections 108 to 112 of the Insolvency Act 2006; and

(b) sections 251 and 252 of the Companies Act 1993.

Compare: 1947 No 16 s 90(1)(a), (3) 30

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

(1) Except under **subsection (2)**, no person has any claim against a bailiff or any person acting under a bailiff's authority (an **agent**) for the sale of goods seized under a warrant to seize property or for the payment of the proceeds of the sale.

(2) The immunity of a bailiff or agent set out in **subsection (1)** does not apply if the bailiff or agent, before the goods were sold or the proceeds paid, knew or 35

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

- (3) Nothing in this section affects the right of a person who proves that the person had an ownership or other proprietary interest in the goods at the time of sale to a remedy against any person other than the bailiff. 5

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

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

- (1) This section applies if a third person claims a security interest in goods that have been seized under a warrant to seize property. 10
- (2) The court may order the sale of all or part of the goods on terms as to the application of the proceeds of sale to all or part of the secured debt or otherwise as the court thinks fit.
- (3) The purchaser of goods sold under this section obtains good title to the property free of all ownership interests and other proprietary interests held in the property before that sale. 15

Compare: 1947 No 16 s 91

358 Personal property securities register to be checked

- (1) If goods are seized under a warrant to seize property, the Registrar must, on the next working day after the goods are seized, check whether a financing statement that relates to the goods has been registered on the personal property securities register kept under the Personal Property Securities Act 1999. 20
- (2) If a financing statement has been registered, the bailiff must promptly notify the person named as the secured party in the financing statement of the following: 25
- (a) that the court may, under **section 354**, sell the goods after the expiration of 5 working days from the date of seizure if the judgment debt remains unpaid and no claim has been made in respect of the goods by a person other than the judgment debtor:
- (b) the rights that may be available to the person under **sections 360 and 361**. 30

Compare: 1947 No 16 s 91A

Claims in respect of goods seized under warrant to seize property

359 Priority of High Court and District Court executions

- (1) This section determines priority as between a sale order issued from the High Court and a warrant to seize property against the goods of the same person issued under this **Act**. 35

- (2) The right to the goods seized must be determined according to which of the following occurred first:
- (a) delivery to the Sheriff of the sale order to be executed:
 - (b) delivery to the Registrar of the application for the warrant to seize property. 5
- (3) On request by the bailiff to whom the warrant to seize property is directed, the Sheriff must inform the bailiff in a notice, authenticated by the Sheriff, of the precise time of delivery of the sale order.
- (4) On request by the Sheriff, the bailiff to whom the warrant to seize property is directed must produce the warrant to any Sheriff's officer. 10
- (5) The time recorded in a notice given under **subsection (3)**, and the time endorsed on the warrant as the time of application to the Registrar, are conclusive for any Sheriff or bailiff to act in reliance on the priority so determined.
- Compare: 1947 No 16 s 92
- 360 Sale of goods subject to third party claim** 15
- (1) Unless a claimant to or in respect of goods seized under a warrant to seize property complies with **subsection (2)**, the bailiff must—
- (a) sell the goods as if no claim had been made; and
 - (b) pay the proceeds into court pending a decision on the claim.
- (2) To halt the sale of the goods under **subsection (1)**, a claimant may— 20
- (a) deposit with the bailiff—
 - (i) the amount of the value of the goods; or
 - (ii) the amount that the bailiff may charge for the custody of the goods pending a decision on the claim; or
 - (b) give the bailiff, in the manner prescribed in the rules, security for the value of the goods. 25
- (3) The bailiff must pay the amount of the value of the goods deposited under **subsection (2)(a)(i)** into court pending a decision on the claim.
- (4) If the amount of the value of the goods is disputed, that amount must be fixed by appraisalment in the prescribed manner. 30
- (5) The purchaser of goods sold under this section obtains good title to the property free of all ownership interests and other proprietary interests held in the property before that sale.
- Compare: 1947 No 16 s 93
- 361 Third party claim process** 35
- (1) If a claim is made under **section 360** to or in respect of goods seized under a warrant to seize property, the bailiff may obtain a summons from the Registrar requiring the execution creditor and the claimant to appear before the court.

- (2) If a claim is made under **section 360** in respect of property that is the subject of a financing statement registered on the personal property securities register kept under the Personal Property Securities Act 1999, the bailiff must obtain from the Registrar a summons requiring the claimant to appear before the court. 5
- (3) The bailiff may obtain the summons, either before or after the return of the warrant, ~~and~~ whether or not a proceeding has been brought against the bailiff in respect of the seizure.
- (4) On the issue of the summons, any proceeding brought in the District Court or other court in respect of the claim of any damage arising out of the execution of the warrant is stayed. 10
- (5) On hearing the summons, the court must—
- (a) decide the claim; and
 - (b) decide any claim by 1 or more of the parties against the bailiff for damages arising out of the execution of the warrant; and 15
 - (c) make an order as to costs as the court thinks fit.

Compare: 1947 No 16 s 94

Garnishee proceedings

362 Garnishee proceedings

A person (**A**) who has obtained a judgment or an order for the payment of money may take a proceeding (a **garnishee proceeding**) under the rules to obtain— 20

- (a) the payment to A of a debt owing or accruing to the judgment debtor from another person (**B**) and the costs of bringing the garnishee proceeding; or 25
- (b) the payment to A of so much of the debt as will meet the amount of the judgment or order and the costs of bringing the garnishee proceeding.

Compare: 1947 No 16 s 96(1)

363 Money held on deposit or in account

For the purposes of a garnishee proceeding, a debt owing or accruing to a judgment debtor (**D**) and, subject to **section 364** and the rules, accordingly attachable, includes money that— 30

- (a) stands to D's credit with any person (including a bank); and
- (b) is held on deposit with that person or held by that person in a current or other account (including a deposit account). 35

Compare: 1947 No 16 s 96(2)

364 Application of section 363

- (1) **Section 363** applies whether or not any of the following conditions of the deposit or account has been satisfied:
- (a) a condition that notice must be given before any money can be withdrawn;~~or~~ 5
 - (b) a condition that a demand for payment must be made;~~or~~
 - (c) a condition that a personal application must be made before any money can be withdrawn;~~or~~
 - (d) subject to **subsection (2)**, any other condition.
- (2) **Section 363** does not apply if it is a condition of the deposit or account that a deposit book, deposit receipt, or other similar document must be produced before any money can be withdrawn and that condition has not been satisfied. 10

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

The rules may—

- (a) require a person who is in possession of a deposit book, a deposit receipt, or any other similar document relating to a deposit or an account of a judgment debtor to deliver it to the court: 15
- (b) require a person who knows the location of a deposit book, a deposit receipt, or any other similar document relating to a deposit or an account of a judgment debtor to disclose it to the court. 20

Compare: 1947 No 16 s 96(3)

*Charging orders***366 Charging orders**

- (1) A person who has obtained a judgment or an order for the payment of money may apply to the court in accordance with the rules for a charging order. 25
- (2) The court may make a charging order in respect of any of the following property:
- (a) any estate, right, title, or interest in possession, remainder, reversion, or expectancy, ~~and~~ whether vested or contingent, in any land held by the judgment debtor in the judgment debtor's own name: 30
 - (b) any right or interest of the judgment debtor in any partnership:
 - (c) any shares held by the judgment debtor in any company incorporated in New Zealand or having an office in New Zealand in which transfers of shares may be registered:
 - (d) any estate, right, or interest in possession, remainder, reversion, or expectancy, ~~and~~ whether vested or contingent, in any land, or in any money, shares, or other chattels held under or by virtue of any express or implied trust for the judgment debtor. 35

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

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

367 Variation or discharge of charging order

- (1) The court may vary or discharge a charging order at any time. 5
- (2) An order discharging or varying a charging order may be registered or recorded in the same manner as the charging order.
- (3) There must be no ~~charge fee~~ for the registration or recording of the discharge or variation of a charging order.

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

10

368 Effect of charging order

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

- (a) it charges the estate, right, title, or interest of the judgment debtor in the property described in the order with payment of the amount for which the judgment creditor has obtained judgment: 15
- (b) except with the leave of the court or in accordance with the rules, it restrains the person served with it—
- (i) from making, or concurring in making, or permitting any conveyance, transfer, assignment, or disposition of any estate, right, or interest, or of any share in a partnership or company, of the judgment debtor; or 20
- (ii) from paying over any income, interest, dividends, bonus, profits, or other money due or accruing due to the judgment debtor. 25

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

369 Charging order in respect of land expires after 2 years

- (1) A charging order in respect of land expires ~~after 2 years from the date of the order.~~
- (2) ~~However, the order expires earlier than 2 years from the date of the order if, within that 2-year period, an instrument of transfer or a deed of conveyance or assignment is registered following the execution of a sale order.~~ 30
- (2) A charging order expires on the earlier of the following dates:
- (a) the date that is the end of the period that is 2 years after the date on which the order was made; 35
- (b) when an instrument of transfer or deed of conveyance or assignment is registered following the execution of a sale order.

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

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

370 Registration of charging order over land or mining privilege

- (1) This section applies when a charging order is made in respect of the registered estate or interest of the judgment debtor in land. 5
- (2) The order may, on receipt of a duplicate or copy of the order under the seal of the court,—
- (a) be registered by the Registrar-General of Land, if the title to the land is under the Land Transfer Act 1952; or 10
- (b) be registered by the appropriate Registrar of Deeds, if the title to the land is not under the Land Transfer Act 1952; or
- (c) be recorded, in the case of a mining privilege under the Mining Act 1971, by the Registrar-General of Land.

- (3) There must be no charge for the registration or recording of the charging order. 15

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

371 Removal of charging order into High Court

- (1) A charging order may be removed into the High Court in accordance with **section 302**, which applies with any necessary modifications.
- (2) A charging order removed into the High Court is enforceable in the same way as if it had been issued by that court. 20

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

Order or warrant to detain person in prison

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

- (1) This section applies when, under this **Act** or the rules, the court makes an order or issues a warrant for the detention of a person in prison. 25
- (2) The order or warrant must be directed to a bailiff or a constable.
- (3) On the making of the order or the issue of the warrant,—
- (a) the person to whom it is directed is authorised to detain the person to be detained; and 30
- (b) it is the duty of every constable to assist in the detention of that person.

Compare: 1947 No 16 s 97(1)

373 Form of warrant to detain

A warrant to detain a person in prison must contain the information required by the rules. 35

374 Person to be detained in prison

- (1) A person detained in prison under an order made or a warrant issued under **section 372** must be detained in a prison established under, or deemed to be established under, the Corrections Act 2004.
- (2) The prison manager of the prison specified in the order or warrant must detain the person in question in the prison until that person is lawfully discharged. 5
- Compare: 1947 No 16 s 97(2)

375 Power of Judge to order discharge

- (1) A Judge may at any time order the discharge of a person detained under **section 374** if the Judge considers for any reason that the person should be discharged. 10
- (2) The order may be made on the terms, if any, that the Judge thinks fit, including a term that the person may be further detained if the terms of discharge are not complied with.
- Compare: 1947 No 16 s 98 15

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

- (1) The court may issue a warrant (a **warrant for the recovery of land**) authorising the bailiff or the constable to whom it is directed to give possession of the land to the person named in the warrant. 20
- (2) In executing the warrant, the bailiff or constable—
- (a) may take possession of the land; and
 - (b) may use force if necessary in obtaining entry; and
 - (c) may be assisted by others as the bailiff or constable thinks necessary; and 25
 - (d) may give possession to the person named in the warrant; but
 - (e) is not required to remove goods or chattels from premises on the land.

Compare: 1947 No 16 s 99

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

A bailiff or a constable to whom a warrant for the recovery of land is directed may execute the warrant only at a time that is between 9 am and 4 pm. 30

Compare: 1947 No 16 s 99(1)

378 Effect of possession given under warrant for recovery of land

- (1) The person to whom possession is given in accordance with a warrant for the recovery of land holds the land free of any tenancy. 35

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

Compare: 1947 No 16 s 99(1)

5

379 Irregularity or informality in execution of warrant

- (1) A person (A) who applies for the issue of a warrant for the recovery of land and is lawfully entitled to possession of the land at the date of issue of the warrant is not liable as a trespasser by reason only of any irregularity or informality in the execution of the warrant.

10

- (2) A person aggrieved by an irregularity or informality in the execution of a warrant for the recovery of land may sue A only for special damage, and, if the special damage proved is not more than \$30, the person is not entitled to costs, unless the court orders otherwise.

- (3) In **subsection (1)**, A includes A's agent or another person acting on A's behalf.

15

Compare: 1947 No 16 s 100

380 Person illegally obtaining warrant liable for trespass

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

20

Compare: 1947 No 16 s 101(1)

381 Immunity of Judge, etc, when warrant illegally obtained

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

25

(a) the Judge who made the order for the issue of the warrant:

(ab) the Registrar who issued the warrant:

30

(b) the bailiff or the constable who executed the warrant.

Compare: 1947 No 16 s 101(3)

382 Execution of warrant may be stayed on giving bond

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

35

- (2) The bond must—

- (a) bind A to bring a proceeding for trespass against the person to whom the warrant was issued (**B**); and
 - (b) bind A to bring the proceeding without delay; and
 - (c) bind A to pay all the costs of the proceeding if unsuccessful; and
 - (d) secure an amount fixed by the court that the court considers reasonable, 5
having regard to the value of the land and the probable costs of the proceeding; and
 - (e) be executed by 2 sureties approved by the court; and
 - (f) be approved by the court; and
 - (g) be prepared at A's expense. 10
- (3) For the purposes of **subsection (2)(c)**, the proceeding is unsuccessful if—
- (a) judgment is given for B; or
 - (b) A discontinues the proceeding; or
 - (c) A fails to prosecute the proceeding without delay.
- (4) B may sue on the bond if— 15
- (a) the bond is forfeited; or
 - (b) the Judge in A's proceeding for trespass does not endorse on the record that the conditions of the bond have been fulfilled.
- (5) In a proceeding by B suing on the bond, the court may order such relief to the parties to the bond as it thinks just, and the order has the nature and effect of voiding the bond. 20

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

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

If a tenant or an occupier of land (**A**) obtains judgment in a proceeding for trespass when the execution of a warrant for the recovery of land has been stayed,— 25

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

Compare: 1947 No 16 s 102(2)

Recovery of chattels 30

384 Warrant for recovery of chattels

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

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

Compare: 1947 No 16 s 103

385 Further proceedings if chattels not recovered 5

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

- (a) the court may make an order or issue a warrant for detention in prison of the person named for a period not exceeding 1 month; and
- (b) whether or not it makes an order or issues a warrant under **paragraph (a)**, the court may issue a warrant to seize property to the value of the ~~chattels as assessed as~~ which is assessed in the manner that the court directs. 10

Compare: 1947 No 16 s 104

Liability and protection of officers

386 Neglect by bailiffs 15

- (1) On the application of a person aggrieved, the court may order a bailiff to pay that person damages if the opportunity of executing a warrant to seize property is lost through the fault of the bailiff or a person acting under his or her authority.

- (2) The damages ordered must not exceed the value of the ~~chattels as assessed as~~ which is assessed in the manner that the court directs. 20

Compare: 1947 No 16 s 105

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

- (1) An officer of the court who executes a warrant; and the person who applied for the issue of the warrant; are not liable ~~as a trespassers~~ by reason only of any irregularity or informality in— 25

(a) any proceeding on which the validity of the warrant depends; or

(b) the form of the warrant; or

(c) the execution of the warrant. 30

- (2) A person aggrieved by an irregularity or informality in the execution of the warrant may sue only for special damage, and, if the special damage proved is not more than \$30, the person is not entitled to costs, unless the court orders otherwise.

Compare: 1947 No 16 s 106

35

388 Liability of bailiff acting under warrant

- (1) No proceeding may be brought against a bailiff for anything done under a warrant issued under this **Act**; unless the conditions set out in **subsection (2)** are satisfied.
- (2) The conditions are as follows: 5
- (a) the intended plaintiff (**P**), or P's lawyer or agent, has delivered to the office of the court a notice to produce the warrant authenticated by P or P's lawyer or agent; and
- (b) the bailiff has failed to comply with the notice within 5 working days after the notice is received. 10
- (3) If a proceeding is commenced against a bailiff where the conditions in **subsection (2)** have been satisfied,—
- (a) judgment must be given for the bailiff if the warrant is produced or proved at trial, despite any defect of jurisdiction or other irregularity in the warrant; but 15
- (b) the officer who issued the warrant may be joined as a defendant in the proceeding.
- (4) If the plaintiff obtains judgment against the officer joined under **subsection (3)(b)**, the plaintiff may recover from that officer the costs that the plaintiff is liable to pay to the bailiff. 20
- Compare: 1947 No 16 s 107

389 Warrant is proof of court's authority

In any proceeding against a person for anything done under this **Act**, the production of the warrant of the court is sufficient proof of the authority of the court previous to the issue of the warrant. 25

Compare: 1947 No 16 s 108

*Service***390 Service of documents under this Act**

- (1) If a person is required to serve a document under this **Act**, the requirement may be met in any of the following ways: 30
- (a) by—
- (i) delivering the document to the recipient or bringing it to the recipient's notice if the recipient refuses to accept it; or
- (ii) leaving the document for the recipient at the recipient's place of residence with another person who appears to be of or over the age of 14 years; or 35
- (iii) leaving the document for the recipient at the recipient's place of business or place of work with another person:

- (b) by sending the document to the recipient by prepaid post addressed to the recipient's last known place of residence or business:
- (c) if the recipient has a known electronic address, by sending it to the recipient at that address in electronic form:
- (d) by compliance with a means of service prescribed by regulations made under this Act. 5
- (2) For recipients to whom **section 391** applies, **subsection (1)** is modified to the extent provided by that section.
- (3) Despite **subsection (1)**, the following documents must be served in accordance with **subsection (1)(a)** or, where applicable, **section 391(2)(b) or (4)**: 10
- (a) a summons issued under **section 330**, which must be served by an authorised process server:
- (b) a summons issued under **section 331**, which must be served by or on behalf of the judgment creditor or by an authorised process server:
- (c) a copy of the application and notice of the time and place appointed for the hearing of the application that is required to be served on the judgment debtor under **section 346(5)**, which must be served by or on behalf of the judgment creditor or by an authorised process server. 15
- (4) This section is subject to **section 342(4)(a)**.
- (5) In this section and in **section 391**,— 20
- authorised process server** means a person who is—
- (a) a constable; or
- (b) a Police employee authorised by the Commissioner of Police to serve documents under this **Act**; or
- (c) an officer of the court; or 25
- (d) a person or a member of a class of persons authorised by a Judge or Registrar to serve documents either generally or in respect of a particular case or class of case; or
- (e) an officer or employee of a corporation that is authorised by the Secretary for Justice to serve documents under this **Act**; or 30
- (f) an individual who is authorised by the Secretary for Justice to serve documents under this **Act**
- officer**, in relation to a body corporate or Crown organisation, includes a person involved in the decision making or management of the body or organisation 35
- recipient** means the person required to be served
- serve**, in relation to a document,—
- (a) includes giving the document to a person; but

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

Compare: 1947 No 16 s 108A

391 Service provisions modified in special cases

- (1) If a document is served in accordance with this section, it is, for the purposes of **section 390**, taken to be served on the recipient concerned. 5
- (2) If the recipient is a body corporate or a Crown organisation, a document may be served,—
- (a) if it may be served under **section 390(1)(b) or (c)**, by being sent, in accordance with either of those paragraphs, to the body corporate or Crown organisation for the attention of an officer or employee of that body or organisation: 10
- (b) by being delivered to an officer or employee of the body corporate or Crown organisation at its head office, principal place of business, or registered office, or by bringing it to the officer's notice or the employee's notice if that person refuses to accept it. 15
- (3) If a lawyer has authenticated a memorandum stating that the lawyer is authorised to accept service of a document on behalf of the recipient, the document may be served on the lawyer in any way authorised by **section 390**.
- (4) In addition to the ways of service authorised by **section 390**, a document may be served by delivering or sending it to, or by leaving it with,— 20
- (a) in the case of a recipient who lives or works on board a vessel (including a vessel belonging to the Royal New Zealand Navy), the person on board who is apparently in charge of the vessel:
- (b) in the case of a recipient who is a member of the New Zealand Armed Forces, the officer apparently in command of the unit or detachment to which the recipient belongs: 25
- (c) in the case of a recipient who is a prisoner, the manager or other officer apparently in charge of the prison.

Compare: 1947 No 16 s 108B

Part 11 30

Miscellaneous and general provisions

Warrants to arrest

392 Arrest of debtor about to leave New Zealand

- (1) A Judge may, on the application of a plaintiff in a proceeding to recover an amount of money, issue a warrant to arrest a defendant in the proceeding and bring the defendant before the court. 35
- (2) A Judge must not issue a warrant unless the Judge is satisfied that—

- (a) the plaintiff has a good cause of action against the defendant; and
- (b) there are reasonable grounds to suspect that the defendant is about to leave New Zealand with the intention of evading payment of the amount claimed.
- (3) The Judge may require the applicant for the warrant to deposit in the court an amount not exceeding \$10,000 or to give surety for that amount for the purposes of payment of any compensation that may be ordered to be paid to the defendant under **subsection (9)**. 5
- (4) The defendant must be brought before the court unless the amount claimed in the proceeding is paid to the plaintiff before the warrant is executed. 10
- (5) The Judge may—
- (a) release the defendant; or
- (b) release the defendant on bail on any terms and conditions the Judge thinks fit and with a surety of an amount the Judge thinks fit (but not exceeding the amount claimed in the proceeding plus costs) or without a surety; or 15
- (c) remand the defendant in custody.
- (6) A defendant who is remanded in custody must be brought before the court within 4 days after the date of the order.
- (7) A defendant arrested under the warrant may either give to the enforcing officer; or deposit in the court; the amount shown on the warrant as the amount of the claim plus costs. If the defendant does so, he or she must be released and the amount must be retained and,— 20
- (a) if judgment in the proceeding is given in favour of the plaintiff, paid or applied in accordance with the judgment; or 25
- (b) if judgment in the proceeding is given in favour of the defendant, paid to the defendant.
- (8) The Judge may,—
- (a) if the defendant consents, hear and determine the proceeding at the time the defendant is brought before the court; or 30
- (b) fix a date and time for the hearing of the proceeding.
- (9) If judgment is given for the defendant, the Judge may order that the defendant be paid compensation for his or her arrest, or arrest and detention, of an amount not exceeding \$10,000.
- (10) Where a Judge is not available through absence, illness, or any other cause, a Registrar may exercise any of the powers conferred on a Judge by **subsections (1) to, (3) and, (5)(a) and (5)(b)**. 35

Compare: 1947 No 16 ss 109, 110

Interpleader

393 Interpleader

If a person expects to be sued by 2 or more persons making adverse claims to the same subject matter, that person may, if the subject matter does not exceed \$350,000 in value, apply for relief by way of interpleader in accordance with the rules. 5

Compare: 1947 No 16 s 111

Contempt

394 Contempt of court

- (1) This section applies if any person— 10
- (a) wilfully insults a judicial officer, ~~or any Registrar, or any officer of the court, or any juror, or any witness,~~ during his or her sitting or attendance in court, or in going to or returning from the court; or
 - (b) wilfully interrupts the proceedings of a court or otherwise misbehaves in court; or 15
 - (c) wilfully and without lawful excuse disobeys any order or direction of the court in the course of the hearing of any proceedings.
- (2) If this section applies,—
- (a) any constable or officer of the court, with or without the assistance of any other person, may, by order of a ~~judicial officer~~ Judge, take the person into custody and detain him or her until the rising of the court; and 20
 - (b) ~~the judicial officer~~ a Judge may, if he or she thinks fit, sentence the person to—
 - (i) imprisonment for a period not exceeding 3 months; or
 - (ii) a fine not exceeding \$1,000 for each offence. 25
- (3) Nothing in this section limits or affects any power or authority of the court to punish any person for contempt of court in any case to which this section does not apply.

Compare: 2011 No 81 s 365

Restriction on commencing or continuing civil proceedings 30

395 Judge may make order restricting commencement or continuation of civil proceedings

- (1) A Judge may make an order (a **section 395** order) restricting a person from commencing or continuing civil proceedings.
- (2) The order may have— 35
- (a) a limited effect (a **limited order**); or

- (b) an extended effect (an **extended order**).
- (3) A limited order restrains a party from ~~continuing or~~ commencing or continuing civil proceedings on a particular matter in the District Court.
- (4) An extended order restrains a party from ~~continuing or~~ commencing or continuing civil proceedings on a particular or related matter in the District Court. 5
- (5) Nothing in this section limits the court's inherent power to control its own proceedings.
- 396 Grounds for making section 395 order**
- (1) A Judge may make a limited order under **section 395** if, ~~in at least 2 civil~~ proceedings about the same matter in the court, the Judge considers that at least 10
2 or more of the proceedings are or were totally without merit.
- (2) A Judge may make an extended order under **section 395** if, in at least 2 proceedings about any matter in the court, the Judge considers that 2 or more of the proceedings are or were totally without merit.
- (3) In determining whether the proceedings are or were totally without merit, the Judge may take into account the nature of any other interlocutory application, appeal, or criminal prosecution involving the party to be restrained, but is not limited to those considerations. 15
- (4) The proceedings concerned must be proceedings ~~instituted or conducted~~ commenced or continued by the party to be restrained, whether against the same person or different persons. 20
- (5) For the purposes of this section and **sections 397 and 398**, an appeal in a civil proceeding must be treated as part of that proceeding and not as a distinct proceeding.
- 397 Terms of section 395 order** 25
- (1) A **section 395** order may restrain a party from ~~instituting~~ commencing or continuing any civil proceeding (whether generally or against any particular person or persons) of any type specified in the order without first obtaining the leave of the court.
- (2) A **section 395** order, whether limited or extended, has effect for a period of up to 3 years as specified by the Judge, but the Judge making it may specify a longer period (which must not exceed 5 years) if he or she is satisfied that there are exceptional circumstances justifying the longer period. 30
- 398 Procedure and appeals relating to section 395 orders**
- (1) A party to any proceeding may apply for a limited order or an extended order. 35
- (1A) A Judge may make a **section 395** order either on an application under **sub-section (1)** or on his or her own initiative.
- (2) An application for leave to continue or ~~issue~~ commence a civil proceeding by a party subject to a **section 395** order may be made without notice, but the

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

- (2A) An application for leave must be determined on the papers, unless the Judge considers that an oral hearing should be conducted because there are exceptional circumstances and it is appropriate to do so in the interests of justice. 5
- (2B) A Judge's determination of an application for leave is final.
- (3) A **section 395** order does not prevent or affect the commencement of a private criminal prosecution in any case.
- (4) The party against whom a **section 395** order is made in the District Court may appeal against the order to the High Court. 10
- (5) The appellant in an appeal under **subsection (4)** or the applicant for the **section 395** order concerned may, with the leave of the High Court, appeal against the determination of that appeal to the Court of Appeal.
- (6) A court determining an appeal under this section has the same powers as the court appealed from has to determine an application or appeal, as the case may be. 15

Recusal

399 Recusal guidelines

The Chief District Court Judge must, in consultation with the Chief Justice, develop and publish guidelines to assist Judges to decide if they should recuse themselves from a proceeding. 20

Reserved judgments and Internet publication of final written judgments

400 Information regarding reserved judgments

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

- (a) publish information about the process by which parties to proceedings before the court may obtain information about the status of any reserved judgment in those proceedings; and 25
- (b) periodically publish information about the number of judgments of the court that he or she considers ~~is~~ are outstanding beyond a reasonable time for delivery; and 30
- (c) publish information about reserved judgments that he or she considers is useful.

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

- (1) ~~Every final written judgment of the court (excluding the Family Court, the Youth Court, and the Disputes Tribunal) must be published on the Internet as soon as practicable unless there is good reason not to publish the complete judgment.~~ 35

- (2) ~~Good reason not to publish a judgment or part of it includes the following:~~
- ~~(a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:~~
 - ~~(b) the judgment falls into a category of judgments that are of limited public value:~~ 5
 - ~~(c) taking into account the presumption in **subsection (1)** in favour of publication, a Judge nevertheless determines that the judgment or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice.~~
- (3) ~~In this section, **final written judgment** means a written decision that determines or substantially determines the outcome of any proceedings and is either—~~ 10
- ~~(a) a written reserved judgment; or~~
 - ~~(b) an oral judgment transcribed by an official transcription service.~~

Financial provisions

15

402 Payment and recovery of fees

- (1) All fees, except fees for keeping possession of, or for storing, removing, and selling, goods under a warrant, must be paid in the first instance by the party on whose behalf proceedings are taken.
- (2) **Subsection (1)** applies despite the fact that the party on whose behalf any proceedings are taken is the Crown or an agency of the Crown. 20
- (3) A Registrar or Deputy Registrar may not do anything for which a fee is payable unless the amount of the fee prescribed or determined under any enactment is paid or unless payment of the fee amount is waived or postponed.
- (4) An act for which a fee is payable is not invalid simply because the fee has not been paid. 25
- (5) If a person defaults on the payment of a fee,—
- (a) the court may order that payment be enforced; and
 - (b) if the court makes the order, payment is enforced in the same way as the enforcement of a debt for which judgment has been given. 30
- (6) A schedule of the fees payable under this **Act** must be available to, and easily accessible by, members of the public.

Compare: 1947 No 16 s 113

403 Enforcement of fines

- If a person defaults on the payment of a fine,— 35
- (a) the court may order that payment be enforced; and

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

Compare: 1947 No 16 s 114

404 Fines and fees must be paid to Crown Bank Account 5

- (1) A fee or fine payable in respect of proceedings in courts or before Judges must be paid into a Crown Bank Account or a Departmental Bank Account in accordance with the Public Finance Act 1989.
- (2) However, a fee for keeping possession of, or for storing, removing, and selling, goods under a warrant must be paid by the person entitled to the goods to the bailiff or person executing the warrant. 10

Compare: 1947 No 16 s 115

Miscellaneous

405 Prescribed documents to be sealed

- (1) A document that is of a prescribed class and that is issued by the court must be sealed with the seal of the court. 15
- (2) A document sealed under **subsection (1)** must be received in evidence in New Zealand without further proof.

