



# Habeas Corpus Amendment Act 2013

Public Act 2013 No 9  
Date of assent 29 March 2013  
Commencement see section 2

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

**1 Title**

This Act is the Habeas Corpus Amendment Act 2013.

**2 Commencement**

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

**3 Principal Act**

This Act amends the Habeas Corpus Act 2001 (the **principal Act**).

**4 Section 8 amended (Description of defendant by reference only to office)**

Replace section 8(a) with:

“(a) the chief executive of the department for the time being responsible for the administration of the Corrections Act 2004, if the detained person is alleged to be illegally detained in a corrections prison; or”.

**5 Section 9 amended (Urgency)**

In section 9(1), after “Court”, insert “unless a Judge of that court considers that the circumstances require otherwise”.

**6 Section 14 amended (Determination of applications)**

(1) After section 14(1), insert:

“(1A) Despite subsection (1), the High Court may refuse an application for the issue of the writ, without requiring the defendant to establish that the detention of the detained person is lawful, if the court is satisfied that—

“(a) section 15(1) applies; or

“(b) an application for the issue of a writ of habeas corpus is not the appropriate procedure for considering the allegations made by the applicant.”

(2) In section 14(3), replace “A Judge” with “Subject to section 13(2), a Judge”.

**7 New section 14A inserted (Application for writ is civil proceeding under Courts (Remote Participation) Act 2010)**

After section 14, insert:

**“14A Application for writ is civil proceeding under Courts (Remote Participation) Act 2010**

To avoid doubt, an application for a writ of habeas corpus is a civil proceeding for the purposes of the Courts (Remote Participation) Act 2010.”

**8 Section 17 amended (Urgency in hearing appeals)**

- (1) In section 17(1), after “Appeal”, insert “unless that court or a Judge of that court considers that the circumstances require otherwise”.
- (2) In section 17(1A), after “the Supreme Court”, insert “unless that court or a Judge of that court considers that the circumstances require otherwise”.

**9 Section 20 amended (Rules)**

In section 20, replace subsection (2) with:

- “(2) Without limiting subsection (1), rules may be made under section 51C of the Judicature Act 1908 that amend the form in the Schedule or replace the form.”

**10 Schedule amended**

In the form in the Schedule, replace “Chief Justice of Our High Court of New Zealand” with “Judge of the High Court of New Zealand”.

**11 Transitional provision**

The amendments made by this Act apply in respect of an application made under the principal Act whether before, on, or after the commencement of this Act.

**Legislative history**

28 June 2012	Introduction (Bill 34–1)
15 August 2012	First reading and referral to Justice and Electoral Committee
11 December 2012	Reported from Justice and Electoral Committee (Bill 34–2)
20 February 2013	Second reading
13 March 2013	Committee of the whole House
27 March 2013	Third reading
29 March 2013	Royal assent

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This Act is administered by the Ministry of Justice.

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