

## **JUDICATURE AMENDMENT BILL (No. 2)**

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### **EXPLANATORY NOTE**

Section 2 of the Judicature Amendment Act (No. 2) 1955 provides that, in any action in which the only relief claimed is payment of a debt or pecuniary damages or the recovery of chattels exceeding £50 in value, either party may, by giving notice, have the action tried before a Judge and jury. This Bill provides that where such a notice is given, if it appears to the Court at the trial, or a Judge before the trial, that the action or any issue therein can be more conveniently tried before a Judge alone, the Court or Judge may direct that the action or issue be so tried.

*Hon. Mr Mason*

## JUDICATURE AMENDMENT (No. 2)

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### ANALYSIS

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| Title          | 2. Discretion to allow certain actions |
| 1. Short Title | to be tried by Judge alone             |

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### A BILL INTITULED

#### An Act to amend the Judicature Act 1908

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the Judicature Amendment Act (No. 2) 1959, and shall be read together with and deemed part of the Judicature Act 1908.

**2. Discretion to allow certain actions to be tried by Judge alone**—Section two of the Judicature Amendment Act (No. 2) 1955 is hereby amended by adding the following subsection:  
“(5) Notwithstanding anything to the contrary in the foregoing provisions of this section, in any case where a notice is delivered and served as aforesaid requiring any action to be tried before a jury, if it appears to the Court at the trial, or to a Judge before the trial, that the action or any issue therein can be more conveniently tried before a Judge alone, the Court or Judge may direct that the action or issue be so tried.”

No. 98—1