Compare: 1947 No 16 s 116

406 Proof of service of documents 20

- (1) If any summons or any other document is served by a person who is authorised to do so under this **Act**, the rules, or any other enactment, the service may be proved—
- (a) by an endorsement on a copy of the document or, where applicable, on a printout that records an electronic document, showing the fact, date, time, and mode of service; or 25
- (b) in any other manner prescribed by the rules.
- (2) An endorsement under **subsection (1)(a)** must be signed by the person who served the summons or document.
- (3) A person who wilfully endorses a false statement on a copy of a summons or document commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$2,000, or to both. 30
- (4) If a document is served by sending it by prepaid post, then, unless the contrary is shown, the document is served when it would have been delivered in the ordinary course of post, and, in proving service, it is sufficient to prove that the letter concerned was properly addressed and posted. 35
- (5) If a document is served by sending it in electronic form, then, unless the contrary is shown, the document is served at the time the electronic communica-

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

- (6) In this section, **information system** means a system for producing, sending, receiving, storing, displaying, or otherwise processing electronic communications. 5

Compare: 1947 No 16 s 116A

407 Subtenant to give notice of proceeding to subtenant's immediate landlord

- (1) A subtenant (**S**) must immediately advise S's immediate landlord (**L**) if S is given a notice of a proceeding under this **Act** for the recovery of land occupied by S. 10
- (2) If S fails to advise L as required by **subsection (1)**, S is liable to forfeit to L an amount equal to not more than 3 years' improved or rack rent of the land.
- (3) L may recover the amount liable to be forfeited in any court having jurisdiction in respect of a claim for the amount. 15

Compare: 1947 No 16 s 117

408 No privilege for lawyers

A lawyer has no privilege that exempts him or her from the jurisdiction of the court.

Compare: 1947 No 16 s 120

20

409 Constable must assist court or Judge

- (1) Every constable must assist the court or a Judge in the execution of duties imposed upon the court or a Judge by this **Act** or any other Act.
- (2) A constable who neglects or refuses to assist as required by **subsection (1)** commits an offence and is liable on conviction to a fine not exceeding \$1,000. 25

Compare: 1947 No 16 s 121(1)

410 Keeper of prison must detain prisoner on request of bailiff or constable

- (1) The keeper of a prison or lock-up must detain a prisoner or defendant at the request of the bailiff or constable to whom a warrant for the arrest or for the detention in prison of the prisoner or defendant has been issued. 30
- (2) The keeper must detain the prisoner or defendant until that person may, by the most convenient means of transport, be taken to the place of imprisonment or be brought before the court that is named in the warrant.

Compare: 1947 No 16 s 121(2)

411 Rules of practice and procedure

35

- (1) The Governor-General may, by Order in Council, make rules regulating the practice and procedure of the court ~~under this **Part** or any other enactment.~~ in the exercise of its jurisdiction—

- (a) under this Act:
- (b) under any other Act.
- (2) Rules made under subsection (1)(a) may be made only with the concurrence of the Chief District Court Judge and 2 or more members of the Rules Committee continued under **section 152 of the Judicature Modernisation Act 2013**, of whom at least 1 is a District Court Judge. 5
- (3) The power to make rules under this section includes the power to—
- (a) alter, amend, or revoke existing rules; and
- (b) revoke existing rules and replace them with new rules.
- (4) Without limiting the matters on which rules may be made under **subsection (1)**, rules may be made— 10
- (a) applying, with or without modification, provisions of the High Court Rules **2016**:
- (b) prescribing the circumstances in which a proceeding may be transferred within the District Court and the procedure following transfer: 15
- (c) prescribing the procedure following the transfer of a proceeding from the District Court to the High Court or from the High Court to the District Court:
- (d) prescribing—
- (i) the procedure in the District Court in relation to the ~~removal~~ transfer into the High Court, under **section 274**, of a summary judgment application or any matter arising in a summary judgment application; and 20
- (ii) the procedure in relation to the removal into the High Court, under **section 275**, of a question of law: 25
- (e) prescribing the procedure following the ~~removal~~ transfer of a judgment of the District Court ~~to~~ into the High Court or a judgment of the High Court ~~to~~ into the District Court:
- (f) providing for discovery and inspection of documents before the commencement of a proceeding: 30
- (g) providing for discovery by, and the inspection of the documents of, a person who is not a party to a proceeding:
- (h) requiring a party to a proceeding to obtain the leave of the District Court or the High Court to appeal against or to seek review of a decision given or an order made in a proceeding: 35
- (i) providing for the examination of a judgment debtor:
- (j) prescribing, according to the nature of the proceeding and the amount involved in the proceeding, the costs and charges to be paid by ~~1~~ one party

or the parties in the proceeding to the other party or parties, in addition to the moneys paid out of pocket:

- (k) providing for custody of District Court records:
- (l) providing for the receipt of and accounting for money paid into or from the District Court: 5
- (m) authorising a Registrar to hear and determine any proceeding under this **Act** (but not if the proceeding is a proceeding under any of **sections 256 to 261**):
- (n) authorising a Registrar to hear and determine any proceeding under this **Act**, including a proceeding under any of **sections 256 to 261**, in which a defendant fails to appear at the hearing or admits the claim: 10
- (o) prescribing the circumstances in which the powers, privileges, and duties of a Deputy Registrar are not the same as those of a Registrar:
- (p) prescribing the circumstances in which the court may appoint an expert witness; and prescribing— 15
 - (i) the procedure to be followed after the expert witness is appointed; and
 - (ii) the rights of the parties in relation to the evidence given by the expert witness; and
 - (iii) the manner in which the expert witness is to be remunerated: 20
- (q) prescribing the circumstances in which an order under **section 287 or 288** can be made:
- (r) providing for documents to be sent in electronic form under **section 390(1)(c)**, including (without limitation) provisions for the retention of records that evidence the fact that, and the date and time when, those documents were sent to electronic addresses: 25
- (s) regulating and providing for any other matters that were regulated or provided for by the District Courts Rules 2014 in force immediately before this **Act** comes into force:
- (t) providing for any other matters in respect of which rules are contemplated or specially authorised by this **Act**: 30
- (u) providing for any matter for which rules may be necessary or desirable.

Compare: 1947 No 16 s 122

412 Application of rules

The court may, on application by a party to a civil proceeding or on its own initiative,— 35

- (a) determine a question in the proceeding about the application of the rules or the High Court Rules **2016**; and

- (b) give any direction it thinks fit in the interests of justice.

Compare: 1947 No 16 s 70A

413 Regulations

The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

- 5
- (aa) prescribing the applications, matters, and proceedings for which fees are payable under this **Act**:
- (a) prescribing fees payable in respect of applications, matters, and proceedings, including fees for the filing and service of documents, in the District Court under this **Act** or any other Acts: 10
- (b) prescribing fees payable to persons giving evidence and to referees and arbitrators in proceedings in the District Court under this **Act** or any other Acts:
- (c) in relation to a service performed by a Registrar or Deputy Registrar under this **Act** and specified in regulations made under **paragraph (d)**, authorising a Registrar or Deputy Registrar to charge a reasonable fee calculated on the actual expense incurred in performing the service: 15
- (d) specifying the services (other than services for which a fee is already prescribed under this **Act**) performed by a Registrar or Deputy Registrar under this **Act** for which ~~that person may charge~~ a fee may be charged: 20
- (e) making provision in relation to the postponement, under the regulations, of the payment of any fee, ~~which provision may include~~ (without limitation) include provision—
- (i) for the recovery of the fee after the expiry of the period of postponement; and 25
- (ii) for restrictions to apply (after the expiry of the period of postponement and so long as the fee remains unpaid) ~~on~~ to the steps that may be taken in the proceedings in respect of which the fee is payable:
- (f) providing for the manner in which an application for the exercise of a power specified in **section 414(1) or 415(1)** is to be made, including, without limitation, requiring the application to be in a form approved for the purpose by the chief executive: 30
- (g) providing for the refund of fees paid for a review of a decision of a Registrar or Deputy Registrar; if the decision is overturned in its entirety by a Judge: 35
- (h) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this **Act** and for its due administration.

Compare: 1947 No 16 s 123

414 Regulations providing for waiver, etc, of fees

- (1) In order to promote access to justice, the Governor-General may, by Order in Council, make regulations authorising a Registrar or Deputy Registrar to waive, reduce, or postpone the payment of a fee required in connection with a proceeding or an intended proceeding (including a proceeding in a Disputes Tribunal), or to refund in whole or in part a fee that has already been paid. 5
- (2) Regulations made under **subsection (1)** must provide that a Registrar or Deputy Registrar may ~~only~~ exercise a power under the regulations only if he or she is satisfied on the basis of prescribed criteria that— 10
- (a) the person responsible for payment of the fee is unable to pay or to absorb the fee in whole or in part; or
- (b) unless 1 or more of those powers are exercised in respect of a proceeding that concerns a matter of genuine public interest, the proceeding is unlikely to be commenced or continued.
- (3) For the purposes of **subsection (2)**, regulations may prescribe criteria— 15
- (a) for assessing a person's ability to pay or to absorb a fee; and
- (b) for identifying proceedings that concern matters of genuine public interest.
- (4) No fee is payable for an application for the exercise of a power specified in **subsection (1)**. 20
- Compare: 1947 No 16 s 123(1)(ba), (bb), (2)

415 Regulations providing for postponement of fees

- (1) The Governor-General may, by Order in Council, make regulations authorising a Registrar or Deputy Registrar to postpone the payment of a fee pending the determination of— 25
- (a) an application for the exercise of a power specified in **section 414(1)**; or
- (b) an application for review under **section 417**.
- (2) No fee is payable for an application for the exercise of a power specified in **subsection (1)**. 30
- Compare: 1947 No 16 s 123(1)(bc), (2)

416 Chief executive may approve forms

- (1) The chief executive may approve and issue forms that the chief executive considers necessary for the purposes of this **Act**, not being forms required to be prescribed by regulations or rules made under this **Act**. 35
- (2) Without limiting **subsection (1)**,—
- (a) more than 1 form may be approved and issued in relation to the same matter; and

- (b) a form may be described by any name that the chief executive considers appropriate, even though if the form relates to a matter that is described by a different name under this **Act**, so long as the form refers to the appropriate provision of this **Act**.
- (3) Every document purporting to be a form approved and issued by the chief executive under and for the purposes of this **Act** is deemed to have been so approved and issued unless the chief executive otherwise certifies. 5

Compare: 1947 No 16 s 123AA

417 Reviews of decisions of Registrars concerning fees

- (1) A person who disagrees with a decision of a Registrar or Deputy Registrar under regulations made under **section 414(1) or 415(1)** may apply to a Judge to review that decision. 10
- (2) The application must be made within—
- (a) 20 working days after the date on which the applicant is notified of the decision; or 15
- (b) any further time that the Judge allows on application, which may be made either before or after the expiry of that period.
- (3) The application may be made informally.
- (4) A review is—
- (a) conducted by way of rehearing of the matter in respect of which the Registrar or Deputy Registrar made the decision; and 20
- (b) dealt with on the papers, unless the Judge directs otherwise.
- (5) The Judge may confirm, modify, or reverse the decision of the Registrar or the Deputy Registrar.
- (6) No fee is payable on the application. 25

Compare: 1947 No 16 s 123A

418 Application of Act

- (1) Where under any Act any power, authority, or jurisdiction is given to a District Court Judge,—
- (a) the proceedings must be conducted and determined in the court in accordance with this **Act** and the rules unless some other procedure is specially provided or required; and 30
- (b) a Judge, in the exercise of the power, authority, or jurisdiction in question, has all the powers given under this **Act** to a Judge and to the court.
- (2) However, except as provided in **subsection (1)** or as expressly provided in this **Act** or the rules, nothing in this **Act** or the rules derogates from or affects 35

the provisions of any other enactment that confers any power, authority, or jurisdiction on a Judge or on the court.

Compare: 1947 No 16 s 124

- 419 Access to ~~court records information~~, judicial information, or ~~ministry~~ Ministry of Justice information** 5
- (1) Any person may have access to ~~court records information~~ of the District Court to the extent provided by, and in accordance with, rules of court.
- (2) Access to judicial information is not subject to any enactment that applies to the provision of, or access to, any other information.
- (3) Any person may have access to any ~~ministry~~ Ministry of Justice information to the extent provided by, and in accordance with, the Official Information Act 1982, the Privacy Act 1993, the Public Records Act 2005, or any other enactment providing for or regulating access to the information. 10
- (4) In this section, ~~court records information~~, ~~judicial information~~, and ~~ministry~~ Ministry of Justice information ~~respectively~~ mean the documents and information described as such in **Schedule 5**. 15
- 419A Sharing of permitted information with other departments**
- (1) This section applies to permitted information specified in **Part B** of the items ~~about the court record relating to court information~~ in **Schedule 5**, regardless of whether ~~it~~ ~~the information~~ is controlled by the judiciary. 20
- (2) In response to a request from an agency for information to which this section applies, the Ministry of Justice may, by way of an approved information sharing agreement under the Privacy Act 1993, share any permitted information with the agency.
- (3) The Ministry of Justice holds permitted information solely for the purpose of entering into approved information sharing agreements under the Privacy Act 1993, and that information is not otherwise subject to the Privacy Act 1993 and is not subject to the Official Information Act 1982 or the Public Records Act 2005. 25
- (4) Nothing in this section or an approved information sharing agreement under the Privacy Act 1993 requires the Ministry of Justice to disclose any matter suppressed by or under a court order or any enactment. 30
- (5) The Governor-General may, by Order in Council made on the recommendation of the Minister of Justice, amend or replace **Part B** of the items ~~about the court record relating to court information~~ in **Schedule 5**. 35
- (6) The Minister of Justice may make a recommendation under **subsection (5)** only after consultation with the Attorney-General and with the consent of the Chief Justice.

419B Requirements that Registrars disclose information

- (1) If any enactment requires a Registrar to notify a registration authority of certain information about any court proceedings, that requirement is not affected by any suppression order imposed by the court or by operation of law.
- (2) Even if the enactment provides that the court may order otherwise in any case, the requirement is not affected by any suppression order imposed by the court unless the court specifically orders otherwise in that case. 5

419C Judge or Registrar may waive certain fees

A Judge or Registrar may, subject to any terms or conditions that the Judge or Registrar thinks fit, waive the payment of a fee prescribed under **section 413** for accessing documents (in whole or in part) if the Judge or Registrar is satisfied that the person is unable, or should not be required, to pay the fee. 10

Part 12

Repeals, consequential amendments, and transitional provisions
Repeal, references to courts, renaming of enactments, consequential amendments, and transitional, savings, and related provisions 15

*District Courts Act 1947 repealed***420 District Courts Act 1947 repealed**

- (1) The District Courts Act 1947 (1947 No 16), except sections 62B and 65A, is repealed and the courts constituted under section 3 of that Act are reconstituted under this **Act** as the District Court. 20
- (2) Sections 62B and 65A of the District Courts Act 1947 are repealed.

421 Consequential amendments

- (1) The enactments specified in **Schedule 6** are consequentially amended in the manner indicated in that schedule. 25
- (2) In any enactment, unless the context otherwise requires, and with any necessary modifications (including modification to grammar),—
 - (a) a reference to “the District Courts Rules 2009” or “the District Courts Rules” is to be read as a reference to “the District Courts Rules **2013**” or “the District Court Rules”, as the case may be: 30
 - (b) a reference to “a District Court”, “any District Court”, “every District Court”, or “District Courts” is to be read as a reference to “the District Court”, except where the words are part of the phrase “District Court Judge”: 35

- (e) a reference to “the nearest District Court” is to be read as a reference to “the nearest office of the District Court”;
- (d) in a heading, a reference to “**District Courts**” is to be read as a reference to “**District Court**”.
- (3) In any enactment, unless the context otherwise requires, and with any necessary modifications (including modification to grammar),— 5
- (a) a reference to “a Disputes Tribunal”, “any Disputes Tribunal”, “every Disputes Tribunal”, or “Disputes Tribunals” is to be read as a reference to “the Disputes Tribunal”;
- (b) a reference to “the nearest Disputes Tribunal” is to be read as a reference to “the nearest office of the Disputes Tribunal”; 10
- (e) in a heading, a reference to “**Disputes Tribunals**” is to be read as a reference to “**Disputes Tribunal**”.
- (4) In any enactment, unless the context otherwise requires, and with any necessary modifications (including modification to grammar),— 15
- (a) a reference to “a Youth Court”, “any Youth Court”, “every Youth Court”, or “Youth Courts” is to be read as a reference to “the Youth Court”, except where the words are part of the phrase “Youth Court Judge”;
- (b) a reference to “the nearest Youth Court” is to be read as a reference to “the nearest office of the Youth Court”; 20
- (e) in a heading, a reference to “**Youth Courts**” is to be read as a reference to “**Youth Court**”.
- (5) In any enactment, unless the context otherwise requires, and with any necessary modifications (including modification to grammar),—
- (a) a reference to “a Family Court”, “any Family Court”, “every Family Court”, or “Family Courts” is to be read as a reference to “the Family Court”; 25
- (b) a reference to “the nearest Family Court” is to be read as a reference to “the nearest office of the Family Court”;
- (e) in a heading, a reference to “**Family Courts**” is to be read as a reference to “**Family Court**”. 30
- (6) As from the commencement of this section,—
- (a) the Family Courts Act 1980 is called the Family Court Act 1980;
- (b) every reference in any enactment and in any document to the Family Courts Act 1980 must, unless the context otherwise provides, be read as a reference to the Family Court Act 1980. 35
- (7) As from the commencement of this section,—
- (a) the Disputes Tribunals Act 1988 is called the Disputes Tribunal Act 1988:

- (b) every reference in any enactment and in any document to the Disputes Tribunals Act 1988 must, unless the context otherwise provides, be read as a reference to the Disputes Tribunal Act 1988.
- (8) As from the commencement of this section,—
- (a) the Disputes Tribunals Amendment Act 2011 is called the Disputes Tribunal Amendment Act 2011: 5
- (b) every reference in any enactment and in any document to the Disputes Tribunal Amendment Act 2011 must, unless the context otherwise provides, be read as a reference to the Disputes Tribunal Amendment Act 2011. 10

References to District Courts, Family Courts, Youth Courts, and Disputes Tribunals

421 References to District Courts

- In any enactment, unless the context requires, and with any necessary modifications (including modification to grammar),— 15
- (a) a reference to “a District Court”, “any District Court”, “every District Court”, or “District Courts” is to be read as a reference to “the District Court”, except where the words are part of the phrase “District Court Judge”; and
- (b) a reference to a particular District Court is to be read as a reference to a particular office of the District Court (for example, a reference to “the nearest District Court” is to be read as a reference to “the nearest office of the District Court”); and 20
- (c) a reference in a heading to “District Courts” is to be read as a reference to “District Court”. 25

421A References to Family Courts

- In any enactment, unless the context otherwise requires, and with any necessary modifications (including modification to grammar),—
- (a) a reference to “a Family Court”, “any Family Court”, “every Family Court”, or “Family Courts” is to be read as a reference to “the Family Court”, except where the words are part of the phrase “Family Court Judge”; and 30
- (b) a reference to a particular Family Court is to be read as a reference to a particular office of the Family Court (for example, a reference to “the nearest Family Court” is to be read as a reference to “the nearest office of the Family Court”); and 35
- (c) in a heading, a reference to “Family Courts” is to be read as a reference to “Family Court”.

421B References to Youth Courts

In any enactment, unless the context otherwise requires, and with any necessary modifications (including modification to grammar),—

- (a) a reference to “a Youth Court”, “any Youth Court”, “every Youth Court”, or “Youth Courts” is to be read as a reference to “the Youth Court”, except where the words are part of the phrase “Youth Court Judge”; and 5
- (b) a reference to a particular Youth Court is to be read as a reference to a particular office of the Youth Court (for example, a reference to “the nearest Youth Court” is to be read as a reference to “the nearest office of the Youth Court”); and 10
- (c) in a heading, a reference to “Youth Courts” is to be read as a reference to “Youth Court”.

421C References to Disputes Tribunals

In any enactment, unless the context otherwise requires, and with any necessary modifications (including modification to grammar),—

- (a) a reference to “a Disputes Tribunal”, “any Disputes Tribunal”, “every Disputes Tribunal”, or “Disputes Tribunals” is to be read as a reference to “the Disputes Tribunal”; and 15
- (b) a reference to a particular Disputes Tribunal is to be read as a reference to a particular office of the Disputes Tribunal (for example, a reference to “the nearest Disputes Tribunal” is to be read as a reference to “the nearest office of the Disputes Tribunal”); and 20
- (c) in a heading, a reference to “Disputes Tribunals” is to be read as a reference to “Disputes Tribunal”.

District Courts Rules 2014 renamed and amended 25

421D Amendments to District Courts Rules 2014

Sections 421E and 421F amend the District Courts Rules 2014 (the **principal rules**).

421E Name of principal rules changed

As from the commencement of this section,— 30

- (a) the District Courts Rules 2014 are called the **District Court Rules 2014**; and
- (b) every reference in any enactment and in any document to “the District Courts Rules 2014” or to “the District Courts Rules” must, unless the context otherwise requires, be read as a reference to “the **District Court Rules 2014**” or to “the **District Court Rules**”, as the case may be. 35

421F Rule 1.1 amended (Title)

In rule 1.1, replace “Courts” with “Court”.

Family Courts Act 1980 renamed and amended

421G Amendments to Family Courts Act 1980

Sections 421H to 421K amend the Family Courts Act 1980 (the **principal Act**). 5

421H Name of principal Act changed

As from the commencement of this section,—

- (a) the Family Courts Act 1980 is called the **Family Court Act 1980**; and
- (b) every reference in any enactment and in any document to “the Family Courts Act 1980” must, unless the context otherwise requires, be read as a reference to “the **Family Court Act 1980**”. 10

421I Long Title repealed

Repeal the Long Title.

421J Section 1 amended (Short Title and commencement)

15

- (1) In the heading to section 1, delete “Short”.
- (2) In section 1(1), replace “may be cited as the Family Courts Act 1980” with “is the **Family Court Act 1980**”.

421K New section 1A inserted (Purpose)

After section 1, insert:

20

1A Purpose

The purpose of this Act is to—

- (a) establish a Family Court as a division of the District Court; and
- (b) provide for the consultation, jurisdiction, powers, and procedures of the Family Court. 25

Family Courts Rules 2002 renamed and amended

421L Amendments to Family Courts Rules 2002

Sections 421M and 421N amend the Family Courts Rules 2002 (the **principal rules**).

421M Name of principal rules changed

30

As from the commencement of this section,—

- (a) the Family Courts Rules 2002 are called the **Family Court Rules 2002**; and

- (b) every reference in any enactment and in any document to “the Family Courts Rules 2002” or to “the Family Courts Rules” must, unless the context otherwise requires, be read as a reference to “the **Family Court Rules 2002**” or to “the **Family Court Rules**”, as the case may be.

421N Rule 1 amended (Title)

5

In rule 1, replace “Courts” with “Court”.

Disputes Tribunals Act 1988 renamed and amended

421O Amendments to Disputes Tribunals Act 1988

Sections 421P to 421S amend the Disputes Tribunals Act 1988 (the **principal Act**).

10

421P Name of principal Act changed

As from the commencement of this section,—

- (a) the Disputes Tribunals Act 1988 is called the **Disputes Tribunal Act 1988**; and
- (b) any reference in any enactment and in any document to “the Disputes Tribunals Act 1988” must, unless the context otherwise requires, be read as a reference to “the **Disputes Tribunal Act 1988**”.

15

421Q Long Title repealed

Repeal the Long Title.

421R Section 1 amended (Short Title and commencement)

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- (1) In the heading to section 1, delete “**Short**”.
- (2) In section 1(1), replace “may be cited as the Disputes Tribunals Act 1988” with “is the **Disputes Tribunal Act 1988**”.

421S New section 1A inserted (Purpose)

After section 1, insert:

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1A Purpose

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

Other consequential amendments

421T Other consequential amendments

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The enactments specified in **Schedule 6** are consequentially amended in the manner indicated in that schedule.

Transitional, savings, and related provisions

422 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 7** apply have effect according to their terms.

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Schedule 5
Categories of information for purposes of sections 419 and 419A
(District Court)

ss 419, 419A

Court records information

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Court record***Part A Description of court record information***

Item	Category	Description
1	Formal court record	Any of the following kept in the registry of the court that relate to a criminal, civil, or family proceeding: <ol style="list-style-type: none"> (a) a register or index: (b) any published list that gives notice of a hearing: (c) a document that— <ol style="list-style-type: none"> (i) may be accessed under an enactment other than this Act; or (ii) constitutes notice of its content to the public: (d) a judgment, order, or minute of the court, including any record of the reasons given by a Judge or other judicial officer <p>The permanent court record, as prescribed by rule 7.2 of the Criminal Procedure Rules 2012 (as from time to time amended or replaced)</p>
2	Court file	A collection of documents in the custody and control of the court that relate to criminal, civil, or family proceeding , or <u>civil proceedings (including family proceedings)</u> for example, applications, submissions, and supporting affidavits, but excluding notes made by or for a judicial officer for his or her personal use
3	Information relating to particular cases	Information held by the Ministry of Justice in hard copy form, or on the Ministry's data sets or databases, for the purpose of assisting with the management of court proceedings
4	Electronic records of hearings	

Part B Permitted information

Item	Category	Description
	Permitted information	<ol style="list-style-type: none"> (1) The permanent court record, as prescribed by rule 7.2 of the Criminal Procedure Rules 2012 (as from time to time amended or replaced) (2) Information that any of the following orders have been made in respect of a person: <ol style="list-style-type: none"> (a) any protection order under the Domestic Violence Act 1995 or <u>Sentencing Act 2002</u>: (b) any restraining order under the Harassment Act 1995: (c) any extended supervision order under the Parole Act 2002: (d) <u>any non-contact order under the Victims' Orders Against Violent Offenders Act 2014</u>: (e) <u>any public protection order under the Public Safety (Public Protection Orders) Act 2014</u>

Item	Category	Description
		(3) Information that any probation report exists in respect of a person

Ministry of Justice information

Item	Category	Description
1	Separate or collated administrative information and statistics taken primarily from case management systems to enable the ministry to efficiently budget, plan, and administer the court system	Includes information on the relative costs of proceedings, use of courtrooms, and deployment of court staff.
2	Case-level information held in ISIS (the Justice Sector Data Warehouse) which that is combined with Police, Corrections, and other government agency data to support policy formation, statistics, and research for the Justice Sector	<u>Case-level information, where all personal identification details are removed to ensure that the identity of any individual cannot be derived from the published information or data.</u>
3	Information relating to court staff personnel matters	
4	Aggregate information about judicial expenditure	Includes information relating to judicial travel.
5	Information on operational matters	Includes information about court buildings, resources, support systems, and other operational matters.
6	Information held by or on behalf of the Rules Committee	
7	Statistics (counts, averages, trends, etc.) and performance measures (to assess achievement against operating targets, etc) about court processes and case outcomes	Data that is extracted from case-level transactions, where all personal identification details are removed and outputs are checked to ensure that the identity of any individual cannot be derived from the published data.
8	Correspondence and other information relating to liaison between the judiciary and the Ministry of Justice about the management and administration of judicial matters	
9	Minutes of joint committee meetings of the judiciary at which representatives of the ministry are present	

Judicial information

Item	Category
1	Information about individual judicial expenditure.
2	Judicial communications not relating to particular cases.
3	Information about a Judge that relates to the Judge's performance of his or her role and function as a Judge.
4	Internal communications, via email or in hard copy, between Judges and between Judges and administrative personnel about judicial administrative and management matters.
5	Minutes of committee meetings of the judiciary that relate to the management and administration of judicial affairs (but not including the Rules Committee).

Item	Category
6	Judicial personnel matters, such as salary, leave, and sabbatical records, that have not been anonymised, including allocations of technology, personal expenses records, judicial training programmes, and attendance at overseas conferences.
7	Separate or collated information relating to the rostering of Judges, judicial activity information, and judicial activity statistics that identify particular Judges.
8	Judicial communications, including Judges' papers or notes relating to particular cases.

Schedule 6

Consequential amendments relating to District Court

s 421T

Accident Compensation Act 2001 (2001 No 49)

In section 6(1), definition of Registrar, replace “a District Court” with “the District Court”. 5

In section 6(1), definition of specified registry, replace “a District Court” with “the District Court”.

Replace section 123(2)(d) with:

- (d) **sections 336 to 344 343 of the Judicature Modernisation Act 2013**; or 10

In section 149(1), replace “a District Court” with “the District Court”.

In section 149(2), replace “a District Court” with “the District Court”.

In section 149(4), replace “a District Court” with “the District Court”.

In section 149(6), replace “a District Court” with “the District Court”. 15

In section 149(7), replace “a District Court” with “the District Court”.

Replace section 150 with:

150 District Court Rules and this Act apply to appeal

An appeal under section 149 is dealt with in accordance with the District Court Rules made under **section 411 of the Judicature Modernisation Act 2013**, as modified by this Act and any regulations made under it. 20

In section 151(3)(c), replace “a District Court” with “the District Court”.

In section 162(1), replace “a District Court” with “the District Court”.

Replace section 162(5) with:

- (5) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under this section as if it were an appeal under **section 306** of that Act. 25

In section 328(b), replace “District Courts” with “the District Court”.

In Schedule 1, clause 53(1)(b), replace “a District Court” with “the District Court”.

In Schedule 1, clause 69(1)(b), replace “a District Court” with “the District Court”. 30

In Schedule 1, clause 73(1)(b), replace “a District Court” with “the District Court”.

Admiralty Act 1973 (1973 No 119)

In the Long Title, replace “District Courts” with “the District Court”.

Replace section 3(1)(b) with:

Admiralty Act 1973 (1973 No 119)—*continued*

- (b) may be exercised by the District Court *in personam* where the debt, demand, or damage or the value of the chattels claimed does not exceed the amount specified in **section 256 of the Judicature Modernisation Act 2013**, but the District Court does not, for the purposes of this Act, have jurisdiction *in rem*.

