



Court of Appeal (Criminal) Amendment Rules 2021

Patsy Reddy, Governor-General

Order in Council

At Wellington this 19th day of April 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

These rules are made under section 386 of the Criminal Procedure Act 2011, section 73 of the Bail Act 2000, and section 148 of the Senior Courts Act 2016—

- (a) on the advice and with the consent of the Executive Council; and
- (b) with the concurrence of the Right Honourable the Chief Justice and at least 2 other members of the Rules Committee continued under section 155 of the Senior Courts Act 2016 (of whom at least 1 was a Judge of the High Court).

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Rules

1 Title

These rules are the Court of Appeal (Criminal) Amendment Rules 2021.

2 Commencement

These rules come into force on 20 May 2021.

3 Principal rules

These rules amend the Court of Appeal (Criminal) Rules 2001.

Part 1

Authorisation to sign documents

4 Rule 8 amended (Persons required or authorised to sign notices and other documents)

Replace rule 8(1) with:

- (1) The appellant or the appellant's lawyer must sign a notice of appeal, a notice of application for leave to appeal, or an interlocutory application unless—
 - (a) the notice is required to be marked and signed in accordance with subclause (2); and
 - (b) another person signs the notice under any of subclauses (3) to (5).
- (1A) If the appellant's lawyer signs the notice under subclause (1), they must also—
 - (a) certify that personal execution by the appellant is presently impracticable; and
 - (b) certify that the notice has been read by, or to, and approved by the appellant; and
 - (c) undertake that an original notice signed by the appellant will be filed as soon as practicable and prior to any fixture being allocated.

Part 2

Headings in te reo Māori

5 New rule 5AA inserted (Heading in te reo Māori)

After rule 5A, insert:

5AA Heading in te reo Māori

The heading of each document filed in the Registry must include the words "I te Kōti Pira o Aotearoa".

6 Schedule amended

In the Schedule, forms 1 to 9, after “In the Court of Appeal of New Zealand”, insert:

I te Kōti Pira o Aotearoa

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 20 May 2021, amend the Court of Appeal (Criminal) Rules 2001 (the **principal rules**).

Part 1 amends the principal rules to allow an appellant’s lawyer to sign a notice of appeal, notice of application for leave to appeal, or an interlocutory application if it is impracticable for the appellant to sign the notice or application.

Part 2 amends the principal rules to require that the heading of each document filed in the Registry includes the name of the court in both English and te reo Māori.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 22 April 2021.

These rules are administered by the Ministry of Justice.