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Replace section 3(3) with:

- (3) Nothing in this Act derogates from any common law or equitable jurisdiction of the High Court or the District Court.

Replace section 11(2) with:

- (2) Rules for the practice and procedure of the District Court in its admiralty jurisdiction may be made by the Governor-General from time to time, by Order in Council, under **section 411 of the Judicature Modernisation Act 2013**.

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In section 13(1), replace “a District Court” with “the District Court”.

Replace section 13(1A) with:

- (1A) The High Court Rules and **sections 307 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under this section as if it were an appeal under **section 306** of that Act.

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Adoption Act 1955 (1955 No 93)

In section 2, definition of **court**, replace “a Family Court or a District Court of civil jurisdiction” with “the Family Court or the District Court in its civil jurisdiction”.

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In section 7(8)(a), replace “of a District Court” with “of the District Court”.

In section 8(5A), replace “a District Court” with “the District Court”.

In section 12(1A), replace “a District Court” with “the District Court”.

In section 13(3)(c), replace “a District Court” with “the District Court”.

In section 13(3)(d), replace “a District Court” with “the District Court”.

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In section 13A, replace “a District Court” with “the District Court”.

In section 22A, replace “Family Courts Act 1980” with “Family Court Act 1980”.

Replace section 22A(a) with:

- (a) in the Family Court:

In section 23(3)(b), replace “a Family Court, a District Court” with “the Family Court, the District Court”.

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Replace section 28A(b) and (c) with:

- (b) in the case of the District Court, under **section 411 of the Judicature Modernisation Act 2013**:

- (c) in the case of the Family Court, under section 16A of the Family Court Act 1980.

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Adoption (Intercountry) Act 1997 (1997 No 109)

In section 20(1), replace “a District Court” with “the District Court”.

In section 20(2), replace “a District Court” with “the District Court”.

In section 20(6), replace “a District Court” with “the District Court”.

In section 20(8), replace “a District Court” with “the District Court”.

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Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87)

In section 68(1), replace “a District Court” with “the District Court”.

Airport Authorities Act 1966 (1966 No 51)

In section 9(9), replace “a District Court” with “the District Court”.

Alcoholism and Drug Addiction Act 1966 (1966 No 97)

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In section 8(3), replace “the Registrar or Deputy Registrar of a District Court” with “a Registrar or Deputy Registrar of the District Court”.

In section 23, replace “or a District Court” with “or the District Court”.

Animal Products Act 1999 (1999 No 93)

In section 91A(2), replace “a District Court” with “the District Court”.

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In section 146(1), replace “a District Court” with “the District Court”.

In section 147(1), replace “a District Court” with “the District Court”.

In section 147(2), replace “a District Court” with “the District Court”.

Replace section 147(3) with:

- (3) Subject to modification by sections 148 to 156 and by any rules made under section 157, the District Court Rules made under **section 411 of the Judicature Modernisation Act 2013** apply to every application to the court under this section.

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In section 148(2), replace “a District Court” with “the District Court”.

In section 152(1), replace “a District Court” with “the District Court”.

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In section 154(1AA), replace “a District Court” with “the District Court”.

Replace section 154(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under this section as if it were an appeal under **section 306** of that Act.

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In section 157, replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 157(a), replace “District Courts” with “the District Court”.

Animal Welfare Act 1999 (1999 No 142)

In section 136A(2), replace “a District Court” with “the District Court”.

In section 143(1), replace “a District Court” with “the District Court”.

In section 143(2), replace “a District Court” with “the District Court”.

Replace section 143(3) with:

- (3) Subject to modification by sections 145 to 155 and by any rules made under section 156, the District Court Rules made under **section 411 of the Judicature Modernisation Act 2013** apply to every application to the court under this section.

In section 144, replace “A District Court” with “The District Court”.

In section 146(2), replace “a District Court” with “the District Court”.

In section 151, replace “A District Court” with “The District Court”.

In section 153(1AA), replace “a District Court” with “the District Court”.

Replace section 153(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under this section as if it were an appeal under **section 306** of that Act.

In section 156, replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 156(a), replace “District Courts” with “the District Court”.

In section 156F(1), replace “a District Court” with “the District Court”.

In section 156F(9), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 156G(2), replace “sections 74 to 78 of the District Courts Act 1947” with “**sections 308 to 312 of the Judicature Modernisation Act 2013**”.

In section 156G(2)(a), replace “section 72 of the District Courts Act 1947” with “**section 306 of the Judicature Modernisation Act 2013**”.

In section 185(4), replace “a District Court” with “the District Court”.

In section 185(6), replace “a District Court” with “the District Court”.

Antarctica (Environmental Protection) Act 1994 (1994 No 119)

In section 45(6), replace “a District Court” with “the District Court”.

Arbitration Act 1996 (1996 No 99)

In section 10(2), replace “a District Court” with “the District Court”.

Replace section 16(b) with:

- (b) in the case of the District Court, under **section 411 of the Judicature Modernisation Act 2013**.

Arbitration Act 1996 (1996 No 99)—continued

In Schedule 1, article 9(2), replace “a District Court” with “the District Court”.

In Schedule 1, article 27(2)(a), replace “a District Court” with “the District Court”.

In Schedule 1, article 27(2)(b), replace “a District Court” with “the District Court”.

In Schedule 1, article 27(2)(c), replace “a District Court” with “the District Court”.

In Schedule 1, article 35(3)(b), replace “a District Court” with “the District Court”. 5

In Schedule 2, article 3(3), replace “a District Court” with “the District Court”.

In Schedule 2, article 7(1), replace “a District Court” with “the District Court”.

Armed Forces Discipline Act 1971 (1971 No 53)

In section 150F(3)(b), after “nearest”, insert “office of the”.

In section 150F(4), replace “a District Court” with “the District Court”. 10

In section 185(1), replace “any District Court” with “the District Court”.

Arms Act 1983 (1983 No 44)

In section 72A(4), replace “a District Court” with “the District Court”.

In section 72A(6), replace “a District Court” with “the District Court”.

Auctioneers Act 2013 (2013 No 148) 15

In section 11(2), replace “a District Court” with “the District Court”.

In section 22(1), replace “a District Court” with “the District Court”.

In section 22(3), replace “a District Court” with “the District Court”.

In section 22(4), replace “a District Court” with “the District Court”.

In section 23(1), replace “a District Court” with “the District Court”. 20

In section 23(3), replace “a District Court” with “the District Court”.

Auditor Regulation Act 2011 (2011 No 21)

In section 24(1), replace “a District Court” with “the District Court”.

In section 24(2), replace “a District Court” with “the District Court”.

In section 24(3), replace “to a District Court” with “to the District Court”. 25

In section 31(1), replace “a District Court” with “the District Court”.

In section 31(2), replace “to a District Court” with “to the District Court”.

Bail Act 2000 (2000 No 38)

In section 3, definition of **District Court**, replace “a District Court” with “the District Court”. 30

In section 3, definition of **Registrar**, replace “a District Court” with “the District Court”.

Bail Act 2000 (2000 No 38)—*continued*

- In section 15(3), replace “a District Court” with “the District Court”.
- In section 33(1), replace “a District Court” with “the District Court”.
- In section 33(5), replace “a District Court or Registrar” with “the District Court or a Registrar”.
- In section 35(2)(a), replace “a District Court, Registrar, or Police employee” with “the District Court, a Registrar, or a Police employee”. 5
- In section 35(2)(a), replace “before a District Court” with “before the District Court”.
- In section 37(7)(a), replace “a District Court, a judicial officer or Registrar of a District Court” with “the District Court, a judicial officer or Registrar of the District Court”. 10
- In section 38, replace “a District Court” with “the District Court”.
- In section 39(6)(a), replace “a District Court, Registrar, or Police employee” with “the District Court, a Registrar, or a Police employee”.
- In section 40(5), replace “a District Court” with “the District Court”.
- In section 41(1), replace “a District Court presided” with “the District Court presided”. 15
- In section 41(2), replace “a District Court presided” with “the District Court presided”.
- In section 41(4), replace “a District Court presided” with “the District Court presided”. 20
- In section 42(2)(a), delete “appealed from”.
- In section 42(3), replace “a District Court presided” with “the District Court presided”.
- In section 42(6), replace “a District Court presided” with “the District Court presided”. 25
- In section 43(1), replace “a District Court presided” with “the District Court presided”.
- In section 43(3), replace “a District Court presided” with “the District Court presided”.
- In section 43(3)(a), replace “the District Court to which the appeal was made, the Registrar of that court” with “the District Court, the Registrar of the office of the court at the place where the appeal was determined”. 30
- In section 43(3)(b), replace “the District Court to which the appeal was made, the Registrar of the District Court appealed from” with “the District Court, the Registrar of the office of the District Court at the place where the appeal was determined”. 35
- In section 43(4), replace “the District Court” with “the office of the District Court at the place where the appeal was determined”.

Bail Act 2000 (2000 No 38)—*continued*

In section 45(2)(a), delete “appealed from”.

In section 46(3)(b), replace “the District Court appealed from” with “the office of the District Court at the place where the decision appealed from was made”.

In section 46(4), replace “the District Court appealed from” with “the office of the District Court at the place where the decision appealed from was made”.

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In section 47(4), replace “a District Court” with “the District Court”.

In section 51(1), replace “a District Court presided” with “the District Court presided”.

In section 53(1)(b), replace “a District Court presided” with “the District Court presided”.

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In section 53(3), replace “the District Court dealing with the appeal” with “the District Court at the place where the appeal is being dealt with”.

In section 56, replace “a District Court” with “the District Court”.

Biosecurity Act 1993 (1993 No 95)

In section 154E(1), replace “a District Court” with “the District Court”.

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In section 154E(9), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 154F(2), replace “sections 74 to 78 of the District Courts Act 1947” with “**sections 308 to 312 of the Judicature Modernisation Act 2013**”.

In section 154F(2)(a), replace “section 72 of the District Courts Act 1947” with “**section 306 of the Judicature Modernisation Act 2013**”.

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Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16)

In section 2, replace the definition of **Family Court** with:

Family Court means the division of the District Court known, in accordance with **section 4** of the Family Court Act 1980, as the Family Court

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In section 15(2)(b)(i), replace “a Family Court” with “the Family Court”.

In section 15(2)(b)(ii), replace “a Family Court” with “the Family Court”.

In section 15A(2), replace “the Family Court” with “the office of the Family Court”.

In section 15A(5), replace “a Family Court” with “the Family Court” in each place.

In section 76(4), replace “a Family Court, a District Court” with “the Family Court, the District Court”.

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In section 17(2), replace “to the Family Court” with “to the office of the Family Court”.

In section 18(5), replace “to the Family Court” with “to the office of the Family Court”.

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In section 19(3)(b), replace “a Family Court” with “the Family Court”.

Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16)*—continued*In section 28(1), replace “a Family Court” with “the Family Court”.In section 29(1), replace “a Family Court” with “the Family Court”.In section 59(1), replace “the Family Court” with “the office of the Family Court”.In section 62E(1), replace “The Registrar of a Family Court” with “A Registrar of the Family Court”.

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In section 76(4), replace “a Family Court, a District Court” with “the Family Court, the District Court”.In section 77(8), replace “a Family Court, a District Court” with “the Family Court, the District Court”.In section 78(3), replace “a Family Court, a District Court” with “the Family Court, the District Court”.

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In section 85(1), replace “the Family Court” with “the office of the Family Court”.In section 85(2), replace “the Family Court” with “the office of the Family Court”.In section 85(3), replace “A Family Court to which” with “The Family Court at the office where”.

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Building Act 2004 (2004 No 72)In section 126(1), replace “a District Court” with “the District Court”.In section 126(2), replace “a District Court” with “the District Court”.In section 130(1), replace “a District Court” with “the District Court”.In section 130(3)(a)(ii), replace “a District Court” with “the District Court”.

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In section 156(1), replace “a District Court” with “the District Court”.In section 156(2), replace “a District Court” with “the District Court”.In section 158(1), replace “a District Court” with “the District Court”.In section 158(3)(a)(ii), replace “a District Court” with “the District Court”.In section 182(1), replace “a District Court” with “the District Court”.

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In section 190(3), replace “a District Court” with “the District Court”.In section 208(1), replace “a District Court” with “the District Court”.In section 209(1)(b), replace “District Courts Rules” with “District Court Rules”.In section 211(1), replace “a District Court” with “the District Court”.In section 220(2), replace “a District Court” with “the District Court”.

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In section 220(3), replace “a District Court” with “the District Court”.In section 226(1)(b), replace “a District Court” with “the District Court”.In section 227(1), replace “A District Court” with “The District Court”.In section 330(2), replace “a District Court” with “the District Court”.

Building Act 2004 (2004 No 72)—continued

In section 381(1), replace “a District Court” with “the District Court”.

Building (Earthquake-prone Buildings) Amendment Act 2016 (2016 No 22)

In new section 133AS(2), replace “a District Court” with “the District Court”.

In new section 133AS(3), replace “a District Court” with “the District Court”.

Building Societies Act 1965 (1965 No 22)

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In section 2(1), replace the definition of **court** with:

court means the District Court in any case where the District Court has jurisdiction under **Part 2 of the Judicature Modernisation Act 2013** in relation to this Act or to building societies, and in any other case means the High Court or a Judge of the High Court

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In section 113(1), replace “a District Court” with “the District Court”.

Care of Children Act 2004 (2004 No 90)

In section 7A(1), replace “a Family Court” with “the Family Court”.

In section 25(1), replace “the Registrar of a Family Court” with “a Registrar of the Family Court”.

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Replace section 30(1)(b) with:

(b) the Family Court.

In section 30(2), replace “A Family Court” with “The Family Court”.

In section 30(3), replace “to a Family Court” with “to the Family Court”.

In section 30(3)(b), replace “a Family Court” with “the Family Court”.

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In section 30(4)(a), replace “a Family Court” with “the Family Court”.

In section 32(1)(a)(i), replace “a Family Court” with “the Family Court”.

In section 32(1)(a)(ii), replace “a Family Court” with “the Family Court”.

In section 34(3), replace “a Family Court” with “the Family Court” in each place.

In section 35(1), replace “a Family Court” with “the Family Court”.

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In section 46F(1), replace “a Family Court” with “the Family Court”.

In section 46G(1), replace “a Family Court” with “the Family Court”.

In section 46R(2), replace “a Family Court” with “the Family Court”.

In section 46R(3)(a), replace “a Family Court” with “the Family Court”.

In section 53(1), replace “to a court if it is a Family Court” with “if the Family Court is”.

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In section 58, definition of **approved provider**, paragraph (a)(iii), replace “Family Courts” with “Family Court”.

Care of Children Act 2004 (2004 No 90)—continued

In section 72(2), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 73(2), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 74(3), replace “a Family Court” with “the Family Court”. 5

In section 77(1), replace “or of a District Court” with “or of the District Court”.

In section 77B(2), replace “a District Court” with “the District Court”.

In section 81(1), replace “the Registrar of a District Court” with “a Registrar of the District Court”.

In section 81(3), replace “a District Court” with “the District Court”. 10

In section 88, replace “a District Court” with “the District Court”.

In section 101(1), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 101(2), replace “Every Family Court and every District Court has the jurisdiction, and has” with “The Family Court and the District Court have the jurisdiction, and have”. 15

In section 117(3), replace “of a District Court” with “of the District Court”.

In section 118(4), replace “a District Court” with “the District Court”.

In section 119(1), replace “a Family Court or a District Court” with “the Family Court or the District Court”. 20

In section 121(3), replace “a District Court” with “the District Court”.

In section 123(3), replace “a District Court or a Family Court” with “the District Court or the Family Court”.

In section 125(1), replace “in a Family Court” with “in the Family Court”.

In section 125(1)(a), replace “no Family Court has” with “the Family Court does not have”. 25

In section 125(1)(b), replace “a Family Court” with “the Family Court”.

In section 125(2), replace “A Family Court” with “The Family Court”.

In section 125(2)(a), replace “a Family Court” with “the Family Court”.

In section 125(3), replace “a Family Court” with “the Family Court”. 30

In section 125(4), replace “before a District Court” with “before the District Court”.

In section 125(6), replace “a Family Court” with “the Family Court”.

In section 127(1), replace “a Family Court” with “the Family Court”.

In section 127(3)(a), replace “the Registrar of the Family Court” with “the Registrar of the office of the Family Court”. 35

In section 127(5), replace “a Family Court” with “the Family Court”.

Care of Children Act 2004 (2004 No 90)—continued

In section 127(5), replace “the Registrar of the Family Court” with “a Registrar of the Family Court”.

In section 131(1)(a), replace “Family Courts” with “Family Court”.

In section 135(1)(a), replace “Family Courts” with “Family Court”.

In section 135B(1), replace “a District Court” with “the District Court”. 5

In section 135B(2), replace “section 113 or 123 of the District Courts Act 1947 or section 100A of the Judicature Act 1908” with “**section 402 or 413 of the Judicature Modernisation Act 2013** or **section 153 of the Judicature Modernisation Act 2013**”.

In section 139, replace “Family Courts” with “Family Court”. 10

In section 139(a), replace “a Family Court” with “the Family Court”.

In section 139A(1)(a), replace “a Family Court” with “the Family Court”.

In section 143(1), replace “a Family Court” with “the Family Court”.

In section 143(3), replace “a Family Court” with “the Family Court”.

Replace section 143(4) with: 15

(4) The High Court Rules and **sections 307 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under this section as if it were an appeal under **section 306** of that Act.

In section 143(5), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”. 20

In section 145(1)(b), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 146(2), replace “the Family Courts Act 1980” with “the Family Court Act 1980”.

In section 146(2), replace “of Family Courts” with “of the Family Court”. 25

In section 146(4), replace “section 122 of the District Courts Act 1947” with “**section 411 of the Judicature Modernisation Act 2013**”.

In section 146(4)(a), replace “District Courts” with “the District Court”.

Chartered Professional Engineers of New Zealand Act 2002 (2002 No 17)

In section 35(2), replace “a District Court” with “the District Court”. 30

Replace section 37(4) with:

(4) An appeal to the District Court is a rehearing and must be conducted in accordance with the District Court Rules made under **section 411 of the Judicature Modernisation Act 2013**.

In section 38(1), replace “a District Court” with “the District Court”. 35

Child Support Act 1991 (1991 No 142)

In section 2(1), replace the definition of **Family Court** with:

Family Court means the division of the District Court known, in accordance with **section 4** of the Family Court Act 1980, as the Family Court

In section 2(1), definition of **step-parent**, replace “a Family Court” with “the Family Court”. 5

In section 7(1)(h), replace “a Family Court” with “the Family Court”.

In section 64(4)(b), replace “any District Court” with “the District Court”.

In section 88(4)(c), replace “a Family Court” with “the Family Court”.

In section 89(5)(b), replace “a Family Court” with “the Family Court”. 10

In section 89X(1), replace “a Family Court” with “the Family Court”.

In section 89X(2), replace “a Family Court” with “the Family Court”.

In section 89X(5)(a), replace “a Family Court” with “the Family Court”.

In section 89Y(1)(a)(ii), replace “a Youth Court” with “the Youth Court”.

In section 89Z(1)(c)(ii), replace “a Youth Court” with “the Youth Court”. 15

In section 89Z(3)(a), replace “a Youth Court” with “the Youth Court”.

In section 89ZA(1)(b), replace “a Youth Court” with “the Youth Court”.

In section 93(c), replace “a Family Court” with “the Family Court”.

In section 95(3), replace “a Family Court” with “the Family Court”.

In section 96L(1)(b), replace “a Family Court” with “the Family Court”. 20

In section 96L(1)(c), replace “a Family Court” with “the Family Court”.

In section 96P(1), replace “a Family Court” with “the Family Court”.

In section 96P(2), replace “a Family Court” with “the Family Court”.

In section 96P(5)(a), replace “a Family Court” with “the Family Court”.

In section 96ZF(1), replace “a Family Court” with “the Family Court”. 25

In section 96ZF(2), replace “a Family Court” with “the Family Court”.

In section 96ZF(5)(a), replace “a Family Court” with “the Family Court”.

In section 97, replace “District Courts, and Family Courts” with “the District Court, and the Family Court”.

In section 99(1), replace “a Family Court” with “the Family Court”. 30

In section 99(2), replace “a Family Court” with “the Family Court”.

In section 99(6), replace “a Family Court” with “the Family Court”.

In section 102(1), replace “a Family Court” with “the Family Court”.

In section 103(1), replace “a Family Court” with “an office of the Family Court”.

Child Support Act 1991 (1991 No 142)—*continued*

In section 103(4), replace “A Family Court hearing an appeal under this section shall” with “When hearing an appeal under this section, the Family Court must”.

In section 103(5), replace “a Family Court” with “the Family Court”.

In section 103A(1), replace “a Family Court” with “the Family Court”.

In section 103A(2)(b), replace “a Family Court” with “the Family Court”.

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In section 103B(1), replace “a Family Court” with “the Family Court”.

In section 103B(2), replace “a Family Court” with “the Family Court”.

In section 103B(3)(b), replace “a Family Court” with “the Family Court”.

In section 103C(1), replace “a Family Court” with “the Family Court”.

In section 103C(2)(b), replace “a Family Court” with “the Family Court”.

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In section 103D(1), replace “a Family Court” with “the Family Court”.

In section 103D(2)(a), replace “a Family Court” with “the Family Court”.

In section 103D(2)(b), replace “a Family Court” with “the Family Court”.

In section 103E(1), replace “a Family Court” with “the Family Court”.

In section 104(1), replace “a Family Court” with “the Family Court”.

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In section 104(2)(b)(iii), replace “a Family Court” with “the Family Court”.

In section 105(1), replace “a Family Court” with “the Family Court”.

In section 108(1), replace “a Family Court” with “the Family Court”.

In section 108(3), replace “A Family Court” with “The Family Court”.

In section 109(1), replace “a Family Court” with “the Family Court”.

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In section 111(1), replace “a Family Court” with “the Family Court”.

In section 112(1), replace “a Family Court” with “the Family Court” in each place.

In section 112(2), replace “a Family Court” with “the Family Court”.

In section 113(1), replace “A Family Court” with “The Family Court”.

In section 113(3), replace “a Family Court” with “the Family Court”.

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In section 116(1), replace “a Family Court” with “the Family Court”.

In section 117(1), replace “a Family Court” with “the Family Court”.

In section 118(2), replace “a Family Court or a District Court, nor the refusal of a Family Court or a District Court” with “the Family Court or the District Court, nor the refusal of the Family Court or the District Court”.

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In section 120(1), replace “a Family Court” with “the Family Court”.

Replace section 120(1A) with:

(1A) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

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Child Support Act 1991 (1991 No 142)—*continued*

In section 120(2), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 120(3), replace “, against the decision, against an order or declaration of a Family Court” with “against an order or declaration of the Family Court”.

Replace section 120(3A) with:

(3A) The High Court Rules and **sections 309 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (3) as if it were an appeal under **section 306** of that Act.

In section 123(2), replace “Family Courts” with “Family Court”.

Replace section 123(2)(a) with:

(a) in the Family Court:

In section 124, replace “Family Courts” with “Family Court”.

Replace section 124(a) with:

(a) in the Family Court:

In section 127, replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 169(9), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 180(3)(c), replace “a District Court” with “the District Court”.

In the heading to section 183, replace “**of distress**” with “**to seize property**”.

In section 183(1), replace “warrant of distress” with “warrant to seize property”.

In section 183(2), replace “warrant of distress” with “warrant to seize property”.

In section 183(3), replace “of distress” with “to seize property” in each place.

In section 183(3), replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 183(4), replace “warrant of distress” with “warrant to seize property”.

In section 183(5), replace “warrant of distress” with “warrant to seize property”.

In section 183(6), replace “warrant of distress” with “warrant to seize property”.

In section 183(7), replace “warrant of distress” with “warrant to seize property”.

In section 183(9), replace “No distress” with “No seizure of property”.

In section 183(9), replace “warrant of distress” with “warrant to seize property”.

Replace section 183(10) with:

(10) **Section 357 of the Judicature Modernisation Act 2013** does not apply in relation to a warrant to seize property issued under this section.

In section 184(1), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

Child Support Act 1991 (1991 No 142)—*continued*

In section 187(1), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 188(4), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 188(13), replace “a Family Court or a District Court” with “the Family Court or the District Court”. 5

In section 190(1), replace “the District Court or Family Court” with “District Court or Family Court at the office of the court”.

In section 196(9), replace “a District Court” with “the District Court”.

In section 197, replace “a District Court” with “the District Court”. 10

In section 199(2), replace “a District Court” with “the District Court”.

In section 207(1), replace “a District Court” with “the District Court”.

In section 226B(1)(a), replace “Family Courts” with “Family Court”.

In section 226D(1), replace “a District Court” with “the District Court”.

In section 226D(2), replace “section 113 or 123 of the District Courts Act 1947” with “**section 402 or 413 of the Judicature Modernisation Act 2013**”. 15

In section 227(1), replace “A Family Court or District Court” with “The Family Court or District Court”.

In section 227(2), replace “A Family Court or District Court” with “The Family Court or District Court”. 20

In section 229(1), replace “a Family Court or District Court” with “the Family Court or District Court”.

In section 233(1), replace “the Registrar of a Family Court or District Court” with “a Registrar of the Family Court or District Court”.

In section 233(2), replace “the Registrar of a Family Court or District Court” with “a Registrar of the Family Court or District Court”. 25

In section 234(1), replace “District Courts” with “the District Court”.

In section 234(1A), replace “Family Courts Act 1980 regulating the practice and procedure of Family Courts” with “Family Court Act 1980 regulating the practice and procedure of the Family Court”. 30

In section 234(2), replace “Family Courts” with “Family Court”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)

In section 2(1), definition of **court**, replace “a Family Court, and in relation to Parts 4 and 5, means a Youth Court” with “the Family Court, and in relation to Parts 4 and 5, means the Youth Court”. 35

In section 2(2)(d), replace “a Youth Court” with “the Youth Court”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)—*continued*

- In section 2(3), replace “a District Court” with “the District Court”.
- In section 2B(1)(c)(ii), replace “a Youth Court” with “the Youth Court”.
- In section 2B(1)(d)(ii), replace “a Youth Court” with “the Youth Court”.
- In section 2B(2)(a)(i), replace “a Youth Court” with “the Youth Court”.
- In section 2B(2)(a)(ii), replace “a Youth Court” with “the Youth Court”. 5
- In section 10(1), replace “a Family Court or a Youth Court” with “the Family Court or the Youth Court”.
- In section 10(1)(a), replace “a Youth Court” with “the Youth Court”.
- In section 10(2), replace “a Family Court or a Youth Court” with “the Family Court or the Youth Court”. 10
- In section 10(2)(a), replace “a Youth Court” with “the Youth Court”.
- In section 11, replace “a Family Court or a Youth Court” with “the Family Court or the Youth Court”.
- In section 84(1)(d), replace “a District Court” with “the District Court”.
- In the heading to section 150, replace “**Family Courts**” with “**Family Court**”. 15
- In section 150, replace “a Family Court” with “the Family Court”.
- In the heading to section 151, replace “**District Courts**” with “**District Court**”.
- In section 151, replace “a District Court” with “the District Court”.
- In section 151, replace “a Family Court” with “the Family Court”.
- In section 160, replace “a Family Court” with “the Family Court”. 20
- In section 162(1)(a), replace “Family Courts Act 1980” with “Family Court Act 1980”.
- In section 162(4), replace “a District Court” with “the District Court”.
- In section 166(1), replace “a Family Court” with “the Family Court”.
- In section 206A(1)(a), replace “a Family Court” with “the Family Court”. 25
- In section 207D(1)(g), replace “a Youth Court” with “the Youth Court”.
- In section 207K(1)(f), replace “a Youth Court” with “the Youth Court”.
- In section 207Q(1)(d), replace “a Youth Court” with “the Youth Court”.
- In section 237, replace “a Youth Court or, as the case requires, a Family Court” with “the Youth Court or, as the case requires, the Family Court”. 30
- In section 238(1), replace “a Youth Court” with “the Youth Court”.
- In section 241, replace “A Youth Court” with “The Youth Court”.
- In section 243, replace “a District Court” with “the District Court”.
- In section 243, replace “a Youth Court” with “the Youth Court”.
- In section 245(1), replace “a Youth Court” with “the Youth Court”. 35

Children, Young Persons, and Their Families Act 1989 (1989 No 24)—*continued*

- In section 246, replace “a Youth Court” with “the Youth Court”.
- In section 247(e), replace “a Youth Court” with “the Youth Court”.
- In section 248(1)(a)(i), replace “a District Court” with “the District Court”.
- In section 248(1)(a)(ii), replace “a Youth Court” with “the Youth Court”.
- In the cross-heading above section 272, replace “Youth Courts” with “Youth Court”. 5
- In the heading to section 272, replace “Youth Courts” with “Youth Court”.
- In section 272(1A)(a), replace “a Family Court” with “the Family Court”.
- In section 272(1B)(b), replace “a Youth Court” with “the Youth Court”.
- In section 272(1B)(b), replace “a District Court” with “the District Court”.
- In section 272(1B)(c), replace “a Youth Court” with “the Youth Court”. 10
- In section 272(2A)(a), replace “a Youth Court” with “the Youth Court”.
- In section 272(3), replace “a Youth Court” with “the Youth Court”.
- In section 272(5), replace “a Youth Court” with “the Youth Court”.
- In section 272(5)(a), replace “a Youth Court” with “the Youth Court”.
- In section 272A(1)(c), replace “a Youth Court” with “the Youth Court”. 15
- In section 272A(1)(d), replace “a Youth Court” with “the Youth Court”.
- In section 273(2), replace “A Youth Court” with “The Youth Court”.
- In section 275(2), replace “a Youth Court” with “the Youth Court”.
- In section 275(3)(a), replace “a Youth Court” with “the Youth Court”.
- In section 275(3)(a), replace “a District Court” with “the District Court”. 20
- In section 276(3), replace “in a Youth Court” with “in the Youth Court”.
- In section 276(4), replace “in a Youth Court” with “in the Youth Court”.
- In section 276(5), replace “in a Youth Court” with “in the Youth Court”.
- In section 277(7), replace “in a Youth Court” with “in the Youth Court”.
- In section 277(8), replace “in a Youth Court” with “in the Youth Court”. 25
- In section 277(9), replace “a Youth Court” with “the Youth Court”.
- In section 277(9)(a), replace “a District Court” with “the District Court”.
- In section 277(9)(b), replace “a District Court” with “the District Court”.
- In section 277A(3)(a), replace “a District Court” with “the District Court”.
- In section 277A(4)(a), replace “section 4A of the District Courts Act 1947” with “**section 254 of the Judicature Modernisation Act 2013**”. 30
- In section 278(1), replace “a Youth Court” with “the Youth Court”.
- In section 278(3), replace “a Youth Court” with “the Youth Court”.
- In section 281(1), replace “a Youth Court” with “the Youth Court”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)—*continued*

- In section 281(2), replace “A Youth Court” with “The Youth Court”.
- In section 282(1), replace “a Youth Court” with “the Youth Court”.
- In section 283, replace “A Youth Court” with “The Youth Court”.
- In section 283(d), replace “a District Court” with “the District Court” in each place.
- In section 283(h), replace “a District Court” with “the District Court”. 5
- In section 283(j), replace “a Youth Court” with “the Youth Court” in each place.
- In section 283(o)(i), replace “a District Court” with “the District Court”.
- In section 285(6), replace “a District Court” with “the District Court”.
- In section 291, replace “a Youth Court” with “the Youth Court”.
- In section 293, replace “a District Court” with “the District Court”. 10
- In section 293(a), replace “a Youth Court” with “the Youth Court”.
- In section 293A(1), replace “a Youth Court” with “the Youth Court” in each place.
- In section 293A(1), replace “a District Court” with “the District Court”.
- In section 293A(2), replace “a Youth Court” with “the Youth Court”.
- In section 293A(3), replace “a Youth Court” with “the Youth Court”. 15
- In section 293A(4), replace “a Youth Court” with “the Youth Court”.
- In section 293A(5), replace “a Youth Court” with “the Youth Court”.
- In section 294(a), replace “a Youth Court” with “the Youth Court”.
- In section 294(b), replace “a District Court” with “the District Court”.
- In section 298(1), replace “a Youth Court” with “the Youth Court”. 20
- In section 298(3), replace “No Youth Court shall” with “The Youth Court must not”.
- In section 307(1), replace “a Youth Court” with “the Youth Court”.
- In section 308A(1)(c), replace “a District Court” with “the District Court” in each place.
- In section 311(1), replace “a Youth Court” with “the Youth Court”. 25
- In section 311(2), replace “a Youth Court” with “the Youth Court”.
- In section 311(2A), replace “a Youth Court” with “the Youth Court”.
- In section 316(1), replace “A Youth Court” with “The Youth Court”.
- In the heading to section 321, replace “**Courts**” with “**Court**”.
- In section 321(1), replace “Youth Courts and to proceedings in such courts” with “the Youth Court and to proceedings in that court”. 30
- In section 321(2), replace “every Youth Court and its officers shall have all the powers and duties of a District Court” with “, the Youth Court and its officers have all the powers and duties of the District Court”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)—*continued*

In section 321(3), replace “in a Youth Court” with “in the Youth Court”.

Replace section 321(4) with:

(4) Any officer of the District Court may act as an officer of the Youth Court.

In section 321(5), replace “a Youth Court” with “the Youth Court”.

In section 323(1), replace “a Youth Court” with “the Youth Court”.

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In section 324(2)(d), replace “a District Court” with “the District Court”.

In section 326(1), replace “a Youth Court” with “the Youth Court”.

In section 329(1), replace “a Youth Court” with “the Youth Court”.

In section 330(1), replace “a Youth Court” with “the Youth Court”.

In section 330(2), replace “a Youth Court” with “the Youth Court”.

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In section 330(3), replace “a Youth Court” with “the Youth Court”.

In the cross-heading above section 331, replace “Youth Courts” with “Youth Court”.

In section 331, replace “a Youth Court” with “the Youth Court”.

In section 332(1), replace “a Youth Court” with “the Youth Court”.

In section 332(2), replace “a Youth Court” with “the Youth Court”.

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In section 333(1), replace “a Family Court” with “the Family Court”.

In section 336, replace “a Family Court” with “the Family Court”.

In the cross-heading above section 341, replace “Family Courts” with “Family Court”.

In the heading to section 341, replace “Family Courts” with “Family Court”.

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In section 341(1), replace “a Family Court” with “the Family Court”.

In section 341(3), replace “a Family Court” with “the Family Court”.

Replace section 346(1) with:

(1) The High Court Rules and **sections 308 to 311 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under section 341 as if it were an appeal under **section 306** of that Act.

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In section 346(2), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 348(2), replace “a Family Court” with “the Family Court”.

In section 350(1), replace “a Family Court” with “the Family Court”.

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In section 350(1), replace “the Family Court whose decision or order is appealed against is situated” with “the Family Court is situated”.

In section 351(1), replace “a Youth Court” with “the Youth Court”.

In section 352(a), replace “a Youth Court” with “the Youth Court”.

In section 353(1), replace “a Youth Court” with “the Youth Court”.

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Children, Young Persons, and Their Families Act 1989 (1989 No 24)—continued

In section 354(1), replace “a Youth Court” with “the Youth Court”.

In section 354(2), replace “a Youth Court” with “the Youth Court”.

In section 355(3)(a), replace “a District Court were references to a Youth Court” with “the District Court were references to the Youth Court”.

Repeal section 355(3)(b).

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In section 355(3)(c), replace “in a Youth Court” with “in the Youth Court”.

In section 356(1), replace “a Youth Court” with “the Youth Court” in each place.

In section 357, replace “a Youth Court” with “the Youth Court”.

In section 359(1), replace “a Youth Court” with “the Youth Court”.

In section 371(1), replace “a Family Court or a Youth Court or, where it is not practicable to apply to a Family Court or a Youth Court, to a District Court” with “the Family Court or the Youth Court or, where it is not practicable to apply to the Family Court or the Youth Court, to the District Court”.

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In section 376(5), replace “a District Court” with “the District Court”.

In section 392(1), replace “A Family Court” with “The Family Court”.

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Replace the cross-heading above section 433 with:

Youth Court

Replace section 433 with:

433 Establishment of Youth Court

The District Court has a division known as the Youth Court.

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In section 435(3), replace “of a Youth Court” with “of the Youth Court”.

In section 435A(3), replace “of a Youth Court” with “of the Youth Court”.

In section 435A(4), replace “of a Youth Court” with “of the Youth Court”.

Replace section 435A(6) with:

(6) This section is subject to **section 207 of the Judicature Modernisation Act 2013**.

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In section 436(1), replace “in a Youth Court” with “in the Youth Court”.

In section 436(2), replace “a Youth Court” with “the Youth Court”.

In section 437A, replace “Family Courts” with “Family Court”.

Replace section 437A(a) with:

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(a) in the Family Court:

In section 439(4), replace “a District Court” with “the District Court” in each place.

In section 445(1), replace “a Family Court or a Youth Court” with “the Family Court or the Youth Court”.

Children, Young Persons, and Their Families Act 1989 (1989 No 24)—*continued*

In section 445(2), replace “A Family Court” with “The Family Court”.

In section 448(1), replace “Youth Courts” with “the Youth Court”.

In section 448(2), replace “Youth Courts” with “the Youth Court”.

Replace section 448(2)(b) with:

- (b) in the case of the District Court, under **section 411 of the Judicature Modernisation Act 2013:** 5

Replace section 448(2)(c) with:

- (c) in the case of the Family Court, under section 16A of the Family Court Act 1980.

In section 448A(2), replace “Youth Courts” with “Youth Court” in each place. 10

In section 448A(4), replace “District Courts” with “District Court” in each place.

In section 456A(1)(b), replace “a Youth Court” with “the Youth Court”.

In section 456A(1)(c), replace “a Youth Court” with “the Youth Court” in each place.

In section 456A(2)(a), replace “a Family Court” with “the Family Court”.

In section 456A(2)(c), replace “a District Court” with “the District Court”. 15

In section 456A(2)(c), replace “a Youth Court” with “the Youth Court”.

In section 456A(2)(d), replace “a Youth Court” with “the Youth Court”.

In the Schedule 1 heading, replace “Courts and to proceedings in such courts” with “Court and to proceedings in Youth Court”.

In Schedule 1, replace clause 1 with: 20

- 1 **Part 2 of the Judicature Modernisation Act 2013**, except that—
- (a) where any provisions of this Act conflict with any of the provisions of **Part 2 of the Judicature Modernisation Act 2013**, the provisions of this Act prevail:
- (b) nothing in **section 254 of the Judicature Modernisation Act 2013** applies in respect of Youth Court Judges or the business of the Youth Court. 25

In Schedule 1, clause 2(a), replace “District Courts even though they may be heard and determined in Youth Courts” with “the District Court even though they may be heard and determined in the Youth Court”. 30

In Schedule 1, clause 3A(a)(ii)(B), replace “a Youth Court” with “the Youth Court”.

In Schedule 1, clause 3A(g)(i), replace “a Youth Court” with “the Youth Court”.

In Schedule 1, clause 3A(g)(ii), replace “a Youth Court” with “the Youth Court”.

In Schedule 1, clause 3A(j), replace “a Youth Court” with “the Youth Court”.

Christchurch District Drainage Act 1951 (1951 No 21 (L))

In section 43A(5), replace “a District Court” with “the District Court”.

Civil Aviation Act 1990 (1990 No 98)

In section 6(4), replace “a District Court” with “the District Court”.

In section 7(4), replace “a District Court” with “the District Court”.

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In section 9(4), replace “a District Court” with “the District Court”.

In section 11I(4), replace “a District Court” with “the District Court”.

In section 17(7), replace “a District Court” with “the District Court”.

In section 18(5), replace “a District Court” with “the District Court”.

In section 21(5), replace “a District Court” with “the District Court”.

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In section 27P, replace “a District Court” with “the District Court”.

In section 41(5), replace “a District Court” with “the District Court”.

In section 62(3), replace “by a District Court” with “by the District Court”.

In section 64(1), replace “a District Court” with “the District Court”.

In section 64(2), replace “a District Court” with “the District Court”.

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In section 66(1), replace “a District Court” with “the District Court”.

Replace section 69(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

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Civil Defence Emergency Management Act 2002 (2002 No 33)

In section 77(1), replace “a District Court” with “the District Court”.

In section 77(2), replace “a District Court” with “the District Court”.

Civil Union Act 2004 (2004 No 102)

In section 36(1), replace “Family Courts Act 1980” with “Family Court Act 1980”.

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In section 36(1), replace “of Family Courts” with “of the Family Court”.

In section 36(2), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 36(2)(b), replace “District Courts” with “the District Court”.

Climate Change Response Act 2002 (2002 No 40)

In section 115(1), replace “a District Court” with “the District Court”.

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In section 145(1), replace “a District Court” with “the District Court”.

Commissions of Inquiry Act 1908 (1908 No 25)

In section 4(1), replace “a District Court” with “the District Court”.

Commonwealth Countries Act 1977 (1977 No 31)

In section 2(5), definition of **court**, replace “any District Court” with “the District Court”.

In section 2(5), replace the definition of **District Court** with:

District Court includes—

- (a) the Family Court; and
- (b) the Youth Court

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Companies Act 1993 (1993 No 105)

Replace section 185A with:

185A Jurisdiction of District Court

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(1) The District Court has jurisdiction to exercise any power conferred by sections 182 to 185 in any case where—

- (a) the occasion for the exercise of the power arises in the course of civil proceedings properly before the court; or
- (b) the amount of the claim or the value of the property or relief claimed or in issue is not more than \$350,000; or
- (c) the parties agree, in accordance with **section 263 of the Judicature Modernisation Act 2013**, that the District Court has jurisdiction to determine the proceedings.

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(2) For the purposes of **sections 268 to 270 of the Judicature Modernisation Act 2013**, an application made to the District Court under any of sections 182 to 185 is deemed to be a proceeding.

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Construction Contracts Act 2002 (2002 No 46)

In section 5, definition of **court**, paragraph (b), replace “a District Court” with “the District Court”.

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In section 5, definition of **tribunal**, replace paragraph (b) with:

- (b) the Disputes Tribunal established under **section 4** of the Disputes Tribunal Act 1988

In section 52(1), replace “a District Court” with “the District Court”.

Replace section 52(2) with:

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(2) ~~The District Court has the jurisdiction to hear and determine an application for review under this section despite any limits imposed on the District Court in its ordinary civil jurisdiction by **sections 256 to 261 of the Judicature Modernisation Act 2013**.~~

In section 71A(1), replace “a District Court” with “the District Court”.

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Replace section 71A(2) with:

Construction Contracts Act 2002 (2002 No 46)—continued

(2) The District Court has the jurisdiction to hear and determine an application for review under this section despite any limits imposed on the District Court in its ordinary civil jurisdiction by **sections 256 to 261 of the Judicature Modernisation Act 2013.**

In section 71B(1), replace “the District Court” with “the office of the District Court”. 5

In section 71C(1)(c), replace “a District Court” with “the District Court”.

In section 71C(3), replace “A District Court’s” with “The District Court’s”.

In section 73(3)(a), replace “a District Court” with “the District Court”.

In section 77, replace “District Courts Rules 1992” with “District Court Rules 2014”.

In section 78, replace “District Courts Rules 1992” with “District Court Rules 2014”. 10

Replace section 81(1) with:

(1) In addition to all other powers conferred by **Part 2 of the Judicature Modernisation Act 2013**, the Governor-General may, by Order in Council, make rules regulating the practice and procedure of the District Court in proceedings under this Act. 15

In section 81(3), replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Consumer Guarantees Act 1993 (1993 No 91)

In section 23A(2), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 38(1)(a), replace “Disputes Tribunal” with “the Disputes Tribunal”. 20

In section 39(1), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 39A(2), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 46A(1)(a)(iii), replace “a Disputes Tribunal” with “the Disputes Tribunal” in each place.

In section 47(1), replace “any Disputes Tribunal established under section 4 of the Disputes Tribunals Act 1988 and having” with “the Disputes Tribunal established under section 4 of the Disputes Tribunal Act 1988 if it has”. 25

In section 47(2)(b), replace “a District Court” with “the District Court”.

In section 47(2)(b)(i), replace “\$200,000” with “\$350,000”.

In section 47(3), replace “A District Court” with “The District Court”. 30

In section 47(3)(a), replace “\$200,000” with “\$350,000”.

In section 47(3)(b), replace “\$200,000” with “\$350,000”.

In section 47(3)(c), replace “\$200,000” with “\$350,000”.

In section 47(3)(d), replace “\$200,000” with “\$350,000”.

In section 47(4), replace “a Disputes Tribunal” with “the Disputes Tribunal”. 35

In section 47(5), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

Consumer Guarantees Act 1993 (1993 No 91)—continued

In section 47(6), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 47(6), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

Contractual Remedies Act 1979 (1979 No 11)

In section 4(4), replace “a Disputes Tribunal” with “the Disputes Tribunal”. 5

In section 4(4), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

Copyright Act 1994 (1994 No 143)

In section 122B(4)(b), replace “a District Court” with “the District Court”.

In section 122I(1)(b), replace “a District Court” with “the District Court”. 10

In section 122O(6), replace “a District Court” with “the District Court”.

In section 122P(1), replace “A District Court” with “The District Court”.

In section 122P(5), replace “a District Court” with “the District Court”.

In section 122Q(2), replace “A District Court” with “The District Court”.

In section 122R(1), replace “a District Court” with “the District Court”. 15

In section 134F(2), replace “a District Court” with “the District Court”.

In section 144F(2), replace “a District Court” with “the District Court”.

In section 219(1), replace “a District Court” with “the District Court”.

In section 219(2), replace “a District Court” with “the District Court”.

In section 222(2), replace “a District Court” with “the District Court”. 20

Coroners Act 2006 (2006 No 38)

In section 10(1)(b), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

In section 10(3), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”. 25

In section 108(8), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

In section 109(2)(a), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

In section 110(6), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”. 30

In section 114(3), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

In Schedule 3, clause 1(b)(ii), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”. 35

Coroners Act 2006 (2006 No 38)—*continued*

In Schedule 3, clause 13, replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

Corrections Act 2004 (2004 No 50)

In section 185(2), replace “any District Court” with “the District Court”.

In section 189(4), replace “a District Court” with “the District Court”.

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Costs in Criminal Cases Act 1967 (1967 No 129)

In section 7(1)(b), replace “a District Court” with “the District Court”.

Courts (Remote Participation) Act 2010 (2010 No 94)

In section 3, replace the definition of **Community Magistrate** with:

Community Magistrate has the same meaning as in **section 185 of the Judicature Modernisation Act 2013**

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In section 3, replace the definition of **District Court** with:

District Court includes—

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

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In section 3, definition of **New Zealand Court**, paragraph (a), replace “a District Court” with “the District Court”.

Courts Security Act 1999 (1999 No 115)

In section 2, definition of **presiding judicial officer**, paragraph (f), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

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Replace section 3(5)(c) and (d) with:

- (c) the District Court;
- (d) the following divisions of the District Court:
 - (i) the Disputes Tribunal;
 - (ii) the Family Court;
 - (iii) the Youth Court;

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In section 24(1)(f), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

In section 33(1), replace “section 112 of the District Courts Act 1947” with “**section 161 of the Judicature Modernisation Act 2013**”.

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Credit Contracts and Consumer Finance Act 2003 (2003 No 52)

In section 9A(2)(d), replace “a District Court” with “the District Court”.

Credit Contracts and Consumer Finance Act 2003 (2003 No 52)—continued

In section 58(4), replace “a Disputes Tribunal established under **section 4** of the Disputes Tribunals Act 1988” with “the Disputes Tribunal established under section 4 of the Disputes Tribunal Act 1988”.

In section 85(a), replace “a District Court” with “the District Court”.

Replace section 86 with:

86 Jurisdiction of District Court

(1) The District Court may hear and determine proceedings for offences against any of the provisions of this Act.

(2) The District Court may hear and determine applications for orders under any of the provisions of this Act if—

(a) the occasion for the exercise of the power arises in the course of civil proceedings properly before the court; or

(b) in the case of—

(i) a revolving credit contract that has a credit limit, the credit limit does not exceed \$350,000; or

(ii) any other credit contract, the total of all advances made and agreed to be made under the credit contract does not exceed \$350,000; or

(iii) a consumer lease, the cash price of the goods hired does not exceed \$350,000; or

(iv) a buy-back transaction, the amount of the consideration paid by the transferee under the transaction does not exceed \$350,000; or

(ba) in the case of an application for an order under any of the provisions of this Act, the relief claimed does not exceed \$350,000; or

(c) the parties agree, in accordance with **section 263 of the Judicature Modernisation Act 2013**, that the District Court has jurisdiction to hear and determine the application.

(2A) **Subsection (2)(b)** does not limit **subsection (2)(a), (c), or (d)**.

(3) The District Court does not have jurisdiction to hear and determine applications for injunctions under section 96.

(4) For the purposes of **sections 268 to 270 of the Judicature Modernisation Act 2013**, an application made to the District Court for an order under this Act is to be treated as a proceeding.

In the heading to section 87, replace “**Disputes Tribunals**” with “**Disputes Tribunal**”.

In section 87(1), replace “A Disputes Tribunal established under section 4 of the Disputes Tribunals Act 1988” with “The Disputes Tribunal established under **section 4** of the Disputes Tribunal Act 1988”.

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Credit Contracts and Consumer Finance Act 2003 (2003 No 52)—continued

In section 87(2), replace “A Disputes Tribunal established under section 4 of the Disputes Tribunals Act 1988” with “The Disputes Tribunal established under **section 4** of the Disputes Tribunal Act 1988”.

In section 87(2), delete “appropriate”.

In section 87(3), replace “a Disputes Tribunal” with “the Disputes Tribunal”. 5

In section 87(4), replace “a Tribunal” with “the Tribunal”.

In section 87(5), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 87(5), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

In section 108(1), replace “A District Court” with “The District Court”. 10

In section 108(1A), replace “a District Court” with “the District Court”.

In section 109(1), replace “a District Court” with “the District Court”.

In section 112(1), replace “a District Court” with “the District Court”.

In section 143(2), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”. 15

Credit (Repossession) Act 1997 (1997 No 85)

Replace section 39 with:

39 Jurisdiction of District Court

The District Court has jurisdiction to exercise any power conferred by any of the provisions of this Act in any case where— 20

- (a) the occasion for the exercise of the power arises in the course of civil proceedings properly before the court; or
- (b) the total amount in respect of which an order of the court is sought is not more than \$350,000; or
- (c) the parties agree, in accordance with **section 263 of the Judicature Modernisation Act 2013**, that the District Court has jurisdiction to hear and determine the application. 25

Crimes Act 1961 (1961 No 43)

In section 2(1), replace the definition of **Judge** with:

Judge, in relation to the District Court, or **District Court Judge** means a Judge who holds a warrant under **section 195 of the Judicature Modernisation Act 2013** to conduct jury trials 30

In section 2(1), definition of **Registrar**, paragraph (b), replace “a District Court” with “the District Court”.

In section 19(6), replace “a District Court” with “the District Court”. 35

Crimes Act 1961 (1961 No 43)—continued

In section 19(8), replace “a District Court” with “the District Court” in each place.

In section 19(9), replace “a District Court” with “the District Court” in each place.

In section 19(12)(c), replace “a District Court” with “the District Court”.

In section 406(1)(a), replace “a District Court” with “the District Court”.

Criminal Disclosure Act 2008 (2008 No 38)

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In section 6(1), definition of **criminal proceedings**, paragraph (a)(ii), replace “a Youth Court” with “the Youth Court”.

In section 12(2), replace “a Youth Court” with “the Youth Court”.

In section 12(4)(b), replace “a Youth Court” with “the Youth Court”.

In section 20(b), replace “a Youth Court” with “the Youth Court”.

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In section 24(1)(b), replace “a Youth Court” with “the Youth Court”.

In section 33(3)(a)(ii), replace “a District Court” with “the District Court”.

Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)

In section 2(1), definition of **charged**, replace “a District Court” with “the District Court”.

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In section 2(1), definition of **conviction**, paragraph (a), replace “a Youth Court” with “the Youth Court”.

In section 2(1), definition of **District Court**, replace “a Youth Court” with “the Youth Court”.

In section 26(ab)(iii), replace “a Youth Court” with “the Youth Court”.

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In section 26(ac)(i), replace “a Youth Court” with “the Youth Court”.

In section 26A(2)(b)(i), replace “a Youth Court” with “the Youth Court”.

In section 26A(2)(b)(ii), replace “a Youth Court” with “the Youth Court”.

In section 26A(2)(b)(iii), replace “a District Court (rather than a Youth Court)” with “the District Court (rather than the Youth Court)”.

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In section 26A(3)(b), replace “a Youth Court” with “the Youth Court”.

Replace section 26A(4) with:

(4) The retention periods and effect of certain subsequent offences are as follows:

<u>Sentence or order</u>	<u>Retention period for order or conviction</u>	<u>Retention period for subsequent offence</u>
<u>Section 26(a) or (ab): section 283(a) to (n) order made by the Youth Court</u>	<u>10 years after date of that section 283 order</u>	<u>If a section 282 order is subsequently made during that 10-year period after the offence is proved, a further retention period of</u>

Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)—continued

<u>Sentence or order</u>	<u>Retention period for order or conviction</u>	<u>Retention period for subsequent offence</u>
<u>Section 26(a) or (ab): section 283(o) order made by the Youth Court but no imprisonment</u>	<u>10 years after date of section 283(o) order</u>	<u>4 years applies and runs concurrently with the 10-year period.</u> <u>If a section 282 order is subsequently made during that 10-year period after the offence is proved, a further retention period of 4 years applies and runs concurrently with the 10-year period.</u>
<u>Section 26(a) or (ab): convicted by the District Court but no imprisonment</u>	<u>10 years after date of conviction</u>	<u>If a section 282 order is subsequently made during that 10-year period after the offence is proved, a further retention period of 4 years applies and runs concurrently with the 10-year period.</u>
<u>Section 26(ac): section 282 order made after offence proved</u>	<u>4 years after date of section 282 order</u>	<u>If a section 283 order is subsequently made during that 4-year period, a further retention period of 10 years applies and runs concurrently with the 4-year period.</u> <u>If the person is subsequently convicted by the District Court without imprisonment during that 4-year period, a further retention period of 10 years applies and runs concurrently with the 4-year period.</u> <u>If another section 282 order is subsequently made during that 4-year period after the offence is proved, a further retention</u>

Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)—continued

<u>Sentence or order</u>	<u>Retention period for order or conviction</u>	<u>Retention period for subsequent offence</u> period of 4 years applies and runs concurrently with the first 4-year period.
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In section 26A(5)(b), in the second example, replace “a District Court” with “the District Court”.

In section 26B(1)(a)(ii), replace “a Youth Court” with “the Youth Court”.

Criminal Procedure Act 2011 (2011 No 81)

In section 4(1)(c), replace “a District Court” with “the District Court”. 5

In section 4(1)(f), replace “a District Court” with “the District Court”.

In section 4(1)(i), replace “a District Court” with “the District Court”.

In section 4(1)(m), replace “a District Court” with “the District Court”.

Replace section 4(1)(y) and the heading above that paragraph with:

<i>Jurisdiction of District Court</i>		10
(y)	Part 7 contains provisions about the jurisdiction of the District Court. These set out the jurisdiction of Community Magistrates and Justices to conduct various proceedings and to sentence offenders. They also require a District Court Judge conducting jury trials to hold a jury trial warrant under Part 2 of the Judicature Modernisation Act 2013 :	15

In section 5, definition of **level of trial court**, replace “a District Court” with “the District Court”.

In section 5, definition of **rules of court**, replace “section 122 of the District Courts Act 1947” with “**section 411 of the Judicature Modernisation Act 2013**”.

In section 7(3), replace “any Youth Court” with “the Youth Court”. 20

In section 7(3), replace “a Youth Court” with “the Youth Court”.

In the cross-heading above section 9, replace “*District Courts*” with “*District Court*”.

In the heading to section 9, replace “**District Courts**” with “**District Court**”.

In section 9(1), replace “a District Court” with “the District Court”.

In section 9(2), replace “a District Court” with “the District Court”. 25

In section 9(3), replace “a District Court” with “the District Court”.

In section 9(4), replace “a District Court” with “the District Court” in each place.

In section 14(1), replace “District Court” with “office of the District Court”.

In section 14(2)(a), after “another”, insert “office of the”.

In section 14(2)(b), replace “a District Court” with “an office of the District Court”. 30

Criminal Procedure Act 2011 (2011 No 81)—continued

In section 14(3), after “correct”, insert “office of the”.

In section 34(2), replace “before a District Court” with “before the District Court”.

In section 34(3), replace “a District Court” with “the District Court”.

In section 35(1), replace “the District Court in which the charging document was filed” with “the District Court at the place where the charging document was filed”. 5

In section 35(2), replace “the District Court in which the charging document was filed” with “the District Court at the place where the charging document was filed”.

In section 35(3)(b), replace “section 4A of the District Courts Act 1947” with “**section 254 of the Judicature Modernisation Act 2013**”.

In section 36(1), replace “the District Court in which the charging document was filed” with “the District Court at the place where the charging document was filed”. 10

In section 36(3)(b), replace “section 4A of the District Courts Act 1947” with “**section 254 of the Judicature Modernisation Act 2013**”.

In section 71(3), replace “the District Court that is dealing with the proceeding before the trial in accordance with section 35” with “the District Court at the place where the proceeding is being dealt with in accordance with section 35”. 15

In section 71(4)(a), replace “section 4A of the District Courts Act 1947” with “**section 254 of the Judicature Modernisation Act 2013**”.

In section 72(3), replace “a District Court” with “the District Court”.

In section 72(4)(b), replace “a District Court” with “the District Court”. 20

In section 72(5)(a), replace “section 4A of the District Courts Act 1947” with “**section 254 of the Judicature Modernisation Act 2013**”.

In section 73(3), replace “a District Court” with “the District Court”.

In section 73(4)(b), replace “a District Court” with “the District Court”.

In section 73(5), replace “a District Court, means a District Court that has jurisdiction” with “the District Court, means the District Court at the place where the court has jurisdiction—the District Court” in each place. 25

In section 73(6)(a), replace “section 4A of the District Courts Act 1947” with “**section 254 of the Judicature Modernisation Act 2013**”.

In section 74(4), replace “the District Court that is dealing with the proceeding” with “the District Court at the place where the court is dealing with the proceeding”. 30

In section 78(4)(c), replace “a District Court” with “the District Court”.

In section 95(1)(b), replace “a District Court” with “the District Court”.

In section 114(2), replace “a District Court” with “the District Court”.

In section 157(1), replace “to a District Court” with “to the District Court”. 35

In section 157(3), replace “a District Court” with “the District Court”.

In section 171(3), replace “a District Court” with “the District Court”.

Criminal Procedure Act 2011 (2011 No 81)—continued

In section 172(3), replace “a District Court” with “the District Court”.

In section 173(1), replace “a District Court” with “the District Court”.

In section 180(2)(b), replace “a District Court” with “the District Court”.

Replace section 219(a) with:

- (a) the District Court presided over by a District Court Judge, if the appeal is against a decision of the District Court presided over by 1 or more Community Magistrates or 1 or more Justices of the Peace; or 5

In section 219(b), replace “a District Court presided” with “the District Court presided”.

In section 224(a), replace “a District Court” with “the District Court”. 10

Replace section 230(a) with:

- (a) the District Court presided over by a District Court Judge, if the appeal is against a conviction entered by the District Court presided over by 1 or more Community Magistrates or 1 or more Justices of the Peace; or

In section 230(b), replace “a District Court presided” with “the District Court presided”. 15

In section 238(a), replace “a District Court” with “the District Court”.

Replace section 247(a) with:

- (a) the District Court presided over by a District Court Judge, if the appeal is against a sentence imposed by the District Court presided over by 1 or more Community Magistrates or 1 or more Justices of the Peace; or 20

In section 247(b), replace “a District Court presided” with “the District Court presided”.

In section 247(c), replace “a District Court presided” with “the District Court presided”. 25

In section 248(1)(a), replace “a District Court” with “the District Court”.

In section 254(a), replace “a District Court” with “the District Court”.

Replace section 261(a) with:

- (a) the District Court presided over by a District Court Judge, if the finding of contempt was made by the District Court presided over by 1 or more Community Magistrates or 1 or more Justices of the Peace; or 30

In section 261(b), replace “a District Court presided” with “the District Court presided”.

In section 262(1)(a), replace “a District Court” with “the District Court”.

In section 265(a), replace “a District Court” with “the District Court”. 35

Replace section 272(a) with:

Criminal Procedure Act 2011 (2011 No 81)—continued

- (a) the District Court presided over by a District Court Judge, if the appeal is against a decision of the District Court presided over by 1 or more Community Magistrates or 1 or more Justices of the Peace; or

In section 272(b), replace “a District Court presided” with “the District Court presided”.

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In section 277(a), replace “a District Court” with “the District Court”.

Replace section 284(a) with:

- (a) the District Court presided over by a District Court Judge, if the appeal is against a decision of the District Court presided over by 1 or more Community Magistrates or 1 or more Justices of the Peace; or

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In section 284(b), replace “a District Court presided” with “the District Court presided”.

In section 285(1)(a), replace “a District Court” with “the District Court”.

In section 290(a), replace “a District Court” with “the District Court”.

Replace section 297(a) with:

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- (a) the District Court presided over by a District Court Judge, if the appeal is against a ruling by the District Court presided over by 1 or more Community Magistrates or 1 or more Justices of the Peace; or

In section 297(b), replace “a District Court presided” with “the District Court presided”.

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In section 300(2), replace “A District Court” with “The District Court”.

In section 304(a), replace “a District Court” with “the District Court”.

In section 313(1)(a), replace “a District Court” with “the District Court”.

In section 328(1), replace “a District Court” with “the District Court”.

In section 330, replace “a District Court” with “the District Court”.

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In section 339(2)(a), replace “a District Court” with “the District Court”.

In section 341(1), replace “a District Court” with “the District Court”.

In the Part 7 heading, replace “Courts” with “Court”.

In section 353(1), replace “a District Court presided” with “the District Court presided”.

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Replace section 354 and the cross-heading above section 354 with:

Jurisdiction of District Court in relation to jury trials

354 Jurisdiction of District Court in relation to jury trials

- (1) This section applies if the trial of a proceeding is to be a jury trial and the level of trial court is the District Court.

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Criminal Procedure Act 2011 (2011 No 81)—continued

- (2) Only the District Court at a place appointed under **section 191(5) of the Judicature Modernisation Act 2013** has jurisdiction to conduct a jury trial.
- (3) Only the District Court presided over by a District Court Judge who holds a warrant under **section 195 of the Judicature Modernisation Act 2013** to conduct jury trials has jurisdiction to conduct the jury trial or exercise any of the powers of the court under subpart 8 of Part 3 in relation to the proceeding. 5

In section 355(1), replace “A District Court” with “The District Court”.

In section 355(2), replace “A District Court” with “The District Court”.

In section 355(3), replace “A District Court” with “The District Court”.

In section 356(1), replace “A District Court” with “The District Court”. 10

In section 356(1)(a), replace “a District Court” with “the District Court”.

In section 356(2), replace “A District Court” with “The District Court”.

In section 357(2), replace “a District Court” with “the District Court”.

Replace section 357(3) with:

- (3) The District Court presided over by 1 or more Community Magistrates may not impose on any person for any offence a sentence of imprisonment (within the meaning of section 4(1) of the Sentencing Act 2002). 15

In section 357(4), replace “A District Court” with “The District Court”.

In section 358(1), replace “a District Court” with “the District Court”.

In section 358(2), replace “a District Court” with “the District Court”. 20

In section 359, replace “A District Court” with “The District Court”.

In section 360(1), replace “A District Court” with “The District Court” and replace “a District Court presided” with “the District Court presided”.

In section 360(2), replace “a District Court” with “the District Court”.

In section 360(3), replace “A District Court” with “The District Court”. 25

In section 361(1), replace “A District Court” with “The District Court”.

In section 361(4), replace “a District Court” with “the District Court”.

In section 362(1), replace “a District Court” with “the District Court”.

In section 362(2), replace “a District Court” with “the District Court”.

In section 362(3), replace “a District Court” with “the District Court”. 30

In section 362(4), replace “a District Court” with “the District Court”.

In section 363(1), replace “a District Court presided” with “the District Court presided” in each place.

In section 363(2), replace “A District Court” with “The District Court”.

In section 366, replace “a District Court presided” with “the District Court presided”. 35

Criminal Procedure Act 2011 (2011 No 81)—*continued*

In section 368(1), replace “of a District Court” with “of the District Court”.

In section 369(1)(a), replace “a District Court presided” with “the District Court presided”.

In section 370(3), replace “a District Court presided” with “the District Court presided”.

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In section 371(1)(a), replace “a District Court” with “the District Court”.

In section 371(2), replace “A District Court” with “The District Court”.

In section 372(1), replace “a District Court presided” with “the District Court presided”.

In section 380(2), replace “a Youth Court” with “the Youth Court”.

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In section 380(4), replace “a Youth Court” with “the Youth Court”.

In section 383(1), replace “a District Court” with “the District Court”.

In section 386(1), replace “section 122(1) of the District Courts Act 1947” with “**section 411(1) of the Judicature Modernisation Act 2013**”.

In section 386(5), replace “District Courts” with “the District Court”.

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Criminal Records (Clean Slate) Act 2004 (2004 No 36)

In section 4, definition of **registrar**, replace “a District Court” with “the District Court” in each place.

In section 9(1), replace “a District Court” with “the District Court”.

In section 9(2), replace “a District Court” with “the District Court”.

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In section 10(1), replace “a District Court” with “the District Court”.

In section 10(3), replace “a District Court” with “the District Court”.

In section 10(8), replace “A District Court” with “The District Court”.

In section 12(1), replace “a District Court” with “the District Court”.

In section 19(3)(f), replace “a Family Court’s” with “the Family Court’s”.

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In section 22(1), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 22(1)(a), replace “District Courts” with “the District Court”.

In section 22(1)(b), replace “District Courts” with “the District Court”.

In section 22(3), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

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Crown Minerals Act 1991 (1991 No 70)

In section 52, replace “a District Court” with “the District Court”.

In section 58(1), replace “a District Court” with “the District Court”.

Crown Minerals Act 1991 (1991 No 70)—continued

In section 78(1), replace “a District Court” with “the District Court”.

In section 99L(1), replace “a District Court” with “the District Court”.

In section 99L(4), replace “a District Court” with “the District Court”.

Crown Pastoral Land Act 1998 (1998 No 65)

In section 19(1), replace “a District Court” with “the District Court”.

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In section 19(2), replace “a District Court” with “the District Court”.

In section 23Q(4), replace “a District Court” with “the District Court”.

In section 23Q(6), replace “a District Court” with “the District Court”.

Crown Proceedings Act 1950 (1950 No 54)

In section 2(1), definition of **court**, replace “a District Court constituted under the District Courts Act 1947, a Disputes Tribunal constituted under the Disputes Tribunals Act 1988” with “the District Court constituted under **Part 2 of the Judicature Modernisation Act 2013**, the Disputes Tribunal constituted under the Disputes Tribunal Act 1988”.

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In section 15(1), replace “a District Court” with “the District Court”.

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In section 29(2),—

(a) replace “section 109 of the District Courts Act 1947” with “**section 392 of the Judicature Modernisation Act 2013**”; and

(b) replace “in a District Court” with “in the District Court”.

In Schedule 1, replace the item relating to the District Courts Act 1947 with:

20

Part 2 of the Judicature Modernisation Act 2013 (2013 No 00)

Cultural Property (Protection in Armed Conflict) Act 2012 (2012 No 118)

In section 14, definition of **Registrar**, paragraph (a), replace “a District Court” with “the District Court”.

Customs and Excise Act 1996 (1996 No 27)

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In section 110(4), replace “Section 109 of the District Courts Act 1947” with “**Section 392 of the Judicature Modernisation Act 2013**”.

In section 259, replace “a District Court” with “the District Court”.

Defamation Act 1992 (1992 No 105)

In section 2(1), definition of **Judge**, paragraph (b), replace “a District Court” with “the District Court”.

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In section 48(1), replace “a District Court” with “the District Court”.

In section 48(4), replace “a District Court” with “the District Court”.

In Schedule 1, Part 1, item 5(b), replace “a District Court” with “the District Court”.

Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64)

In section 7(4), replace “a District Court” with “the District Court”.

Disputes Tribunals Act 1988 (1988 No 110)

~~In section 1(1), replace “Tribunals” with “Tribunal”.~~ 5

In section 2, replace “a Tribunal” with “the Tribunal” in each place.

In section 2, definition of **Registrar**, replace “the Registrar of the District Court of which the Tribunal is a division pursuant to section 4(4)” with “a Registrar of the District Court”.

In section 2, definition of **Tribunal**, replace “a Disputes Tribunal established” with “the Disputes Tribunal established as a division of the District Court” . 10

In the Part 1 heading, replace “**Tribunals**” with “**Tribunal**”.

Replace section 4 with:

4 Disputes Tribunal is division of District Court

(1) The District Court has a division known as the Disputes Tribunal. 15

(2) Each Disputes Tribunal that is in existence immediately before this section comes into force ceases to be a division of the District Court and is constituted an office of the Tribunal.

4A Offices of Tribunal

~~The Minister of the Crown who is responsible for the Ministry of Justice may~~ 20
from time to time, by notice in the *Gazette*,—

- (a) establish such offices of the Tribunal as that Minister thinks fit; and
- (b) disestablish an office of the Tribunal and direct how the records of that office must be dealt with.

In section 5(1), replace “a Tribunal” with “the Tribunal”. 25

Replace section 6(1) with:

(1) Subject to any directions given under subsection (2), a Registrar must determine the days, times, and places of the regular sessions of the Tribunal.

In section 6C(1)(c), replace “Tribunals” with “Tribunal”.

In section 8(2)(a), delete “of a District Court”. 30

In the heading to Part 2 heading, replace “**Tribunals**” with “**Tribunal**”.

In the heading to section 10, replace “**Tribunals**” with “**Tribunal**”.

In section 10(1), replace “a Tribunal” with “the Tribunal”.

In section 10(1A), replace “A Tribunal” with “The Tribunal”.

In section 10(2), replace “A Tribunal” with “The Tribunal”. 35

In section 10(3), replace “a Tribunal” with “the Tribunal”.

Disputes Tribunals Act 1988 (1988 No 110)—continued

In section 11(1)(b)(i), replace “a Tribunal” with “the Tribunal”.

In section 11(1)(c), replace “a Tribunal” with “the Tribunal”.

In section 11(2), replace “a Tribunal” with “the Tribunal”.

In section 11(5), replace “a Tribunal” with “the Tribunal”.

In section 11(7), replace “a Tribunal” with “the Tribunal”. 5

In section 11(9), replace “A Tribunal” with “The Tribunal”.

In section 12(1), replace “a Tribunal” with “the Tribunal” in each place.

In section 12(3), replace “a Tribunal” with “the Tribunal” in each place.

In section 13(1), replace “a Tribunal” with “the Tribunal” in each place.

In section 13(2), replace “a Tribunal” with “the Tribunal”. 10

In section 14, replace “a Tribunal” with “the Tribunal”.

In section 15, replace “a Tribunal” with “the Tribunal”.

In section 16(1)(a), replace “a Tribunal” with “the Tribunal”.

In section 16(2), replace “a Tribunal” with “the Tribunal”.

In section 16(4), replace “a Tribunal” with “the Tribunal”. 15

In section 17(1), replace “a Tribunal” with “the Tribunal” in each place.

In section 17(2), replace “a Tribunal” with “the Tribunal” in each place.

In section 18(4), replace “a Tribunal” with “the Tribunal”.

In section 18(4A), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”. 20

In section 18(7), replace “a Tribunal” with “the Tribunal”.

In section 19(1), replace “A Tribunal” with “The Tribunal”.

In section 19(1A), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 19(1C), replace “section 84I(3) of the District Courts Act 1947” with “**section 339(3) of the Judicature Modernisation Act 2013**”. 25

In section 19(1D), replace “any District Court and, if so filed, sections 79(5C) and 84F to 84N of the District Courts Act 1947” with “the District Court and, if so filed, **sections 321(2) and 336 to 344 of the Judicature Modernisation Act 2013**”. 30

In section 19(1E), replace “section 84F of the District Courts Act 1947” with “**section 336 of the Judicature Modernisation Act 2013**”.

In section 19(2), replace “a Tribunal” with “the Tribunal”.

In section 19(3), replace “a Tribunal” with “the Tribunal”.

In section 19(4), replace “a Tribunal” with “the Tribunal”. 35

Disputes Tribunals Act 1988 (1988 No 110)—continued

- In section 19(6), replace “a Tribunal” with “the Tribunal”.
- In section 19(7), replace “a Tribunal” with “the Tribunal”.
- In section 19(8), replace “a Tribunal” with “the Tribunal”.
- In section 20(1), replace “a Tribunal” with “the Tribunal”.
- In section 20(3), replace “a Tribunal” with “the Tribunal”. 5
- In section 21(1), replace “A Tribunal” with “The Tribunal”.
- In section 21(2), replace “A Tribunal” with “The Tribunal”.
- In section 21(3), replace “a Tribunal” with “the Tribunal”.
- In section 21(5), replace “a Tribunal” with “the Tribunal”.
- In section 22(1), replace “A Tribunal” with “The Tribunal”. 10
- In section 23, replace “a Tribunal” with “the Tribunal” in each place.
- In the Part 3 heading, replace “**Tribunals**” with “**Tribunal**”.
- In section 24(1), after “appropriate”, insert “office of the”.
- In section 24(2), after “appropriate”, insert “office of the”.
- Replace section 24(3) and (4) with: 15
- (3) Where a claim is lodged with an office of the Tribunal, or transferred to that office under section 37, and the Tribunal is satisfied that the claim can be more conveniently or fairly heard in some other office of the Tribunal, the Tribunal may order that the proceedings be transferred to that other office.
- (4) Where a claim is lodged with an office of the Tribunal, or transferred to that office under section 37, the Registrar may, on the application of any party, if all the parties to the claim consent, order that the proceedings be transferred to another office of the Tribunal. 20
- In section 25(2), replace “a Tribunal” with “the Tribunal”.
- In section 26(2), replace “A Tribunal” with “The Tribunal”. 25
- In section 27(1), replace “a Tribunal” with “the Tribunal”.
- In section 27(2), replace “a Tribunal” with “the Tribunal”.
- In section 27(4), replace “a Tribunal” with “the Tribunal”.
- In section 27(5), ~~definition of proceedings in a Tribunal~~, replace “a Tribunal” with “**the Tribunal**”. 30
- In section 27(5)(a), replace “a Tribunal” with “the Tribunal” in each place.
- In section 28(2), replace “a Tribunal” with “the Tribunal” in each place.
- In section 28(3), replace “a Tribunal” with “the Tribunal”.
- In section 28(4), replace “a Tribunal” with “the Tribunal”.
- In section 28(5)(a), replace “a Tribunal” with “the Tribunal”. 35

Disputes Tribunals Act 1988 (1988 No 110)—continued

- In section 29(1), replace “a Tribunal” with “the Tribunal” in each place.
- In section 29(3), replace “a Tribunal” with “the Tribunal”.
- In section 30(1), replace “a Tribunal” with “the Tribunal”.
- In section 31, replace “a Tribunal” with “the Tribunal”.
- In section 32, replace “a Tribunal” with “the Tribunal”. 5
- In section 33(1), replace “a Tribunal” with “the Tribunal”.
- In section 33(2), replace “a Tribunal” with “the Tribunal”.
- In section 34(1), replace “a Tribunal” with “the Tribunal”.
- In section 34(1)(e), replace “a District Court” with “the District Court”.
- In section 35(1), replace “a Tribunal” with “the Tribunal” in each place. 10
- In section 35(5), replace “a Tribunal” with “the Tribunal”.
- In section 35(6), replace “a Tribunal” with “the Tribunal”.
- In section 36(1), replace “a Tribunal” with “the Tribunal”.
- In section 36(1), replace “a District Court” with “the District Court”.
- In section 36(2), replace “a Tribunal” with “an office of the Tribunal”. 15
- In section 36(2), replace “a District Court” with “the District Court” in each place.
- Replace section 36(3) with:
- (3) The Tribunal may order that proceedings commenced in, or transferred to, the Tribunal may be transferred to a Motor Vehicle Disputes Tribunal specified by it if the proceedings— 20
- (a) are within the jurisdiction of a Motor Vehicle Disputes Tribunal constituted under section 82 of the Motor Vehicles Sales Act 2003; and
- (b) would, in the opinion of the Tribunal, more properly be determined by a Motor Vehicle Disputes Tribunal. 25
- In section 36(4), replace “a Tribunal” with “the Tribunal”. 25
- In section 37(1), replace “a Tribunal” with “the Tribunal” in each place.
- In section 37(1), replace “in a District Court” with “in the District Court”.
- In section 37(2), replace “a Tribunal” with “the Tribunal” in each place.
- In section 37(3), replace “A Tribunal” with “The Tribunal”.
- In section 38(4), replace “a Tribunal’s” with “the Tribunal’s”. 30
- In section 38(5), replace “A Tribunal” with “The Tribunal”.
- In section 38(6), replace “a Tribunal” with “the Tribunal”.
- In section 38(7), replace “A Tribunal” with “The Tribunal”.
- In section 38(8), replace “a Tribunal” with “the Tribunal”.

Disputes Tribunals Act 1988 (1988 No 110)—*continued*

- In section 39(1), replace “a Tribunal” with “the Tribunal”.
- In section 39(2), replace “a Tribunal” with “the Tribunal”.
- In section 39(3), replace “a Tribunal” with “the Tribunal”.
- In section 39(3), replace “Tribunals” with “the Tribunal”.
- In section 40(1), replace “a Tribunal” with “the Tribunal”. 5
- In section 40(2), replace “A Tribunal” with “The Tribunal”.
- In section 40(4), replace “A Tribunal” with “The Tribunal”.
- In section 41(1), replace “A Tribunal” with “The Tribunal”.
- In section 41(2), replace “a Tribunal” with “the Tribunal”.
- In section 43(1), replace “a Tribunal” with “the Tribunal”. 10
- In section 43(3)(a), replace “a Tribunal” with “the Tribunal”.
- Replace section 43(4)(a) with:
- (a) any proceedings within the jurisdiction of the Tribunal have been commenced in the District Court; and
- In section 43(4)(b), replace “a Tribunal” with “the Tribunal”. 15
- In section 43(4)(c), replace “a Tribunal” with “the Tribunal” in each place.
- In section 43(4)(e), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.
- In section 44, replace “a Tribunal” with “the Tribunal”.
- Replace section 45(1) with: 20
- (1) Every order made by the Tribunal requiring a party to pay money or deliver specific property to another party is taken to be an order of the District Court and, subject to this section, may be enforced accordingly.
- In section 45(2), replace “a District Court” with “the District Court”.
- Replace section 47(1) with: 25
- (1) Where a term of an agreed settlement approved by the Tribunal under section 18(3) provides for a party to pay money or deliver specific property to another party, that term is taken to be an order of the District Court and, subject to this section, may be enforced accordingly.
- In section 47(2)(a), replace “a Tribunal” with “the Tribunal”. 30
- In section 48, replace “section 113 of the District Courts Act 1947” with “**section 402 of the Judicature Modernisation Act 2013**”.
- In section 49(1), replace “a Tribunal” with “the Tribunal”.
- In section 49(2)(c), replace “a Tribunal” with “the Tribunal”.
- In section 50(1), replace “a Tribunal may appeal to a District Court” with “the Tribunal may appeal to the District Court”. 35

Disputes Tribunals Act 1988 (1988 No 110)—*continued*

In section 50(3), delete “of which the Tribunal is a division,”.

In section 51(2), replace “a Tribunal” with “the Tribunal”.

In section 52, replace “section 57 of the District Courts Act 1947” with “**section 289 of the Judicature Modernisation Act 2013**”.

In section 53(1)(b), replace “a District Court” with “the District Court”. 5

In section 54, replace “a Tribunal” with “the Tribunal” in each place.

In section 55, replace “a Tribunal” with “the Tribunal” in each place.

In section 55, replace “a District Court” with “the District Court”.

In section 56(1)(a), replace “a Tribunal” with “the Tribunal” in each place.

In section 56(1)(b), replace “a Tribunal” with “the Tribunal”. 10

In section 56(1)(c), replace “a Tribunal” with “the Tribunal”.

In section 56(1)(d), replace “a Tribunal” with “the Tribunal”.

In section 56(2), replace “a Tribunal” with “the Tribunal”.

In section 57, replace “Tribunals” with “the Tribunal”.

In section 58(2), replace “a Tribunal” with “the Tribunal”. 15

In section 58(3)(a), replace “a Tribunal” with “the Tribunal”.

In section 60(1)(a), replace “Tribunals” with “the Tribunal”.

In section 60(2)(b), replace “Tribunals” with “the Tribunal”.

In section 60(2)(c), replace “Tribunals” with “the Tribunal”.

In section 60(2)(e), replace “Tribunals” with “the Tribunal”. 20

In section 60(2)(ga), replace “Tribunals” with “the Tribunal”.

Replace section 60(2)(k) with:

- (k) the transfer of proceedings—
 - (i) from the District Court or the High Court to the Tribunal:
 - (ii) from the Tribunal to the District Court or a Motor Vehicle Disputes Tribunal referred to in section 36(3): 25
 - (iii) from one office of the Tribunal to another:

Replace section 60(2)(l) with:

- (l) the removal of orders of, or agreed settlements approved by, the Tribunal into the District Court for enforcement: 30

In section 60(2)(m), replace “Tribunals” with “the Tribunal”.

In the heading to section 83 ~~heading~~, replace “**Disputes Tribunals**” with “**Disputes Tribunal**”.

In section 83, replace “a Disputes Tribunal” with “the Disputes Tribunal” in each place. 35

Disputes Tribunals Act 1988 (1988 No 110)—continued

In the Schedule 1 heading, replace “Tribunals” with “Tribunal”.

In Schedule 1, in the Part 1 heading, replace “Tribunals” with “Tribunal”.

In Schedule 1, in the Part 2 heading, replace “Tribunals” with “Tribunal”.

~~Disputes Tribunals Amendment Act 2011 (2011 No 37)~~

~~In section 4, new section 18(4A) of the principal Act, replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.~~ 5

~~In section 5, new section 19(1A) of the principal Act, replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.~~

~~In section 5, new section 19(1C) of the principal Act, replace “section 84I(3) of the District Courts Act 1947” with “**section 339(3) of the Judicature Modernisation Act 2013**”.~~ 10

~~In section 5, new section 19(1D) of the principal Act, replace “any District Court and, if so filed, sections 79(5C) and 84F to 84N of the District Courts Act 1947” with “the District Court and, if so filed, **sections 321(2) and 336 to 344 of the Judicature Modernisation Act 2013**”.~~ 15

~~In section 5, new section 19(1E) of the principal Act, replace “section 84F of the District Courts Act 1947” with “**section 336 of the Judicature Modernisation Act 2013**”.~~

Dog Control Act 1996 (1996 No 13)

In section 27(1), replace “a District Court” with “the District Court”. 20

In section 28(4), replace “a District Court” with “the District Court”.

In section 61(1), replace “a District Court” with “the District Court”.

In section 64(1), replace “a District Court” with “the District Court”.

In section 70(4), replace “a District Court” with “the District Court”.

In section 71(6), replace “a District Court” with “the District Court”. 25

Domestic Actions Act 1975 (1975 No 53)

In section 8(7), replace “a District Court” with “the District Court” in each place.

In section 9(1), replace “a Family Court” with “the Family Court” in each place.

In section 9(2), replace “a Family Court” with “the Family Court” in each place.

Replace section 9A(b) with: 30

(b) in the case of the Family Court, under section 16A of the Family Court Act 1980.

Domestic Violence Act 1995 (1995 No 86)

In section 2, definition of **court**, replace “a Family Court or a” with “the Family Court or the”. 35

Domestic Violence Act 1995 (1995 No 86)—*continued*

In section 54(2), replace “section 31(1)(d) of the District Courts Act 1947” with “**section 261(2)(c) of the Judicature Modernisation Act 2013**”.

In section 81(2A)(a), replace “Family Courts” with “Family Court”.

Replace section 91(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act. 5

In section 91(3), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 124A, definition of **District Court**, replace “a District Court” with “the District Court”. 10

In section 124A, definition of **Registrar**, replace “a District Court” with “the District Court”.

In section 124L(3), replace “a District Court” with “the District Court”.

In section 124L(4), replace “a District Court” with “the District Court”. 15

In section 124M(1), replace “a District Court within” with “the District Court within”.

In section 124M(1)(b), replace “a District Court” with “the District Court”.

In section 124M(3), replace “a District Court or” with “the District Court or a”.

In section 124N(1), replace “If a District Court” with “If the District Court”.

In section 124N(2), replace “If a District Court” with “If the District Court”. 20

In section 124O(2), replace “A District Court or” with “The District Court or a”.

In section 124O(6), replace “a District Court” with “the District Court”.

In section 124P(1), replace “a District Court” with “the District Court”.

In section 125, replace “Family Courts Act 1980” with “Family Court Act 1980”.

Replace section 125(a) with: 25

- (a) in the Family Court:

In section 126(1), replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 126(1)(a), replace “District Courts” with “the District Court”.

In section 126(1A), replace “Family Courts Act 1980 relating to the practice and procedure of Family Courts” with “Family Court Act 1980 relating to the practice and procedure of the Family Court”. 30

In section 126(2), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 126(2)(i), replace “District Courts” with “the District Court”.

In section 126(2)(i), replace “District Courts, Family Courts,” with “the District Court, the Family Court.” 35

Domestic Violence Act 1995 (1995 No 86)—*continued*

In section 126(2)(j), replace “District Courts Rules 2009” with “District Court Rules **2014**”.

Education Act 1989 (1989 No 80)

In section 409(1), replace “a District Court” with “the District Court”.

In section 409(2), replace “a District Court” with “the District Court”. 5

Electoral Act 1993 (1993 No 87)

In section 95A(2), replace “District Courts Rules 1992” with “District Court Rules 2014”.

In section 95D(1), replace “a District Court” with “the District Court”.

In section 95D(2), replace “a District Court” with “the District Court”. 10

In section 96(3), replace “District Courts Rules 1992” with “District Court Rules 2014”.

In section 97(1), replace “a District Court” with “the District Court”.

In section 205I(1), replace “a District Court” with “the District Court”.

In section 206G(1), replace “a District Court” with “the District Court”. 15

In section 206ZA(1), replace “a District Court” with “the District Court”.

Electricity Act 1992 (1992 No 122)

In section 9(2), replace “the District Court” with “the office of the District Court”.

In section 9(2), replace “any other District Court” with “any other office of the District Court”. 20

In section 10, replace “a District Court” with “the District Court”.

In section 12(1), replace “a District Court” with “the District Court”.

In section 13(3), replace “any District Court” with “the District Court”.

In section 14(1), replace “a District Court ” with “the District Court”.

Replace section 14(1A) with: 25

(1A) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 14(2), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”. 30

In section 27(1), replace “a District Court” with “the District Court”.

In section 28(1), replace “a District Court” with “the District Court”.

In section 28(2), replace “a District Court” with “the District Court”.

In section 31(1), replace “a District Court” with “the District Court”.

Electricity Act 1992 (1992 No 122)—continued

In section 96(2)(b), replace “a District Court” with “the District Court”.

In section 102(2)(b), replace “a District Court” with “the District Court”.

In section 106(3)(b), replace “a District Court” with “the District Court”.

In section 147ZA(1), replace “a District Court” with “the District Court”.

In section 147ZB(b), replace “a District Court” with “the District Court”.

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In section 147ZC(3), replace “a District Court” with “the District Court”.

In section 147ZC(4), replace “a District Court” with “the District Court”.

In section 147ZD(1), replace “A District Court” with “The District Court”.

In section 147ZE, replace “a District Court” with “the District Court”.

In section 147ZF(1), replace “a District Court” with “the District Court”.

10

Electricity Industry Act 2010 (2010 No 116)

In section 97(2), replace “a District Court” with “the District Court”.

In section 97(3), replace “a District Court” with “the District Court”.

In section 97(4), replace “a District Court” with “the District Court”.

In section 98(2), replace “a District Court” with “the District Court”.

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Electronic Transactions Act 2002 (2002 No 35)

In the Schedule, Part 4, replace items (2) to (5) with:

(2) the District Court reconstituted under **section 188 of the Judicature Modernisation Act 2013**:

(3) the Family Court established under the Family Court Act 1980:

20

(4) the Youth Court established under the Children, Young Persons, and Their Families Act 1989:

(5) the Disputes Tribunal established under the Dispute Tribunal Act 1988:

Employment Relations Act 2000 (2000 No 24)

In section 141(1), replace “any District Court” with “the District Court”.

25

In section 162, replace “a District Court” with “the District Court”.

In section 225(4)(b), replace “a District Court” with “the District Court”.

In Schedule 2, clause 7(1), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In Schedule 2, clause 7(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

30

In Schedule 2, clause 7(2), replace “a District Court” with “the District Court”.

In Schedule 2, clause 7(3), replace “a District Court” with “the District Court”.

Employment Relations Act 2000 (2000 No 24)—*continued*

In Schedule 3, clause 8(1), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In Schedule 3, clause 8(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In Schedule 3, clause 8(2), replace “a District Court” with “the District Court”. 5

In Schedule 3, clause 8(3), replace “a District Court” with “the District Court”.

In Schedule 3, clause 13(1), replace “a District Court may make under section 56A or 56B of the District Courts Act 1947” with “the District Court may make under **section 287 or 288** of the **Judicature Modernisation Act 2013**”.

In Schedule 3, clause 13(2), replace “section 56A or section 56B of the District Courts Act 1947” with “**section 287 or 288** of the **Judicature Modernisation Act 2013**”. 10

Employment Relations Amendment Act 2016

In new section 135A, replace “a District Court” with “the District Court”.

In new section 142H, replace “a District Court” with “the District Court”. 15

In new section 142R, replace “a District Court” with “the District Court”.

Energy (Fuels, Levies, and References) Act 1989 (1989 No 140)

In section 37A, replace “a District Court” with “the District Court”.

Engineering Associates Act 1961 (1961 No 70)

In section 23(9), replace “a District Court” with “the District Court”. 20

Evidence Act 2006 (2006 No 69)

In section 4(1), definition of **court**, replace “any” with “the”.

In section 4(1), replace the definition of **District Court** with:

District Court includes—

- (a) the Family Court; and 25
- (b) the Youth Court

In section 110(6)(a), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 110(6)(b), replace “a Youth Court” with “the Youth Court”.

In section 150, definition of **relevant court**, paragraph (a), replace “a District Court” with “the District Court”. 30

In section 158(5), replace “any District Court” with “the District Court”.

In section 168A(3)(a), replace “any” with “the”.

In section 168A(3)(b), replace “that” with “the”.

Evidence Act 2006 (2006 No 69)—*continued*

In section 200(1), replace “the District Courts Act 1947, and the Family Courts Act 1980,” with “**Part 2 of the Judicature Modernisation Act 2013,** and the Family Court Act 1980.”.

Extradition Act 1999 (1999 No 55)

- In section 22(2), replace “a District Court” with “the District Court”. 5
- In section 43(2), replace “A District Court” with “The District Court”.
- In section 68(1), replace “a District Court” with “the District Court”.
- In section 69(1), replace “a District Court” with “the District Court”.
- In section 70(1)(a), replace “a District Court” with “the District Court”.
- In section 70(2)(a), replace “a District Court” with “the District Court”. 10
- In section 70(2), replace “any District Court” with “the District Court”.
- In section 73(4)(a), replace “a District Court” with “the District Court” in each case.
- In section 73(4)(b), replace “a District Court” with “the District Court” in each case.
- In section 79(1), replace “a District Court” with “the District Court”.
- In section 102(1)(e), replace “District Courts” with “the District Court”. 15

Fair Trading Act 1986 (1986 No 121)

- In section 36B(2), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.
- In section 37(a), replace “a District Court” with “the District Court”.
- In section 37(ab), replace “a District Court” with “the District Court”. 20
- Replace section 37(d) with:
- (d) applications for orders under section 46B to enforce an undertaking involving a sum that, in total, exceeds \$350,000 or, if greater, the amount specified in **section 256 of the Judicature Modernisation Act 2013:** 25
- In section 37(e), replace “a District Court” with “the District Court”.
- In section 37(f), replace “a District Court” with “the District Court”.
- In the heading to section 38, replace “**District Courts**” with “**District Court**”.
- In section 38(1), replace “District Courts” with “District Court”.
- Replace section 38(1)(c) with: 30
- (c) applications for orders under section 46B to enforce an undertaking involving a sum that, in total, does not exceed \$350,000 or, if greater, the amount specified in **section 256 of the Judicature Modernisation Act 2013:**

Fair Trading Act 1986 (1986 No 121)—continued

In the heading to section 39, replace “Disputes Tribunals” with “Disputes Tribunal”.

In section 39(1), replace “a Disputes Tribunal established under section 4 of the Disputes Tribunals Act 1988 shall have” with “the Disputes Tribunal established under **section 4** of the Disputes Tribunal Act 1988 has”.

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In section 43(1), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 43A, replace “a Disputes Tribunal” with “the Disputes Tribunal”.

Replace section 43B(1) with:

(1) The District Court must not make an order under section 43 if a value or amount described in subsection (3) exceeds \$350,000 or, if greater, the amount specified in **section 256 of the Judicature Modernisation Act 2013**.

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In section 43B(2), replace “A Disputes Tribunal” with “The Disputes Tribunal”.

In section 43B(2)(b), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

In section 43B(2)(c), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

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In section 46, replace “a District Court” with “the District Court” in each place.

In section 46C(1), replace “A District Court” with “The District Court”.

In section 46D, replace “a District Court” with “the District Court”.

In section 46G(1), replace “a District Court” with “the District Court”.

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In section 46H(1), replace “a District Court” with “the District Court”.

In section 46I(1), replace “a District Court” with “the District Court”.

Family Courts Act 1980 (1980 No 161)

Repeal the Long Title.

In the section 1 heading, delete “Short”.

25

In section 1(1), replace “Courts” with “Court”.

In section 2, replace the definition of **District Courts Rules** with:

District Court Rules means the rules made under **section 411 of the Judicature Modernisation Act 2013**

In section 2, definition of **Family Courts Rules**, replace “Courts” with “Court”.

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Replace section 4 with:

4 Establishment of Family Court

The District Court has a division known as the Family Court.

In section 5(1), replace “Family Courts” with “the Family Court”.

Family Courts Act 1980 (1980 No 161)—*continued*

In section 7(2), replace “pursuant to section 10 of the District Courts Act 1947 and also including any acting District Court Judge appointed pursuant to section 10A of that Act” with “under **section 214 of the Judicature Modernisation Act 2013**”.

In section 8(1), replace “Courts” with “Court”. 5

In section 8(2), replace “Family Courts to perform any function conferred on them” with “the Family Court to perform any function conferred on it”.

In section 8(3), replace “a Family Court, shall for the purposes of the District Courts Act 1947 be” with “the Family Court, is for the purposes of the **Part 2 of the Judicature Modernisation Act 2013**”. 10

In section 9(3), replace “sittings of a Family Court” with “sessions of the Family Court”.

In section 9(3), replace “the sittings” with “the sessions”.

In section 9(4), replace “sittings of a Family Court shall be” with “sessions of the Family Court are”. 15

Replace section 9(6) with:

(6) This section is subject to **section 207 of the Judicature Modernisation Act 2013**.

In section 10(2), replace “a Family Court” with “the Family Court”.

In section 10(3), replace “a Family Court” with “the Family Court”. 20

In the heading to section 11, replace “**Courts**” with “**Court**”.

In section 11(1), replace “A Family Court shall hear and determine all such proceedings as are to be heard and determined by such a court” with “The Family Court must hear and determine all the proceedings that are to be heard and determined by the court”. 25

In section 11(2), replace “on a Family Court” with “on the Family Court”.

In section 11(3), replace “prevent a District Court” with “prevent the District Court”.

In section 11A(1), replace “a Family Court” with “the Family Court”.

In section 11B(1), replace “a Family Court” with “the Family Court”.

In section 11B(3), replace “a Family Court” with “the Family Court”. 30

In section 11D(a), replace “a Family Court” with “the Family Court”.

In section 11D(f), replace “a Family Court” with “the Family Court”.

In the heading to section 12, replace “**Courts**” with “**Court**”.

In section 12, replace “Family Courts Rules are in force, all proceedings in a Family Court (and all proceedings in a District Court” with “Family Court Rules are in force, all proceedings in the Family Court (and all proceedings in the District Court”. 35

Replace section 12A(3) with:

Family Courts Act 1980 (1980 No 161)—continued

- (3) The courts referred to in subsection (1)(b) are as follows:
- (a) the Family Court:
 - (b) the District Court having concurrent jurisdiction with the Family Court:
 - (c) the District Court acting under section 15:
 - (d) the District Court hearing a proceeding under section 151 of the Children, Young Persons, and Their Families Act 1989: 5
 - (e) any other court hearing a proceeding that is—
 - (i) under an Act specified in subsection (2); and
 - (ii) not a criminal proceeding; and
 - (iii) one in which the court receives evidence or further evidence. 10

In section 13, replace “A Family Court” with “The Family Court”.

In section 14, replace “a Family Court” with “the Family Court”.

In the heading to section 15, replace “Courts” with “Court”.

In section 15, replace “a District Court” with “the District Court”.

In section 15(a), replace “a Family Court” with “the Family Court”. 15

In section 15(c)(ii), replace “a Family Court” with “the Family Court”.

Replace section 16 with:

16 Application of Part 2 of Judicature Modernisation Act 2013

- (1) Subject to **subsections (2) to (4), Part 2 of the Judicature Modernisation Act 2013** applies, with any necessary modifications, to the Family Court and Family Court Judges in the same manner and to the same extent as it applies to the District Court and District Court Judges. 20
- (2) Where any of the provisions of this Act conflict with any of the provisions of **Part 2 of the Judicature Modernisation Act 2013**, the provisions of this Act prevail. 25
- (3) Nothing in **sections 207 and 254 of the Judicature Modernisation Act 2013** applies in respect of Family Court Judges or the business of the Family Court.
- (4) Nothing in **sections 307 to 312 of the Judicature Modernisation Act 2013** applies to the Family Court, Family Court Judges, or the business of the Family Court, except to the extent that an enactment other than that Act provides. 30

In the heading to section 16A, replace “Courts” with “Court”.

In section 16A(1), replace “Family Courts” with “the Family Court”.

In section 16A(2)(a), replace “District Courts” with “District Court”. 35

In section 16A(2)(a), replace “a Family Court” with “the Family Court” in each place.

Family Courts Act 1980 (1980 No 161)—*continued*

In section 16A(2)(g), replace “Family Courts, or between a Family Court” with “the Family Court”.

In section 16A(2)(i), replace “Family Courts” with “the Family Court”.

In section 16B(1)(a), replace “a Family Court” with “the Family Court”.

In section 16B(1)(b), replace “Family Courts” with “the Family Court”. 5

In section 16B(1)(d), replace “Family Courts” with “the Family Court”.

Family Proceedings Act 1980 (1980 No 94)

In section 2, replace the definition of **Family Court** with:

Family Court means the division of the District Court known, in accordance with **section 4** of the Family Court Act 1980, as the Family Court 10

In section 2, definition of **Family Court Judge**, replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 4, replace “District Courts, and Family Courts” with “the District Court, and the Family Court”.

In section 21, replace “a Family Court” with “the Family Court”. 15

In section 22, replace “a Family Court” with “the Family Court”.

In section 24(2), replace “a Family Court” with “the Family Court”.

In section 25(1), replace “a Family Court” with “the Family Court”.

In section 28(1), replace “a Family Court” with “the Family Court”.

In section 28(2), replace “a Family Court” with “the Family Court”. 20

In section 30, replace “a Family Court” with “the Family Court”.

In section 31(2), replace “a Family Court” with “the Family Court”.

In section 33, replace “a Family Court” with “the Family Court”.

In section 34, replace “a Family Court” with “the Family Court”.

In section 38(1), replace “a Family Court” with “the Family Court”. 25

In section 45(1), replace “A Family Court” with “The Family Court”.

In section 45(2), replace “A Family Court” with “The Family Court”.

In section 50(1), replace “a Family Court” with “the Family Court”.

In section 68, replace “a Family Court” with “the Family Court”.

In section 69(1), replace “a Family Court” with “the Family Court”. 30

In section 70(1), replace “A Family Court” with “The Family Court”.

In section 71(2), replace “a Family Court” with “the Family Court”.

In section 71(4), replace “a Family Court” with “the Family Court”.

In section 78(1), replace “a Family Court” with “the Family Court”.

Family Proceedings Act 1980 (1980 No 94)—continued

- In section 78(2), replace “a Family Court” with “the Family Court”.
- In section 78(5), replace “a Family Court” with “the Family Court”.
- In section 78(6), replace “a Family Court” with “the Family Court”.
- In section 80, replace “a Family Court” with “the Family Court”.
- In section 82(5), replace “a Family Court” with “the Family Court”. 5
- In section 99(1), replace “a Family Court or a District Court” with “the Family Court or the District Court”.
- In section 136, replace “the office of a District Court” with “the District Court”.
- In section 137, replace “a District Court” with “the District Court”.
- In section 138(2), replace “a District Court” with “the District Court”. 10
- In section 139(2), replace “a District Court” with “the District Court”.
- In section 142(1), replace “a District Court” with “the District Court”.
- In section 142(5), replace “a District Court” with “the District Court”.
- In section 142B(1), replace “A District Court” with “The District Court”.
- In section 145, replace “the District Court” with “the office of the District Court”. 15
- In section 145A, replace “a District Court” with “the District Court”.
- In section 145F, replace “a Family Court” with “the Family Court”.
- In section 145G(1), replace “a Family Court” with “the Family Court”.
- In section 145I(3), replace “a Family Court” with “the Family Court”.
- In section 146(1), replace “a District Court” with “the District Court”. 20
- In section 146(1)(a), replace “of any other District Court which” with “at the office of the court that”.
- In section 147(1), replace “a District Court” with “the District Court”.
- In section 147(2), replace “a District Court” with “the District Court”.
- In section 149(2), replace “the Registrar of a District Court” with “a Registrar of the District Court”. 25
- In section 149(4), replace “the Registrar of a District Court” with “a Registrar of the District Court”.
- In section 149(5), replace “a District Court” with “the District Court”.
- In section 160(1), replace “Family Courts Act 1980” with “Family Court Act 1980”. 30
- In section 162B(1)(a), replace “Family Courts Act 1980” with “Family Court Act 1980”.
- In section 162D(1), replace “a District Court” with “the District Court”.
- In section 162D(2), replace “section 113 or 123 of the District Courts Act 1947 or section 100A of the Judicature Act 1908” with “**section 402 or 413 of the Judi-** 35

Family Proceedings Act 1980 (1980 No 94)—*continued***Judicature Modernisation Act 2013 or section 153 of the Judicature Modernisation Act 2013**.

In section 163(1), replace “A District Court or Family Court” with “The District Court or the Family Court”.

In section 163(2), replace “A District Court or Family Court” with “The District Court or the Family Court”. 5

In section 165(1), replace “a District Court or Family Court” with “the District Court or the Family Court”.

In section 169, replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 169(a), replace “a Family Court” with “the Family Court”. 10

In section 170, replace “a District Court or a Family Court” with “the District Court or the Family Court”.

In section 171(2), replace “a District Court or Family Court” with “the District Court or the Family Court”.

In section 172, replace “a District Court or a Family Court” with “the District Court or the Family Court” in each place. 15

In the heading to section 174 ~~heading~~, replace “**District Courts and Family Courts**” with “**District Court and Family Court**”.

In section 174(1AA), replace “a Family Court or District Court” with “the Family Court or the District Court”. 20

Replace section 174(1B) with:

(1B) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 174(2), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”. 25

In section 174(3), replace “a Family Court” with “the Family Court”.

In section 175(2), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 182(1), replace “a Family Court” with “the Family Court”.

In section 182(2), replace “a Family Court” with “the Family Court”. 30

In section 188(1), replace “District Courts ” with “the District Court”.

In section 188(1A), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 188(1A), replace “of Family Courts” with “of the Family Court”.

In section 188(2), replace “Family Courts Act 1980” with “Family Court Act 1980”.

Family Protection Act 1955 (1955 No 88) 35

In section 3A(1), replace “a Family Court” with “the Family Court”.

Family Protection Act 1955 (1955 No 88)—*continued*

In section 3A(2), replace “A Family Court” with “The Family Court”.

In section 3A(4), replace “a Family Court” with “the Family Court” in each place.

In section 15(1AA), replace “a Family Court or District Court” with “the Family Court or the District Court”.

Replace section 15(1A) with:

(1A) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 15(2), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

Fencing Act 1978 (1978 No 50)

In section 2, replace the definition of **court** with:

court means—

- (a) the District Court under **Part 2 of the Judicature Modernisation Act 2013**;
- (b) the Disputes Tribunal with jurisdiction under section 24A

In the heading to section 23, replace “**District Courts Act 1947**” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 23(1), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In the heading to section 24A, replace “**Tribunals**” with “**Tribunal**”.

In section 24A(1), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 24A(1), replace “Tribunals” with “Tribunal”.

In section 24A(2), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 24A(2), replace “a Tribunal” with “the Tribunal”.

In section 24A(3), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 24A(3), replace “Tribunals” with “Tribunal”.

In section 27, replace “District Courts Rules 1992, or of the Disputes Tribunals Act 1988” with “District Court Rules 2014, or of the Disputes Tribunal Act 1988”.

In Schedule 1, form 2, replace “a District Court” with “the District Court”.

Fencing of Swimming Pools Act 1987 (1987 No 178)

In section 2, definition of **judicial officer**, replace “a District Court” with “the District Court”.

Films, Videos, and Publications Classification Act 1993 (1993 No 94)

In section 115(1), replace “before a District Court” with “before the District Court”.

Films, Videos, and Publications Classification Act 1993 (1993 No 94)—continuedIn section 115(2), replace “before a District Court” with “before the District Court”.**Financial Advisers Act 2008 (2008 No 91)**In section 138(1), replace “a District Court” with “the District Court”.**Financial Reporting Act 2013 (2013 No 101)**In section 36P(1), replace “a District Court” with “the District Court”. 5In section 36P(2), replace “a District Court” with “the District Court”.In section 36P(5), replace “to a District Court” with “to the District Court”.**Financial Service Providers (Registration and Dispute Resolution) Act 2008 (2008 No 97)**In section 49F(2), replace “a District Court” with “the District Court”. 10In section 49F(3), replace “a District Court” with “the District Court”.In section 49F(4), replace “a District Court” with “the District Court”.In section 49G(2), replace “a District Court” with “the District Court”.**Fisheries Act 1996 (1996 No 88)**In section 2(1), definition of **court**, replace “a District Court” with “the District Court”. 15In section 78(5), replace “a District Court” with “the District Court”.In section 78B(1), replace “a District Court” with “the District Court”.In section 79(4), replace “a District Court” with “the District Court”.In section 79B(2), replace “a District Court” with “the District Court”. 20In section 80(6), replace “a District Court” with “the District Court”.In section 80(6)(a), replace “Part 6 of the District Court Rules 1992” with “subpart 2 of Part 20 of the District Court Rules 2014”.In section 106B(3), replace “a District Court” with “the District Court”.In section 186X, replace “A District Court” with “The District Court”. 25In section 186Z(1), replace “a District Court” with “the District Court”.In section 296J(b), replace “a District Court” with “the District Court”.In section 296J(c)(i), replace “a District Court” with “the District Court”.In section 296J(c)(ii), replace “a District Court” with “the District Court”.In section 296K(1), replace “a District Court” with “the District Court”. 30In section 296L(1)(a), replace “a District Court” with “the District Court”.In section 296L(1)(b), replace “a District Court” with “the District Court”.In section 296V(2), replace “a District Court” with “the District Court”.

Food Act 1981 (1981 No 45)

In section 16(1), replace “a District Court” with “the District Court”.

In section 16(8), replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Food Act 2014 (2014 No 32)

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In section 219(2)(b), replace “a District Court” with “the District Court”.

In section 317(2), replace “a District Court” with “the District Court”.

In section 317(3)(f), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 318(1), replace “a District Court” with “the District Court”.

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In section 330(1)(a), replace “a District Court” with “the District Court”.

In section 331(1), replace “a District Court” with “the District Court”.

In section 331(2)(b), replace “the District Courts Rules 2009” with “the District Court Rules 2014”.

In section 335(1), replace “A District Court” with “The District Court”.

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In section 337(1), replace “a District Court” with “the District Court”.

In section 337(3), replace “a District Court” with “the District Court”.

In section 339(1), replace “a District Court” with “the District Court”.

In section 339(3), replace “sections 74 to 78 of the District Courts Act 1947” with “**sections 308 to 312 of the Judicature Modernisation Act 2013**”.

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In section 339(3)(a), replace “section 72 of the District Courts Act 1947” with “**section 306 of the Judicature Modernisation Act 2013**”.

In section 342(1)(a), replace “District Courts” with “the District Court”.

In section 342(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

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In section 360(2), replace “a District Court” with “the District Court”.

In section 362(1), replace “a District Court” with “the District Court”.

In section 362(3)(a), replace “a District Court” with “the District Court”.

Replace section 363(1) with:

- (1) An appeal under section 362 must, subject to that section, be made and determined in accordance with **Part 2 of the Judicature Modernisation Act 2013** and the District Court Rules 2014.

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Replace section 364(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

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Forest and Rural Fires Act 1977 (1977 No 52)

In section 65(1), replace “to a District Court” with “to the District Court”.

Freedom Camping Act 2011 (2011 No 61)

In section 24(2), replace “a District Court” with “the District Court”.

In section 30(6)(b), replace “a District Court” with “the District Court”.

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In section 39(3), replace “a District Court” with “the District Court”.

In Schedule 2, form 3, paragraph 4, replace “a District Court” with “the District Court”.

Friendly Societies and Credit Unions Act 1982 (1982 No 118)

Replace section 78(3) with:

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(3) Where the rules of a registered society or branch direct that disputes must be referred to Justices, or to a District Court Judge, or to the District Court, the dispute must be determined by way of action in the District Court, and the decision of that court is final.

In section 81(3), replace “a Disputes Tribunal established under the Disputes Tribunals Act 1988” with “the Disputes Tribunal established under the Disputes Tribunal Act 1988”.

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In section 93(4), replace “a Disputes Tribunal established under the Disputes Tribunals Act 1988” with “the Disputes Tribunal established under the Disputes Tribunal Act 1988”.

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Gambling Act 2003 (2003 No 51)

In section 112(2)(a), replace “200,000” with “350,000”.

In section 112(2)(b), replace “200,000” with “350,000”.

Gas Act 1992 (1992 No 124)

In section 10(2), replace “the District Court” with “the office of the District Court”.

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In section 10(2), replace “any other District Court” with “any other office of the District Court”.

In section 11, replace “a District Court” with “the District Court”.

In section 13(1), replace “a District Court” with “the District Court”.

In section 14(3), replace “any District Court” with “the District Court”.

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Replace section 15(1A) with:

(1A) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 15(2), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

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Gas Act 1992 (1992 No 124)—continued

In section 28(1), replace “a District Court” with “the District Court”.

In section 29(1), replace “a District Court” with “the District Court”.

In section 29(2), replace “a District Court” with “the District Court”.

In section 32(1), replace “a District Court” with “the District Court”.

In section 43EB(3), replace “a District Court” with “the District Court”. 5

In section 43EB(4), replace “a District Court” with “the District Court”.

In section 43EC(2), replace “a District Court” with “the District Court”.

Government Roading Powers Act 1989 (1989 No 75)

In section 48(6), replace “the District Court” with “the office of the District Court”.

In section 50(3), replace “a District Court” with “the District Court”. 10

In section 54(5), replace “a District Court” with “the District Court”.

In section 54(6), replace “a District Court” with “the District Court”.

In section 54(7), replace “a District Court” with “the District Court”.

In section 54(8), replace “a District Court” with “the District Court”.

In section 55(3), replace “the District Court” with “the office of the District Court”. 15

In section 61(8), replace “the District Court” with “the office of the District Court”.

In section 74(3), replace “the District Court” with “the office of the District Court”.

In section 76(4), replace “nearest District Court” with “nearest office of the District Court”.

In section 77(3), replace “the District Court” with “the office of the District Court”. 20

In section 109(2), replace “a District Court” with “the District Court”.

Government Superannuation Fund Act 1956 (1956 No 47)

In section 72, definition of **Judge**, paragraph (e), replace “section 5A of the District Courts Act 1947” with “**section 207 of the Judicature Modernisation Act 2013**”. 25

In section 72, definition of **Judge**, paragraph (f), replace “section 5 of the District Courts Act 1947” with “**section 192 of the Judicature Modernisation Act 2013**”.

In section 72, definition of **temporary Judge**, paragraph (e), replace “section 10 or section 10A of the District Courts Act 1947” with “**section 214 of the Judicature Modernisation Act 2013**”. 30

In section 81A, definition of **Judge**, paragraph (e), replace “section 5 or section 5A of the District Courts Act 1947” with “**section 192 or 207 of the Judicature Modernisation Act 2013**”.

Government Superannuation Fund Act 1956 (1956 No 47)—*continued*

In section 81A, definition of **temporary Judge**, paragraph (e), replace “section 10 of the District Courts Act 1947” with “**section 214 of the Judicature Modernisation Act 2013**”.

Governor-General Act 2010 (2010 No 122)

Replace section 17(2) with:

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- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

Greytown District Trust Lands Act 1979 (1979 No 4 (L))

In section 11(4), replace “a District Court” with “the District Court”.

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In section 11(5), replace “a District Court” with “the District Court”.

Habeas Corpus Act 2001 (2001 No 31)

In section 13(1), replace “a Family Court” with “the Family Court”.

In section 13(2), replace “a Family Court” with “the Family Court”.

Harassment Act 1997 (1997 No 92)

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In section 2(1), definition of **court**, replace “a District Court;” with “the District Court”.

In section 34(1AA), replace “a Family Court or” with “the Family Court or the”.

Replace section 34(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

20

In section 34(3), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 42(1), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

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In section 42(1)(a), replace “District Courts” with “the District Court”.

In section 42(2)(g), replace “District Courts, Family Courts” with “the District Court, the Family Court”.

In section 42(2)(h), replace “District Courts Rules 2009” with “District Court Rules 2014”.

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In section 42(3), replace “District Courts Rules 2009” with “District Court Rules 2014”.

Harmful Digital Communications Act 2015 (2015 No 63)

In section 4, definition of **application**, replace “a District Court” with “the District Court”.

In section 11(1), replace “a District Court” with “the District Court”.

In section 12(2), replace “a District Court” with “the District Court”. 5

In section 13(1), replace “a District Court” with “the District Court”.

In section 14(1), replace “A District Court” with “The District Court”.

In section 15(1)(a), replace “a District Court” with “the District Court”.

In section 17(1), replace “A District Court” with “The District Court”.

In section 17(1), replace “section 72 of the District Courts Act 1947” with “**section 306 of the Judicature Modernisation Act 2013**”. 10

In section 18(1), replace “A District Court” with “The District Court”.

In section 27(1), replace “section 122(1) of the District Courts Act 1947” with “**section 411 of the Judicature Modernisation Act 2013**”.

Health Act 1956 (1956 No 65) 15

In section 33(1), replace “a District Court presided” with “the District Court presided”.

In section 43(1), replace “a District Court” with “the District Court”.

In section 43(4), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”. 20

In section 45(2), replace “a District Court” with “the District Court”.

In section 71(2), replace “a District Court” with “the District Court”.

In section 87(6), replace “a District Court” with “the District Court”.

In section 126(1), replace “a District Court” with “the District Court”.

In section 132(a), replace “a District Court” with “the District Court”. 25

Health and Disability Commissioner Act 1994 (1994 No 88)

Replace section 55(1)(b)(i) with:

(i) the District Court; or

Health and Disability Services (Safety) Act 2001 (2001 No 93)

In section 48(2)(c), replace “a District Court” with “the District Court”. 30

In section 49(2)(d), replace “a District Court” with “the District Court”.

In section 51(1), replace “a District Court” with “the District Court”.

In section 51(2), replace “a District Court” with “the District Court”.

In section 51(3), replace “a District Court” with “the District Court”.

Health and Safety at Work Act 2015 (2015 No 70)

In section 95(1), replace “a District Court” with “the District Court”.

In section 97(2), replace “a District Court” with “the District Court”.

In section 122(1), replace “a District Court” with “the District Court”.

In section 127(1), replace “a District Court” with “the District Court”.

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In section 135(1), replace “a District Court” with “the District Court”.

In Schedule 2, clause 18(1), replace “a District Court” with “the District Court”.

In Schedule 2, clause 19(4), replace “a District Court” with “the District Court”.

Health Practitioners Competence Assurance Act 2003 (2003 No 48)

In section 4(5), replace “a District Court” with “the District Court”.

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In section 106(1), replace “a District Court” with “the District Court”.

In section 113(2)(a), replace “a District Court” with “the District Court”.

In Schedule 1, clause 11(2), replace “a District Court” with “the District Court”.

Holidays Amendment Act 2016 (2016 No 10)

In new section 76B, replace “a District Court” with “the District Court”.

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Hotel Association of New Zealand Act 1969 (1969 No 139)

In section 13(1), replace “a District Court” with “the District Court”.

In section 13(2), replace “A District Court” with “The District Court”.

In section 16(1), replace “a District Court” with “the District Court”.

Housing Restructuring and Tenancy Matters Act 1992 (1992 No 76)

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In section 63(1)(a)(iii), replace “a District Court, and providing that the District Courts Act 1947” with “the District Court, and providing that **Part 2 of the Judicature Modernisation Act 2013**”.

In section 135, replace “a District Court” with “the District Court”.

In section 136(1)(a)(iii), replace “a District Court” with “the District Court”.

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In section 136(1)(a)(iii), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 186, replace “a District Court” with “the District Court”.

In section 187(1)(b), replace “a District Court” with “the District Court”.

In section 187(1)(b), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

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Human Assisted Reproductive Technology Act 2004 (2004 No 92)

In section 65(4), replace “Family Courts Act 1980 relating to the practice and procedure of Family Courts” with “Family Court Act 1980 relating to the practice and procedure of the Family Court”.

Human Rights Act 1993 (1993 No 82)

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In section 92G(1)(b)(i), replace “a District Court” with “the District Court”.

In section 92H(1)(b)(i), replace “a District Court” with “the District Court”.

In section 92Q(2), replace “sections 29 to 34 of the District Courts Act 1947, be beyond the jurisdiction of a” with “**sections 256 to 261 of the Judicature Modernisation Act 2013**, be beyond the jurisdiction of the”.

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In section 92V(1), replace “section 29(1) of the District Courts Act 1947” with “**section 256(1) of the Judicature Modernisation Act 2013**”.

In section 112, replace “a District Court” with “the District Court”.

In section 114(2), replace “any District Court” with “the District Court”.

Human Tissue Act 2008 (2008 No 28)

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In section 6, definition of **Registrar**, replace “a District Court” with “the District Court”.

Hutt Valley Drainage Act 1967 (1967 No 3 (L))

In section 12(1), replace “any District Court” with “any office of the District Court”.

In section 45(3), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

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In the heading to section 62, replace “**District Courts**” with “**District Court**”.

In section 62, replace “any District Court” with “the District Court”.

In section 84(10)(a), replace “a District Court” with “the District Court”.

Immigration Advisers Licensing Act 2007 (2007 No 15)

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In section 81(1), replace “a District Court” with “the District Court”.

In section 81(2)(b), replace “a District Court” with “the District Court”.

In section 82(1), replace “a District Court” with “the District Court”.

In section 82(3), replace “a District Court” with “the District Court”.

In section 84(1), replace “a District Court” with “the District Court”.

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Impounding Act 1955 (1955 No 108)

In section 17, replace “a District Court” with “the District Court”.

In section 29, replace “a District Court” with “the District Court” in each place.

In section 30(1), replace “a District Court” with “the District Court”.

Impounding Act 1955 (1955 No 108)—continued

In section 55(1), replace “a District Court of civil jurisdiction” with “the District Court in its civil jurisdiction”.

In section 55(4), replace “a District Court” with “the District Court”.

Imprisonment for Debt Limitation Act 1908 (1908 No 80)

In section 3(2)(b), replace “a District Court under the Summary Proceedings Act 1957, or otherwise than under the District Courts Act 1947” with “the District Court under the Summary Proceedings Act 1957, or otherwise than under **Part 2 of the Judicature Modernisation Act 2013**”. 5

Independent Police Conduct Authority Act 1988 (1988 No 2)

In section 14(3), replace “the Registrar or Deputy Registrar of any District Court” with “a Registrar or Deputy Registrar of the District Court”. 10

Industrial and Provident Societies Act 1908 (1908 No 81)

In section 12, replace “a District Court” with “the District Court”.

In section 12(c), replace “a District Court” with “the District Court”.

In section 12(d), replace “a District Court” with “the District Court”. 15

In section 18(1), replace “a District Court” with “the District Court”.

In section 18(2), replace “Every District Court” with “The District Court”.

In section 18(3), replace “a District Court” with “the District Court”.

Industry Training and Apprenticeships Act 1992 (1992 No 55)

In section 50(1), replace “a District Court” with “the District Court”. 20

In section 50(3), replace “a District Court” with “the District Court”.

Inferior Courts Procedure Act 1909 (1909 No 13)

Replace section 2(a) and (b) with:

(a) the District Court:

(b) the Disputes Tribunal constituted under the Disputes Tribunal Act 1988: 25

In section 2(c), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 12(1A), replace “a District Court presided” with “the District Court presided”.

Insolvency Act 2006 (2006 No 55)

In section 35(b), replace “rule 638 of the District Courts Rules 1992” with “rule 19.78 of the District Court Rules 2014”. 30

In section 35(c), replace “rule 639(2)(c) of the District Courts Rules 1992” with “rule 19.79(3)(c) of the District Court Rules 2014”.

Insolvency Act 2006 (2006 No 55)—*continued*

In section 152(2), replace “a District Court” with “the District Court”.

In section 241(1), replace “200,000” with “350,000”.

In section 241(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 241(3), replace “200,000” with “350,000”.

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In section 352(3), replace “a District Court” with “the District Court”.

In section 359(2), replace “a District Court” with “the District Court”.

Insurance (Prudential Supervision) Act 2010 (2010 No 111)

In section 222(1), replace “A District Court” with “The District Court”.

In section 222(3), replace “a District Court” with “the District Court”.

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In section 224(1), replace “a District Court” with “the District Court”.

Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (2003 No 116)

In section 35(1)(c), replace “a Family Court” with “the Family Court”.

In section 116(1), replace “a Family Court” with “the Family Court”.

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In section 119(1), replace “a Family Court” with “the Family Court”.

In section 130, replace “Courts” with “Court”.

In section 130(a), replace “a Family Court” with “the Family Court”.

In the heading to section 133, replace “Courts” with “Court”.

In section 133(1), replace “a Family Court” with “the Family Court”.

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Replace section 133(2) with:

- (2) The High Court Rules and **sections 308 to 310 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 133(3), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

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In section 149, replace “Family Courts Act 1980 regulating the practice and procedure of Family Courts” with “Family Court Act 1980 regulating the practice and procedure of the Family Court”.

International Crimes and International Criminal Court Act 2000 (2000 No 26)

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In section 39(1), replace “a District Court” with “the District Court”.

In section 41(1)(a), replace “a District Court” with “the District Court”.

In section 41(2), replace “a District Court” with “the District Court”.

In section 43(1), replace “a District Court” with “the District Court”.

International Crimes and International Criminal Court Act 2000 (2000 No 26)—
continued

- In section 67(1), replace “a District Court” with “the District Court”.
- In section 68(1), replace “a District Court” with “the District Court”.
- In section 69(1), replace “A District Court” with “The District Court”.
- In section 69(2), replace “Any District Court” with “The District Court”.
- In section 69(2)(b), replace “a District Court” with “the District Court”. 5
- In section 72(4)(a), replace “a District Court” with “the District Court” in each place.
- In section 137(2)(b), replace “a District Court” with “the District Court”.
- In section 137(5), replace “a District Court” with “the District Court”.

Joint Family Homes Act 1964 (1964 No 45)

- In section 10(3)(b), replace “a District Court” with “the District Court”. 10
- In section 10(3)(c), replace “a District Court” with “the District Court”.
- In section 10(5), replace “a District Court” with “the District Court”.

Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 (2004 No 38)

- In section 5, definition of **District Court Judge**, paragraph (a), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”. 15
- In section 5, definition of **Head of Bench**, paragraph (f), replace “a District Court” with “the District Court”.

Juries Act 1981 (1981 No 23)

- In section 2, definition of **Registrar**, replace “the District Court” with “the office of the District Court”. 20
- In section 4, replace “a District Court” with “the District Court”.
- In section 5(2), replace “a District Court” with “an office of the District Court”.
- In section 8(e), replace “District Courts” with “the District Court”. 25
- In section 8(h)(iv), replace “a District Court” with “the District Court”.

Justices of the Peace Act 1957 (1957 No 89)

- In section 4C, replace “a District Court” with “the District Court”.
- In section 5F(a), replace “a District Court” with “the District Court”.
- In section 6(1), replace “~~every~~ the Registrar of every District Court” with “~~the~~ Every Registrar of the District Court”. 30
- In section 7(1), replace “a District Court” with “the District Court”.
- In section 8(1), replace “a District Court” with “the District Court”.

Lakes District Waterways Authority (Shotover River) Empowering Act 1985 (1985 No 2 (L))

In section 5(1), replace “the District Court” with “the office of the District Court”.

In section 5(4), replace “a District Court” with “the District Court”.

Land Act 1948 (1948 No 64) 5

In section 25(1), replace “any District” with “the office of the District”.

Replace section 25(4) with:

(4) **Sections 376 to 379 and 381 of the Judicature Modernisation Act 2013** apply to any proceedings under this section.

Land Drainage Act 1908 (1908 No 96) 10

In section 53(2), replace “any District Court” with “the District Court”.

In section 63(1)(a), replace “a District Court” with “the District Court”.

Land Transport Act 1998 (1998 No 110)

In section 2(1), definition of **court**, replace “a” with “the”.

In section 2(1), definition of **Registrar**, replace “a District Court” with “the District Court”. 15

In section 30(4B), replace “a District Court” with “the District Court”.

In section 91E(3)(f), replace “a District Court” with “the District Court”.

In section 95A(4), replace “A District Court” with “The District Court”.

In section 97(8), replace “a District Court” with “the District Court”. 20

In section 99(5), replace “by a District Court” with “by the District Court”.

In section 105(4), replace “by a District Court” with “by the District Court”.

In section 106(1), replace “a District Court” with “the District Court”.

In section 106(5), replace “a District Court” with “the District Court”.

In section 107(1), replace “a District Court” with “the District Court” in each place. 25

In section 107(2), replace “a District Court” with “the District Court”.

In section 107(4), replace “a District Court” with “the District Court”.

In section 108(1), replace “a District Court” with “the District Court”.

In section 109(1), replace “a District Court” with “the District Court”.

In section 110(1), replace “a District Court” with “the District Court”. 30

In section 110(1A), replace “a District Court” with “the District Court”.

In section 111(1), replace “a District Court” with “the District Court”.

In section 111(2), replace “a District Court” with “the District Court”.

Land Transport Act 1998 (1998 No 110)—continued

In section 111(3), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 135(2), replace “A District Court” with “The District Court”.

In section 158(d), replace “a District Court” with “the District Court” in each place.

In section 267(1), replace “a District Court” with “the District Court”. 5

Land Transport Management Act 2003 (2003 No 118)

In section 141(1), replace “a District Court” with “the District Court”.

In section 142(1), replace “Part 14 of the District Courts Rules 2009” with “**Part 00 18** of the District Court Rules 2014”.

In section 142(2), replace “Part 5 of the District Courts Act 1947” with “**Part 9 of Part 2 of the Judicature Modernisation Act 2013**”. 10

In section 143(2), replace “a District Court” with “the District Court”.

Replace section 144(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act. 15

Land Valuation Proceedings Act 1948 (1948 No 50)

In section 21(2), replace “a District Court” with “the District Court”.

In section 38, replace “a District Court” with “the District Court”.

Law Reform Act 1936 (1936 No 31) 20

In section 94(5), replace “Section 94 of the Judicature Act 1908” with “**Section 281 of the Judicature Modernisation Act 2013**”.

Law Reform (Testamentary Promises) Act 1949 (1949 No 33)

In section 5(1), replace “a Family Court” with “the Family Court”.

In section 5(2), replace “A Family Court” with “The Family Court”. 25

In section 5(4), replace “a Family Court” with “the Family Court” in each place.

In section 5A(1AA), replace “a Family Court or” with “the Family Court or the”.

Replace section 5A(1A) with:

- (1A) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act. 30

In section 5A(1B), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

Lawyers and Conveyancers Act 2006 (2006 No 1)

In section 43, replace “a District Court” with “the District Court”.

In section 47(g), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

In section 215(3)(a), replace “a District Court” with “the District Court”. 5

In section 335(d), replace “a Family Court” with “the Family Court”.

Legal Services Act 2011 (2011 No 4)

In section 4(1), definition of **criminal proceedings**, paragraph (c), replace “section 840 of the District Courts Act 1947” with “**section 345 of the Judicature Modernisation Act 2013**”. 10

In section 6(a), replace “a District Court, a Youth Court” with “the District Court, the Youth Court”.

In section 7(1)(a), replace “a District Court or a Family Court” with “the District Court or the Family Court”.

In section 7(1)(d), replace “a Youth Court” with “the Youth Court” in each place. 15

In section 7(3A), replace “a Family Court” with “the Family Court”.

In section 8(5), replace “a Youth Court” with “the Youth Court”.

Life Insurance Act 1908 (1908 No 105)

In section 66A, replace “a District Court” with “the District Court”.

In section 66C(1)(b), replace “a District Court” with “the District Court”. 20

In section 67(1)(c), replace “a District Court” with “the District Court”.

Limitation Act 2010 (2010 No 110)

In section 4, definition of **Disputes Tribunal**, replace paragraph (a) with:

(a) the Disputes Tribunal established under section 4 of the Disputes Tribunal Act 1988; or 25

In section 4, definition of **Disputes Tribunal**, paragraph (b), replace “a Disputes Tribunal’s” with “the Disputes Tribunal’s”.

In section 4, definition of **specified court or tribunal**, replace paragraph (a) with:

(a) the High Court, the District Court, the Family Court, or a Disputes Tribunal; or 30

Litter Act 1979 (1979 No 41)

In section 10(7), replace “a District Court” with “the District Court”.

Local Electoral Act 2001 (2001 No 35)

In section 93(3), replace “a District Court, the Registrar” with “the District Court, a Registrar”. 35

Local Electoral Act 2001 (2001 No 35)—*continued*

In section 100(2), replace “the District Courts Act 1947” with “**Part 2 of the Judiciary Modernisation Act 2013**”.

In section 107(1), replace “A District Court” with “The District Court”.

Local Government Act 1974 (1974 No 66)

In section 192(1), replace “a District Court” with “the District Court”. 5

In section 335(4), replace “a District Court” with “the District Court”.

In section 355(2), replace “a District Court” with “the District Court”.

In section 355(7), replace “a District Court” with “the District Court”.

In section 355(9), replace “a District Court” with “the District Court”.

In section 446(7), replace “a District Court” with “the District Court”. 10

In section 461(3), replace “a District Court” with “the District Court”.

In section 468(2), replace “a District Court” with “the District Court”.

In section 468(6), replace “a District Court” with “the District Court”.

In section 511(2), replace “a District Court” with “the District Court”.

In section 512(2), replace “a District Court” with “the District Court”. 15

In section 513, replace “a District Court” with “the District Court”.

In section 647(6), replace “a District Court” with “the District Court”.

In section 698(3), replace “a District Court” with “the District Court”.

In Schedule 14, clause 2, replace “a District Court” with “the District Court”.

Local Government Act 2002 (2002 No 84) 20

In section 162(1), replace “A District Court” with “The District Court”.

In section 167(3), replace “a District Court” with “the District Court”.

In section 183(3), replace “a District Court” with “the District Court”.

In section 184(2), replace “a District Court” with “the District Court”.

In section 184(4)(b), replace “a District Court” with “the District Court”. 25

In section 212, definition of **court**, replace “means a District Court” with “means the District Court”.

In the heading to section 213—heading, replace “**District Courts**” with “**District Court**”.

In section 213(1), replace “Part 8 of the District Courts Rules 2009” with “Subpart 4 of Part 20 of the District Court Rules 2014”. 30

In section 213(2), replace “the District Courts Act 1947” with “**Part 2 of the Judiciary Modernisation Act 2013**”.

Local Government Act 2002 (2002 No 84)—continued

In section 213(3), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 213(3), replace “District Courts Rules 2009” with “District Court Rules 2014”.

In section 213(4), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”. 5

In section 213(4), replace “District Courts Rules 2009” with “District Court Rules 2014”.

In section 214, replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”. 10

In section 214(g), replace “District Courts Rules 2009” with “District Court Rules 2014”.

In section 215(1), replace “a District Court” with “the District Court”.

In section 215(1), replace “Part 8 of the District Courts Rules 2009” with “Subpart 4 of Part 20 of the District Court Rules 2014”. 15

In section 219, replace “Part 5 of the District Courts Act 1947” with “**Part 9 of Part 2 of the Judicature Modernisation Act 2013**”.

In section 249(1)(c)(i), replace “a District Court” with “the District Court”.

In Schedule 7, clause 2(1), replace “a District Court” with “the District Court”.

In Schedule 7, clause 2(2), replace “a District Court” with “the District Court”. 20

In Schedule 7, clause 2(4), replace “a District Court” with “the District Court”.

In Schedule 7, clause 2(5), replace “a District Court” with “the District Court”.

In Schedule 12, clause 2, replace “a District Court” with “the District Court”.

In Schedule 13A, clause 11(1), replace “a District Court” with “the District Court”.

In Schedule 14, clause 3(a), replace “Part 8 of the District Courts Rules 2009” with “subpart 4 of Part 20 of the District Court Rules 2014”. 25

In Schedule 14, clause 6(1), replace “Part 8 of the District Courts Rules 2009” with “subpart 4 of Part 20 of the District Court Rules 2014”.

In Schedule 14, clause 7(1)(a), replace “Part 8 of the District Courts Rules 2009” with “subpart 4 of Part 20 of the District Court Rules 2014”. 30

Local Government (Auckland Council) Act 2009 (2009 No 32)

In section 70(1), replace “a District Court” with “the District Court”.

In section 70(3), replace “a District Court” with “the District Court”.

In section 70(4), replace “a District Court” with “the District Court”.

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37)

In section 26(4), replace “A District Court” with “The District Court”.

Local Government (Rating) Act 2002 (2002 No 6)

In section 63(3), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

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Loyal Orange Institution of New Zealand (Incorporated) Trust Act 1954 (1954 No 3 (P))

In section 17(6), replace “a District Court” with “the District Court”.

Major Events Management Act 2007 (2007 No 35)

In section 33(1), replace “a District Court” with “the District Court”.

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Marine Reserves Act 1971 (1971 No 15)

In section 18H(3), replace “a District Court” with “the District Court”.

Maritime Security Act 2004 (2004 No 16)

In section 25(3), replace “a District Court” with “the District Court”.

In section 43(3), replace “a District Court” with “the District Court”.

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In section 64(1), replace “a District Court” with “the District Court”.

Maritime Transport Act 1994 (1994 No 104)

In section 33F(7), replace “a District Court” with “the District Court”.

In section 33U(5), replace “a District Court” with “the District Court”.

In section 34(4), replace “a District Court” with “the District Court”.

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In section 40A, definition of **court**, replace “a District Court” with “the District Court”.

In section 41(6), replace “a District Court” with “the District Court”.

In section 43(7), replace “a District Court” with “the District Court”.

In section 44(4), replace “a District Court” with “the District Court”.

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In section 46(6), replace “a District Court” with “the District Court”.

In section 55(7), replace “a District Court” with “the District Court”.

In section 77(3), replace “by a District Court” with “by the District Court”.

In section 79(1), replace “a District Court” with “the District Court”.

In section 215, definition of **court**, replace “every” with “the”.

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In section 233(2), replace “a District Court” with “the District Court”.

In section 233A(2), replace “a District Court” with “the District Court”.

In section 234(2), replace “a District Court” with “the District Court”.

Maritime Transport Act 1994 (1994 No 104)—*continued*

In section 246(3), replace “the District Courts Act 1947, any” with “**Part 2 of the Judicature Modernisation Act 2013**, the”.

In section 270(5), replace “a District Court” with “the District Court”.

In section 272(6), replace “a District Court” with “the District Court”.

In section 273(4), replace “a District Court” with “the District Court”.

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In section 274(6), replace “a District Court” with “the District Court”.

In section 338(4), replace “a District Court” with “the District Court”.

In section 387(6), replace “a District Court” with “the District Court”.

In section 397(11), replace “a District Court” with “the District Court”.

In section 424(1), replace “a District Court” with “the District Court”.

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In section 425(4), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Marriage Act 1955 (1955 No 92)

In section 64A(1), replace “Family Courts Act 1980 regulating the practice and procedure of Family Courts” with “Family Court Act 1980 regulating the practice and procedure of the Family Court”.

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In section 64A(2)(b), replace “District Courts” with “the District Court”.

Masterton Trust Lands Act 2003 (2003 No 1 (L))

In section 28(4), replace “a District Court” with “the District Court”.

In section 28(5), replace “a District Court” with “the District Court”.

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Medicines Act 1981 (1981 No 118)

In section 65(1), replace “a District Court” with “the District Court”.

In section 65(8), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In the heading to section 77, replace “Courts” with “Court”.

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Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93)

Replace section 46(6) with:

(6) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (5) as if it were an appeal under **section 306** of that Act.

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Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46)

In section 2(1), definition of **court**, replace paragraph (a) with:

(a) the District Court; or

Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46)
 —*continued*

In section 2(1), definition of Registrar, replace “a District Court” with “the District Court”.

In section 25, replace “Family Courts Act 1980” with “Family Court Act 1980”.

Replace section 25(a) with:

(a) in the Family Court: 5

Minors’ Contracts Act 1969 (1969 No 41)

In section 2(1), replace the definition of court with:

court means the High Court, or the District Court if it has jurisdiction under section 14, or the Disputes Tribunal if it has jurisdiction under section 14A

In section 5(5)(a), replace “a District Court” with “the District Court”. 10

In section 6(4)(a), replace “a District Court” with “the District Court”.

In section 9(1), replace “a District Court” with “the District Court”.

In section 9(2), replace “a District Court” with “the District Court”.

In section 9(5), replace “A District Court” with “The District Court”.

In section 12(7), replace “a Disputes Tribunal” with “the Disputes Tribunal”. 15

Replace section 12(8)(b) with:

(b) **section 280 of the Judicature Modernisation Act 2013**; or

In the heading to section 14, replace “Courts” with “Court”.

In section 14(1), replace “A District Court shall have” with “The District Court has”.

In section 14(1)(b), replace “200,000” with “350,000”. 20

In section 14(1)(c), replace “section 37 of the District Courts Act 1947, that a District Court shall have” with “**section 263 of the Judicature Modernisation Act 2013**, that the District Court has”.

In section 14(2), replace “section 43 of the District Courts Act 1947, an application made to a District Court” with “**section 268 of the Judicature Modernisation Act 2013**, an application made to the District Court”. 25

In the heading to section 14A, replace “Disputes Tribunals” with “Disputes Tribunal”.

In section 14A(1), replace “A Disputes Tribunal established under the Disputes Tribunals Act 1988 shall have” with “The Disputes Tribunal established under the Disputes Tribunal Act 1988 has”. 30

In section 14A(2), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 14A(2), replace “a Tribunal” with “the Tribunal”.

In section 14A(3), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

Minors' Contracts Act 1969 (1969 No 41)—continued

In section 14A(3), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

In section 16(2), replace “a District Court” with “the District Court”.

In section 16(3), replace “a District Court” with “the District Court”.

Misuse of Drugs Amendment Act 1978 (1978 No 65)

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In section 40(2), replace “any District Court” with “the District Court”.

In section 43(3)(a), replace “a District Court” with “the District Court”.

In section 45, replace “any District Court” with “the District Court”.

Motor Vehicle Sales Act 2003 (2003 No 12)

In section 64(1), replace “a District Court” with “the District Court”.

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In section 64(2)(b), replace “a District Court” with “the District Court”.

In section 65(1), replace “a District Court” with “the District Court”.

In section 65(3), replace “a District Court” with “the District Court”.

In section 67(1), replace “a District Court” with “the District Court”.

In section 69(1), replace “A District Court” with “The District Court”.

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In section 69(2), replace “a District Court” with “the District Court”.

In section 72(1), replace “a District Court” with “the District Court”.

In section 72(3)(a), replace “a District Court” with “the District Court”.

In section 72(3)(b), replace “a District Court” with “the District Court”.

In section 72(3)(c), replace “a District Court” with “the District Court”.

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In Schedule 1, clause 15(4), replace “the District Court” with “the office of the District Court”.

Music Teachers Act 1981 (1981 No 3)

In section 18(2)(c), replace “a District Court” with “the District Court”.

In section 26(1), replace “a District Court” with “the District Court”.

25

New Zealand Railways Corporation Act 1981 (1981 No 119)

In section 31(3), replace “a District Court” with “the District Court”.

New Zealand Sign Language Act 2006 (2006 No 18)

In the Schedule, replace the item relating to District courts with:

The District Court

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In the Schedule, replace the item relating to Family courts with:

The Family Court

New Zealand Sign Language Act 2006 (2006 No 18)—continued

In the Schedule, replace the item relating to Youth courts with:

The Youth Court

In the Schedule, replace the item relating to Disputes Tribunals with:

The Dispute Tribunal established under the Disputes Tribunal Act 1988

Oaths and Declarations Act 1957 (1957 No 88)

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In section 9(1)(e), replace “a District Court” with “the District Court”.

In Schedule 2, replace “Disputes Tribunals established under the Disputes Tribunals Act 1988” with “Disputes Tribunal established under the Disputes Tribunal Act 1988”.

Parental Leave and Employment Protection Act 1987 (1987 No 129)

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In section 70(1), replace “any District Court” with “the District Court”.

In section 70(1), replace “a District Court” with “the District Court”.

Parliamentary Privilege Act 2014 (2014 No 58)

In section 5(1), definition of **court**, paragraph (a), replace “a District” with “the District”.

15

In section 5(1), replace the definition of **District Court** with:

District Court includes—

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

Parole Act 2002 (2002 No 10)

20

In section 69(4A)(a), replace “a District Court” with “the District Court”.

In section 107D, replace “a District Court” with “the District Court” in each place.

Partnership Act 1908 (1908 No 139)

In section 26(2A), replace “a District Court” with “the District Court”.

Personal Property Securities Act 1999 (1999 No 126)

25

Replace section 167A(1)(b)(i) with:

- (i) **section 354, 357, or 360 of the Judicature Modernisation Act 2013**; or

In section 167A(8)(a), replace “a District Court” with “the District Court”.

In section 167A(8)(b), replace “a District Court” with “the District Court”.

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Plant Variety Rights Act 1987 (1987 No 5)

In section 24, replace “a District Court” with “the District Court”.

Plant Variety Rights Act 1987 (1987 No 5)—continued

In section 24(a), replace “the District Court” with “the office of the District Court”.

In section 25(4), replace “a District Court” with “the District Court”.

In section 25(5), replace “a District Court” with “the District Court”.

In section 25(6), replace “a District Court” with “the District Court”.

In section 26(a), replace “a District Court” with “the District Court”.

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In section 26(b), replace “District Courts Rules 2009” with “District Court Rules 2014”.

In section 26(c), replace “a District Court” with “the District Court”.

In section 29(3), definition of **court**, replace “any District Court” with “the District Court”.

10

In section 29(3), replace the definition of **District Court** with:

District Court includes—

(a) the Family Court; and

(b) the Youth Court

Plumbers, Gasfitters, and Drainlayers Act 2006 (2006 No 74)

15

In section 41(2)(b), replace “a District Court” with “the District Court”.

In section 47(2)(b), replace “a District Court” with “the District Court”.

In section 51(3)(b), replace “a District Court” with “the District Court”.

In section 162(1), replace “a District Court” with “the District Court”.

In section 163(b), replace “a District Court” with “the District Court”.

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In section 164(3), replace “a District Court” with “the District Court”.

In section 164(4), replace “a District Court” with “the District Court”.

In section 165(1), replace “A District Court” with “The District Court”.

In section 166, replace “a District Court” with “the District Court”.

In section 167(1), replace “a District Court” with “the District Court”.

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Policing Act 2008 (2008 No 72)

In section 4, definition of **criminal court process**, replace “the Registrar of a District Court of criminal jurisdiction” with “a Registrar of the District Court in its criminal jurisdiction”.

In section 34(3), definition of **criminal prosecution proceedings**, paragraph (b), replace “a District Court, the High Court, a Youth Court” with “the District Court, the High Court, or the Youth Court”.

30

In section 34A(b), replace “a District Court” with “the District Court”.

In section 34A(b), replace “a Youth Court” with “the Youth Court”.

Policing Act 2008 (2008 No 72)—continued

In section 40(3), replace “a District Court” with “the District Court”.

In section 45(a), replace “a District Court” with “the District Court”.

Postal Services Act 1998 (1998 No 2)

In section 37(1), replace “a District Court” with “the District Court”.

In section 37(2), replace “a District Court” with “the District Court”.

5

In section 38(1), replace “a District Court” with “the District Court”.

In section 43(1), replace “a District Court” with “the District Court”.

In section 44(1), replace “a District Court” with “the District Court”.

Prisoners’ and Victims’ Claims Act 2005 (2005 No 74)

In section 28(1)(c)(ii), replace “a District Court” with “the District Court”.

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In section 35(2)(a)(ii), replace “a District Court appointed for the exercise of” with “the District Court in its”.

In section 40, replace “a District Court” with “the District Court”.

In section 44(1), replace “District Courts” with “the District Court”.

In section 48(6), replace “a District Court” with “the District Court”.

15

Privacy Act 1993 (1993 No 28)

In section 86(1)(b), replace “a District Court” with “the District Court”.

Private Security Personnel and Private Investigators Act 2010 (2010 No 115)

In section 102(1), replace “a District Court” with “the District Court”.

In section 102(3)(a), replace “District Courts Rules 2009” with “District Court Rules 2014”.

20

Property Law Act 2007 (2007 No 91)

In the cross-heading above section 362, replace “Courts” with “Court’s”.

In the heading to section 362, replace “Courts” with “Court”.

In section 362(1), replace “Every District Court” with “The District Court”.

25

In section 362(1)(d), replace “District Courts is limited by section 31 of the District Courts Act 1947” with “the District Court is limited by **section 261 of the Judicature Modernisation Act 2013**”.

In section 362(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

30

In section 362(3), replace “The District Courts Act 1947 applies to the jurisdiction of District Courts” with “**Part 2 of the Judicature Modernisation Act 2013** applies to the jurisdiction of the District Court”.

Property Law Act 2007 (2007 No 91)—continued

In section 362(4), replace “a District Court” with “the District Court”.

Property (Relationships) Act 1976 (1976 No 166)

In section 2, definition of court, replace paragraph (a) with:

(a) the Family Court; or

In section 22(1), replace “a Family Court” with “the Family Court”.

5

Replace section 27(4) with:

(4) An order made under subsection (1) by the District Court or the Family Court is enforceable as if it were an order for recovery of land made pursuant to **section 261(2)(c) of the Judicature Modernisation Act 2013**.

In section 35, replace “Family Courts Act 1980” with “Family Court Act 1980”.

10

Replace section 35(a) with:

(a) in the Family Court:

In section 35A, replace “Family Courts Act 1980” with “Family Court Act 1980”.

Replace section 35A(a) with:

(a) in the Family Court:

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In section 37A(2)(a), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 38(4), replace “a District Court” with “the District Court”.

In section 39(1), replace “a Family Court or” with “the Family Court or the”.

Replace section 39(3) with:

20

(3) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (2) as if it were an appeal under **section 306** of that Act.

In section 39(4), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

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In section 42(3)(a), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 42(3)(b), replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 43(1), replace “a District Court or a Family Court” with “the District Court or the Family Court”.

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In section 44(1), replace “a District Court or a Family Court” with “the District Court or the Family Court”.

In section 51(5), replace “a District Court, or a Family Court; but a District Court shall” with “the District Court, or the Family Court, but the District Court must”.

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In section 53(1A), replace “the Family Courts” with “the Family Court”.

Property (Relationships) Act 1976 (1976 No 166)—continued

In section 53(1A), replace “of Family Courts” with “of the Family Court”.

In section 53(3), replace “the District Courts Act 1947, the Governor-General may from time to time, by Order in Council, make rules regulating the procedure of District Courts” with “**Part 2 of the Judicature Modernisation Act 2013**, the Governor-General may from time to time, by Order in Council, make rules regulating the procedure of the District Court”. 5

In section 53(3A), replace “Family Courts Act 1980” with “Family Court Act 1980”.

Prostitution Reform Act 2003 (2003 No 28)

In section 27(2), replace “Registrar of a District Court” with “Registrar of the District Court”. 10

In section 35(2), after “Registrar of any other”, insert “office of the”.

In section 39(3), replace “a District Court” with “the District Court”.

In section 47(e), after “particular”, insert “office of the”.

In section 47(e), after “any other”, insert “office of the”.

Protection of Personal and Property Rights Act 1988 (1988 No 4) 15

In section 2, definition of **court**, paragraph (b), replace “a Family Court” with “the Family Court”.

In section 10(1)(i), replace “a District Court” with “the District Court”.

In section 14(4), replace “a Family Court” with “the Family Court”.

In section 30(8), replace “a Family Court” with “the Family Court”. 20

In section 31B(1), replace “a Family Court” with “the Family Court”.

In section 31B(4), replace “a Family Court” with “the Family Court”.

In section 65B(1)(a), replace “Family Courts Act 1980” with “Family Court Act 1980”.

In section 65B(4), replace “a District Court” with “the District Court”. 25

In section 70(1), replace “a Family Court” with “the Family Court”.

In section 70(3), replace “a Family Court” with “the Family Court”.

In section 76(5A), replace “a District Court” with “the District Court”.

In section 80, replace “Family Courts Act 1980” with “Family Court Act 1980”.

Replace section 80(a) with: 30

(a) in the Family Court:

Replace section 83(3) with:

(3) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal

Protection of Personal and Property Rights Act 1988 (1988 No 4)—*continued*

under subsection (1) or (2) as if it were an appeal under **section 306** of that Act.

In section 83(4), replace “section 74(1) of the District Courts Act 1947” with “**section 308(1) of the Judicature Modernisation Act 2013**”.

In section 83A, replace “sections 75 to 78 of the District Courts Act 1947” with “**sections 309 to 312 of the Judicature Modernisation Act 2013**”. 5

Replace section 85(1)(a) with:

- (a) an application to the Family Court for the exercise of the court’s jurisdiction under this Act has been transferred to the High Court in accordance with section 14 of the Family Court Act 1980; and 10

Replace section 111(b) and (c) with:

- (b) in the case of the District Court, under **section 411 of the Judicature Modernisation Act 2013**;
- (c) in the case of the Family Court, under section 16A of the Family Court Act 1980. 15

In section 111A(3), replace “District Courts” with “District Court” in each place.

Public Records Act 2005 (2005 No 40)

In section 6(b), replace “District Courts” with “the District Court”.

Public Works Act 1981 (1981 No 35)

In section 81(1), replace “a District Court” with “the District Court”. 20

In section 240(4), replace “sections 99, 100, and 101 of the District Courts Act 1947” with “**sections 376 to 381 of the Judicature Modernisation Act 2013**”.

Racing Act 2003 (2003 No 3)

In section 25(1), replace “a District Court” with “the District Court”.

Railways Act 2005 (2005 No 37) 25

In section 68(1), replace “a District Court” with “the District Court”.

In section 69(2)(a), replace “a District Court” with “the District Court”.

In section 69(2)(c), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Replace section 71(2) with: 30

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

In section 78(1)(a), replace “a District Court” with “the District Court”.

In section 78(2), replace “a District Court” with “the District Court”. 35

Railways Act 2005 (2005 No 37)—continued

In section 78(4), replace “a District Court” with “the District Court”.

In section 89(1), replace “a District Court” with “the District Court”.

In section 89(3), replace “a District Court” with “the District Court”.

In section 89(4), replace “a District Court” with “the District Court”.

Replace section 90(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

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Registered Architects Act 2005 (2005 No 38)

In section 38(1), replace “a District Court” with “the District Court”.

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Remuneration Authority Act 1977 (1977 No 110)

In section 12B(1)(f), replace “section 8(d) of the District Courts Act 1947” with “**section 205(a) of the Judicature Modernisation Act 2013**”.

Residential Tenancies Act 1986 (1986 No 120)

In section 5A(6), replace “a District Court” with “the District Court”.

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In section 14(4), replace “a District Court by the Minors Contracts Act 1969” with “the District Court by the Minors’ Contracts Act 1969”.

In section 14(5), replace “a District Court” with “the District Court”.

In section 14(5), replace “Minors” with “Minors”.

In section 72(1), replace “a District Court” with “the District Court”.

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In section 72(2), replace “District Courts” with “the District Court”.

In section 77(2)(pa), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 78(1)(h), replace “a District Court” with “the District Court”.

In section 78(2AB), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

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In section 78(2AD), replace “section 84I(3) of the District Courts Act 1947” with “**section 339(3) of the Judicature Modernisation Act 2013**”.

In section 78(2AE), replace “any District Court and, if so filed, sections 79(5C) and 84F to 84N of the District Courts Act 1947” with “the District Court and, if so filed, **sections 321(2) and 336 to 344 of the Judicature Modernisation Act 2013**”.

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In section 78(2AG), replace “section 84F of the District Courts Act 1947” with “**section 336 of the Judicature Modernisation Act 2013**”.

In section 83(1), replace “a District Court” with “the District Court”.

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Residential Tenancies Act 1986 (1986 No 120)—*continued*

In section 83(2), replace “a District Court” with “the District Court”.

In section 83(4), replace “a District Court” with “the District Court”.

In section 88(8)(b), replace “any District Court” with “the District Court”.

In section 106(1), after “appropriate”, insert “office of the”.

In section 106(1), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”. 5

In section 106(2), replace “a District Court, section 79(5) of the District Courts Act 1947 shall apply” with “the District Court, **section 320–1(1) of the Judicature Modernisation Act 2013** applies”.

In section 107(2), replace “a District Court” with “the District Court”. 10

Replace section 112E with:

112E Specified information sent to District Court

When the Secretary for Justice receives contact information from the chief executive, he or she must—

- (a) determine in which office of the District Court enforcement proceedings should be commenced; and 15
- (b) send the contact information to the Registrar for that office of the District Court; and
- (c) advise the applicant—
 - (i) that the information has been sent to the Registrar for that office of the District Court; and 20
 - (ii) that enforcement proceedings may be commenced in that office of the District Court or, if they have already been commenced in that or any other office of the District Court, that enforcement proceedings may now continue in, or be transferred to, that the office of the District Court in which the proceedings were, or should have been, commenced. 25

In section 112F(1), replace “a District Court” with “the District Court”.

In section 116(2)(h), replace “a District Court” with “the District Court”.

In section 116(2)(i), replace “a District Court” with “the District Court”. 30

In section 117(1), replace “a District Court” with “the District Court”.

In section 117(3), replace “A District Court shall have” with “The District Court has”.

In section 117(3), replace “sections 29 to 34 of the District Courts Act 1947” with “**sections 256 to 261 of the Judicature Modernisation Act 2013**”.

In section 117(4), replace “a District Court” with “the District Court”. 35

Residential Tenancies Amendment Act 2011 (2011 No 46)

In section 4(1), new section 77(2)(pa), replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 5, new section 78(2AB), replace “District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

5

In section 5, new section 78(2AD), replace “section 84I(3) of the District Courts Act 1947” with “**section 339(3) of the Judicature Modernisation Act 2013**”.

In section 5, new section 78(2AE), replace “sections 79(5C) and 84F to 84N of the District Courts Act 1947” with “**sections 321(2) and 336 to 344 of the Judicature Modernisation Act 2013**”.

10

In section 5, new section 78(2AG), replace “section 84F of the District Courts Act 1947” with “**section 336 of the Judicature Modernisation Act 2013**”.

Resource Management Act 1991 (1991 No 69)

In section 261(2), replace “section 119 of the District Courts Act 1947” with “**section 206 of the Judicature Modernisation Act 2013**”.

15

In the heading to section 278, delete “a”.

In section 278(1), replace “a District Court” with “the District Court”.

In section 278(1), replace “rules 342 to 348 of the District Courts Rules 1992” with “**rules 00 to 00** subpart 4 of Part 9 of the District Court Rules 2014”.

In section 278(1A), replace “rule 346 of the District Courts Rules 1992” with “**rule 00 9.31** of the District Court Rules 2014”.

20

In section 282(2), replace “any District Court” with “the District Court”.

In section 283(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 284(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

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~~In section 286, delete “of the district named in the order”.~~

In section 286, replace “of the district named in the order” with “at the office of the court named in the order”.

In section 288, replace “a District Court” with “the District Court”.

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In section 339C(4), replace “Any District Court shall have” with “The District Court has”.

In section 352A(4), definition of **District Court Judge**, replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Retirement Villages Act 2003 (2003 No 112)

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In section 66(3), after “nearest”, insert “office of the”.

In section 66(4), replace “A District Court” with “The District Court”.

Retirement Villages Act 2003 (2003 No 112)—*continued*

In section 66(4)(b), replace “the District Courts Act 1948 and the District Courts Rules 1992” with “**Part 2 of the Judicature Modernisation Act 2013** and the District Court Rules 2014”.

In section 72(4)(a)(i), replace “a District Court” with “the District Court”.

In section 75(2)(a), replace “nearest District Court if a District Court” with “District Court if the District Court”.

In section 75(2)(b), replace “a District Court” with “the District Court”.

In section 76(a), replace “a District Court” with “the District Court”.

In section 78, replace “a Disputes Tribunal established under section 4 of the Disputes Tribunals Act 1988” with “the Disputes Tribunal established under section 4 of the Disputes Tribunal Act 1988”.

In section 83(1), replace “a District Court” with “the District Court”.

In section 83(1)(a), replace “200,000” with “350,000”.

In section 83(1)(b), replace “200,000” with “350,000”.

In section 83(1)(c), replace “200,000” with “350,000”.

In section 83(1)(d), replace “200,000” with “350,000”.

In section 83(1)(e), replace “200,000” with “350,000”.

In section 83(2), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 83(3), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

In section 83(3), replace “Disputes Tribunals Act 1988” with “Disputes Tribunal Act 1988”.

In section 84(4), replace “a District Court and also, for the purposes of section 82, a Disputes Tribunal” with “the District Court and also, for the purposes of section 82, the Disputes Tribunal”.

In section 86, replace “a District Court” with “the District Court”.

Road User Charges Act 2012 (2012 No 1)

In section 68(1), replace “a District Court” with “the District Court”.

In section 69(2)(a), replace “a District Court” with “the District Court”.

In section 69(3), replace “the District Courts Act 1947 and the District Courts Rules 2009” with “**Part 2 of the Judicature Modernisation Act 2014** and the District Court Rules **2014**”.

Replace section 70(2) with:

- (2) The High Court Rules and **sections 308 to 312 of the Judicature Modernisation Act 2013**, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under **section 306** of that Act.

Royal Antediluvian Order of Buffaloes Trust Act 1966 (1966 No 2 (P))

In section 22(6), replace “a District Court” with “the District Court”.

Sale and Supply of Alcohol Act 2012 (2012 No 120)

In section 327(1), replace “A District Court” with “The office of the District Court”.

In section 328(1), replace “A District Court” with “The office of the District Court”. 5

Search and Surveillance Act 2012 (2012 No 24)

In section 3(1), definition of **District Court Judge**, replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 37(1)(c), replace “a District Court were a reference to-a the District Court” with “the District Court were a reference to a District Court”. 10

In section 52(1)(c), replace “a District Court were a reference to a District Court” with “the District Court were a reference to-a the District Court”.

In section 101(1), replace “the District Court” with “the office of the District Court” in each place.

In section 101(1)(b), replace “a District Court” with “the District Court”. 15

In section 163(1), replace “a District Court” with “the District Court”.

Secondhand Dealers and Pawnbrokers Act 2004 (2004 No 70)

In section 34(1), replace “a District Court” with “the District Court”.

In section 34(2), replace “a District Court” with “the District Court”.

In section 35(1), replace “a District Court” with “the District Court”. 20

Sentencing Act 2002 (2002 No 9)

In section 4(1), definition of **District Court**, replace “a Youth Court” with “the Youth Court”.

In section 4(1), definition of **trial Judge**, replace “a District Court, means a Judge who holds a warrant under section 5B of the District Courts Act 1947” with “the District Court, means a Judge who holds a warrant under **section 195 of the Judicature Modernisation Act 2013**”. 25

In section 24A(1)(a), replace “a District Court” with “the District Court”.

In section 72(1)(a)(ii), replace “a District Court” with “the District Court”.

In section 72(1)(b), replace “a District Court presided” with “the District Court presided” in each place. 30

In section 72(1)(c), replace “a District Court” with “the District Court”.

In section 72(1)(d), replace “a District Court” with “the District Court”.

In section 81B(1), replace “a District Court” with “the District Court”.

In section 90(1), replace “a District Court” with “the District Court”. 35

Sentencing Act 2002 (2002 No 9)—continued

In section 91(6), replace “a District Court” with “the District Court”.

In section 123A, definition of **domestic violence proceedings**, replace “a Family Court or a District Court” with “the Family Court or the District Court”.

In section 129E(6)(a), replace “a District Court” with “the District Court”.

In section 129EA(6)(a), replace “a District Court” with “the District Court”. 5

In the heading to section 135, after “**another**”, insert “**office of**”.

Replace section 135(1) with:

- (1) Despite anything in section 132, if a Registrar considers that an order for the confiscation of a motor vehicle made in one office of the District Court may be more effectively enforced in another office of the District Court, the Registrar may direct that the order be enforced in that other office. 10

In section 139(2)(b), replace “section 94 of the District Courts Act 1947” with “**section 361 of the Judicature Modernisation Act 2013**”.

In section 143(3)(a)(ii), replace “a District Court” with “the District Court”.

In section 143(3)(b), replace “a District Court presided” with “the District Court presided” in each place. 15

In section 143(3)(c), replace “a District Court” with “the District Court”.

Ship Registration Act 1992 (1992 No 89)

In section 17(1), replace “a District Court” with “the District Court”.

Sleepover Wages (Settlement) Act 2011 (2011 No 98) 20

In section 32, replace “any District Court” with “the District Court”.

Social Security Act 1964 (1964 No 136)

In section 120(4), replace “a District Court” with “the District Court”.

In section 86(6), replace “a District Court” with “the District Court”.

In section 86(7), replace “a District Court” with “the District Court”. 25

In section 86H(2), replace “the Registrar of a District Court” with “a Registrar of the District Court”.

Social Workers Registration Act 2003 (2003 No 17)

In section 88(1), replace “a District Court” with “the District Court”.

In section 88(2), replace “a District Court” with “the District Court”. 30

In section 91(2), replace “a District Court” with “the District Court”.

In section 92(1), replace “a District Court” with “the District Court”.

In section 93(1), replace “a District Court” with “the District Court”.

In section 94, replace “a District Court” with “the District Court”.

Social Workers Registration Act 2003 (2003 No 17)—*continued*

In section 95(1), replace “a District Court” with “the District Court”.

In Schedule 2, clause 11(2), replace “a District Court” with “the District Court”.

Soil Conservation and Rivers Control Act 1941 (1941 No 12)

In section 57(1), replace “any District Court” with “any office of the District Court”.

In section 57(1), replace “the District Court” with “the office of the District Court”. 5

In section 159, replace “a District Court” with “the District Court”.

Sports Anti-Doping Act 2006 (2006 No 58)

In section 44(1), replace “a District Court” with “the District Court”.

In section 44(2), replace “a District Court” with “the District Court”.

In section 47(2), replace “a District Court” with “the District Court”. 10

Status of Children Act 1969 (1969 No 18)

In section 6C(1)(a), replace “a Family Court” with “the Family Court”.

In section 6C(1)(b), replace “a Family Court” with “the Family Court”.

In section 7(3)(b)(ii), replace “a Family Court” with “the Family Court”.

In section 9(3), replace “a Family Court” with “the Family Court” in each place. 15

In section 10(2), replace “A Family Court” with “The Family Court”.

In section 10(5)(a), replace “a Family Court” with “the Family Court”.

Student Loan Scheme Act 2011 (2011 No 62)

In section 162B(2), replace “a District Court” with “the District Court”.

In section 171(2)(a), replace “a Disputes Tribunal” with “the Disputes Tribunal”. 20

In section 171(2)(b), replace “a District Court” with “the District Court”.

In section 171(3), replace “a Disputes Tribunal” with “the Disputes Tribunal” in each place.

In section 171(4), replace “a Disputes Tribunal or a District Court” with “the Disputes Tribunal or the District Court”. 25

In section 171(5)(a), replace “Disputes Tribunals Act 1988 or the District Courts Act 1947” with “Disputes Tribunal Act 1988 or **Part 2 of the Judicature Modernisation Act 2013**”.

In section 172), replace “a Disputes Tribunal’s or” with “the Disputes Tribunal’s or the”. 30

In section 201(a)(iii), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

Submarine Cables and Pipelines Protection Act 1996 (1996 No 22)

In section 10(1), replace “a District Court” with “the District Court”.

Submarine Cables and Pipelines Protection Act 1996 (1996 No 22)—*continued*

In section 25(2)(b), replace “a District Court” with “the District Court”.

In section 26(1), replace “a District Court” with “the District Court”.

Replace section 26(2) and (3) with:

- (2) Where the property does not exceed \$350,000 in value, the application must be by way of originating application made to the District Court, and the rules relating to the practice and procedure of the District Court for the time being in force under **Part 2 of the Judicature Modernisation Act 2013** apply to the application. 5
- (3) Where the property exceeds \$350,000 in value, the application must be by way of originating application made to the High Court, and the High Court Rules apply with respect to the application. 10

In section 32(3), replace “\$200,000” with “\$350,000”.

In section 32(4), replace “District Courts for the time being in force under the District Courts Act 1947” with “the District Court for the time being in force under **Part 2 of the Judicature Modernisation Act 2013**”. 15

In section 32(5), replace “\$200,000” with “\$350,000”.

Summary Offences Act 1981 (1981 No 113)

In section 40(1), replace “a District Court” with “the District Court”.

In section 40(2), replace “a District Court” with “the District Court”.

Summary Proceedings Act 1957 (1957 No 87) 20

In section 2(1), replace the definition of **court** with:

court means the District Court constituted under **Part 2 of the Judicature Modernisation Act 2013**

In section 87A(1)(a), replace “a Youth Court” with “the Youth Court”.

In section 88A(3), replace “section 66 of the District Courts Act 1947” with “**section 302 of the Judicature Modernisation Act 2013**”. 25

In section 88A(4)(a), replace “the District Courts Act 1947 and the District Courts Rules 2009” with “**Part 2 of the Judicature Modernisation Act 2013** and the District Court Rules 2014”.

In the heading to section 106D, after “another”, insert “office of”. 30

In section 106D, after “another”, insert “office of the”.

In section 204, replace “any District Court” with “the District Court”.

Tariff Act 1988 (1988 No 155)

In section 7B(3), definition of **court**, replace “any District Court” with “the District Court”. 35

In section 7B(3), replace the definition of **District Court** with:

Tariff Act 1988 (1988 No 155)—*continued***District Court** includes—

- (a) the Family Court; and
- (b) the Youth Court

Tax Administration Act 1994 (1994 No 166)

In section 85K(3)(a)(ii), replace “a Youth Court” with “the Youth Court”. 5

In section 85K(3)(e), replace “a Youth Court” with “the Youth Court”.

In section 143G(2), replace “section 112 of the District Courts Act 1947” with “**section 394 of the Judicature Modernisation Act 2013**”.

In section 156(2), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”. 10

In section 159, replace “in a District Court” with “in the District Court”.

In section 160, replace “a District Court” with “the District Court”.

Taxation Review Authorities Act 1994 (1994 No 165)

In section 22(3), replace “a District Court” with “the District Court”.

Te Ture mō Te Reo Māori 2016 Māori Language Act 2016 (2016 No 17) 15

In Schedule 2, Part A, replace “District Courts” with “The District Court”.

In Schedule 2, Part A, replace “Family Courts” with “The Family Court”.

In Schedule 2, Part A, replace “Youth Courts” with “The Youth Court”.

In Schedule 2, Part B, replace “Disputes Tribunals” with “The Disputes Tribunal”.

Te Ture Whenua Maori Act 1993 (1993 No 4) 20

In section 20, replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 81(1), replace “a District Court” with “the District Court”.

Telecommunications Act 2001 (2001 No 103)

In section 120(1), replace “a District Court” with “the District Court”. 25

In section 141(1), replace “a District Court” with “the District Court”.

In section 141(3), replace “a District Court” with “the District Court”.

In section 141(4), replace “a District Court” with “the District Court”.

In section 147(1), replace “a District Court” with “the District Court”.

In section 147(3), replace “a District Court” with “the District Court”. 30

In section 147(4), replace “a District Court” with “the District Court”.

In section 155L(2), replace “a District Court” with “the District Court”.

In section 155L(3), replace “a District Court” with “the District Court”.

Telecommunications Act 2001 (2001 No 103)—continued

In section 155L(4), replace “a District Court” with “the District Court”.

In section 155M(2), replace “a District Court” with “the District Court”.

In section 156H(2), replace “a District Court” with “the District Court”.

In section 156I(1), replace “a District Court” with “the District Court”.

In section 156J(1), replace “A District Court” with “The District Court”. 5

Trade Marks Act 2002 (2002 No 49)

In section 5(1), definition of **court**, paragraph (b), replace “a District Court” with “the District Court”.

In section 134F(2), replace “a District Court” with “the District Court”.

In section 134K(1), replace “the District Court” with “the office of the District Court” in each place. 10

In section 134K(1)(b), replace “the District Court” with “that office of the District Court”.

In section 155G(2), replace “a District Court” with “the District Court”.

Trans-Tasman Mutual Recognition Act 1997 (1997 No 60) 15

In section 67(1), replace “a District Court” with “the District Court”.

In section 67(2), replace “a District Court” with “the District Court”.

In section 70(2), replace “a District Court” with “the District Court”.

Trans-Tasman Proceedings Act 2010 (2010 No 108)

In section 42(3)(a), replace “a District Court” with “the District Court”. 20

In section 42(3)(b), replace “that District Court” with “the District Court”.

Transport Accident Investigation Commission Act 1990 (1990 No 99)

In section 14E(1), replace “District Courts under the District Courts Act 1947” with “the District Court under **Part 2 of the Judicature Modernisation Act 2013**”.

In section 14F(1), replace “District Courts under the District Courts Act 1947” with “the District Court under **Part 2 of the Judicature Modernisation Act 2013**”. 25

Unclaimed Money Act 1971 (1971 No 28)

In section 6(1)(a), replace “the District Court” with “the office of the District Court”.

Unit Titles Act 2010 (2010 No 22)

In the heading to section 172-heading, replace “**Courts**” with “**Court**”. 30

In section 172(1), replace “A District Court” with “The District Court”.

In section 172(1), replace “\$200,000” with “\$350,000”.

In section 172(2), replace “a District Court” with “the District Court”.

Unit Titles Act 2010 (2010 No 22)—*continued*

In section 172(3), replace “A District Court” with “The District Court”.

In section 173(1)(a), replace “\$200,000” with “\$350,000”.

United Nations Convention on the Law of the Sea Act 1996 (1996 No 69)

In section 3(5), definition of **court**, replace “any District Court” with “the District Court”.

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Unsolicited Electronic Messages Act 2007 (2007 No 7)

In section 31(2), replace “a District Court” with “the District Court”.

In section 32(1), replace “a District Court” with “the District Court”.

In section 33(1), replace “A District Court” with “The District Court”.

In the heading to section 37 heading, replace “Courts” with “Court”.

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In section 37(1), replace “District Courts” with “the District Court”.

In section 37(2), replace “a District Court” with “the District Court”.

In section 37(2)(a), replace “\$200,000” with “\$350,000”.

In section 37(2)(b), replace “\$200,000” with “\$350,000”.

In section 37(2)(c), replace “\$200,000” with “\$350,000”.

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Utilities Access Act 2010 (2010 No 98)

In section 7(1), replace “a District Court” with “the District Court”.

Veterans’ Support Act 2014 (2014 No 56)

Replace section 207(2)(c) with:

(c) **sections 336 to 343 of the Judicature Modernisation Act 2013;**
or

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Veterinarians Act 2005 (2005 No 126)

In section 64(1), replace “a District Court” with “the District Court”.

In section 64(2), replace “a District Court” with “the District Court”.

In section 64(3), replace “a District Court” with “the District Court”.

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Victims’ Orders Against Violent Offenders Act 2014 (2014 No 45)

In section 4, definition of **court**, replace “a District Court” with “the District Court”.

In section 28(1), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In section 28(1)(a), replace “District Courts” with “the District Court”.

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In section 28(2)(b), replace “the District Courts” with “the District Court”.

In section 28(3), replace “the District Courts” with “the District Court”.

Volunteers Employment Protection Act 1973 (1973 No 25)

In section 14ZN(1), replace “any District Court” with “the District Court”.

In section 14ZN(1), replace “a District Court” with “the District Court”.

Wages Protection and Contractors’ Liens Act Repeal Act 1987 (1987 No 188)

In section 3(3), replace “the District Court” with “the office of the District Court”.

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Waste Minimisation Act 2008 (2008 No 89)

In section 72(1), replace “A District Court” with “The District Court”.

In section 84(3), replace “a District Court” with “the District Court”.

Weathertight Homes Resolution Services Act 2006 (2006 No 84)

In section 8, definition of **court of competent jurisdiction**, paragraph (b), replace “a District Court” with “the District Court”.

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In section 8, definition of **Disputes Tribunal**, replace “a Disputes Tribunal established under section 4 of the Disputes Tribunals Act 1988” with “the Disputes Tribunal established under section 4 of the Disputes Tribunal Act 1988”.

In section 60(5)(b)(i), replace “a Disputes Tribunal” with “the Disputes Tribunal”.

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Replace section 87(4) with:

(4) This section applies, despite **section 256 of the Judicature Modernisation Act 2013**, even if the amount at issue (whether on balance of account or otherwise) is more than \$350,000.

In section 93(2)(a), replace “\$200,000” with “\$350,000”.

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In section 93(2)(b), replace “\$200,000” with “\$350,000”.

In section 93(4), replace “\$200,000” with “\$350,000”.

In section 93(5), replace “\$200,000” with “\$350,000”.

In section 98(2), replace “a District Court” with “the District Court”.

Replace section 98(6) with:

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(6) This section applies, despite **section 256 of the Judicature Modernisation Act 2013**, even if the amount at issue (whether on balance of account or otherwise) is more than \$350,000.

In section 99(5), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

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In section 119, replace “a District Court” with “the District Court”.

In section 120(1), replace “in a District Court” with “in the District Court”.

In the heading to section 125, replace “Courts” with “Court”.

In section 125(1), replace “the District Courts Act 1947, the Governor-General may, by Order in Council, make rules regulating the practice and procedure of District Courts” with “**Part 2 of the Judicature Modernisation Act 2013**, the Governor-

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Weathertight Homes Resolution Services Act 2006 (2006 No 84)—continued

General may, by Order in Council, make rules regulating the practice and procedure of the District Court”.

In section 125(3), replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

In Schedule 3, clause 15(1), replace “a District Court may make under section 56A or 56B of the District Courts Act 1947” with “the District Court may make under **section 287 or 288 of the Judicature Modernisation Act 2013**”.

In Schedule 3, clause 15(2), replace “under section 56A or 56B of the District Courts Act 1947” with “under **section 287 or 288 of the Judicature Modernisation Act 2013**”.

Weights and Measures Act 1987 (1987 No 15)

In section 30F(1), replace “a District Court” with “the District Court”.

In section 40A(1)(c), replace “a District Court” with “the District Court”.

Wellington Regional Water Board Act 1972 (1972 No 3 (L))

In section 13(1), replace “any District Court” with “any office of the District Court”.

In section 13(5), replace “a District Court” with “the District Court”.

In section 29(2), replace “a District Court” with “the District Court”.

In section 66(4), replace “the District Court” with “the office of the District Court”.

In section 66(4), replace “any other District Court” with “any other office of the District Court”.

In section 66(9), replace “a District Court” with “the District Court”.

In section 88(4), replace “any District Court” with “the District Court”.

In section 93, replace “any District Court” with “the District Court”.

In section 117(9)(a), replace “a District Court” with “the District Court”.

Wellington Waterworks Act 1871 (1871 No 3 (P))

In section 61, replace “the District Courts Act 1947” with “**Part 2 of the Judicature Modernisation Act 2013**”.

Wills Act 2007 (2007 No 36)

In section 9(3)(d), replace “a Family Court” with “the Family Court”.

Schedule 7
Transitional, savings, and related provisions relating to District Court

ss 187, 422

- 1 Interpretation** 5
- In this Schedule, unless the context otherwise requires,—
- former Act** means the District Courts Act 1947
- judicial officer** means a Judge, an acting Judge, a Registrar, or a Deputy Registrar of a District Court or a Community Magistrate
- proceedings** includes actions and matters. 10
- Judicial officers*
- 2 Judicial officers to continue in office**
- (1) This clause applies to every person who is a judicial officer under the former Act immediately before the commencement of this clause.
- (2) A judicial officer to whom this clause applies continues to hold his or her judicial office under the conditions of his or her appointment. 15
- Other officers*
- 3 Other officers of court to continue in office**
- (1) This clause applies to every person who is an officer of a District Court (other than a judicial officer as defined in **clause 1**) under the former Act immediately before the commencement of this clause. 20
- (2) An officer to whom this clause applies continues to hold his or her office subject to this Act.
- Court*
- 3A Appointment of places for holding of courts for jury trials** 25
- The appointment under section 4(2A) of the former Act of a city, borough, or other place that is in force immediately before the commencement of this clause continues in force as if it were an appointment made under **section 191(5) of Part 2 of the Judicature Modernisation Act 2016.**
- Proceedings and other matters* 30
- 4 Proceedings, etc, continue under former Act**
- (1) All proceedings pending or in progress in a court operating under the former Act immediately before the commencement of this clause may be continued,

completed, and enforced only under the former Act (including the relevant rules of court) as if that Act had not been repealed by this Act.

- (2) All jurisdictions, offices, appointments, Orders in Council, orders, warrants, rules, regulations, seals, forms, books, records, instruments, and generally all acts of authority that originated under the former Act or another enactment continued or repealed by this Act, and are subsisting or in force on the commencement of this clause, have full effect as if they had originated under the corresponding provisions of this Act and, where necessary, must be treated as having originated under this Act. 5

District Courts Rules 2014 10

5 District Courts Rules 2014 treated as made under section 411

The District Courts Rules 2014 must be treated as having been made under section 411 and on the commencement of this schedule continue in force with the title of the District Court Rules 2014.

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Legislative history

14 September 2016

Divided from Judicature Modernisation Bill (Bill 178–2) as Bill 178–3B