

Judicature Amendment Bill (No 3)

Government Bill

As reported from the committee of the whole House

Key to symbols used in reprinted bill

As reported from a select committee

Struck out (unanimous)

Subject to this Act,	Text struck out unanimously
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New (unanimous)

Subject to this Act,	Text inserted unanimously
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<i>(Subject to this Act,)</i>	Words struck out unanimously
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Hon Rick Barker

Judicature Amendment Bill (No 3)

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Judicature Amendment Act (No 3) **2005**.

Struck out

2 Commencement

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

5

New

2 Commencement

- (1) This Act (except **sections 4, 5, and 5A**) comes into force on the day after the date on which it receives the Royal assent.
- (2) **Sections 4, 5, and 5A** come into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more orders may be made bringing different provisions into force on different dates.

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2A Principal Act amended

This Act amends the Judicature Act 1908.

Part 1

10

Procedures and constitution of Court of Appeal**3 Constitution of Court of Appeal**

Section 57(2)(b) is amended by omitting “6” and substituting “8”.

4 Court of Appeal to sit in divisions

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- (1) Section 58(1) is amended by omitting “in subsection (2) and”.
- (2) Section 58 is amended by repealing subsection (2).

5 Judgment of Court of Appeal

Section 59 is amended by adding the following subsection:

- “(3) The delivery of the judgment of the Court of Appeal may be effected in any manner(, *and by any number of Judges,*) provided by rules made under section 51C.”

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Part 2 Further amendments to principal Act

New

- | | | |
|-----------|--|----|
| 5A | New section 26IB inserted
The following section is inserted after section 26IA: | |
| | “26IB Judge or Associate Judge may, by video link, preside at hearing of specified matters | 5 |
| | “(1) A Judge or Associate Judge may, by video link, preside at the hearing of any matter— | |
| | “(a) over which an Associate Judge has jurisdiction under section 26I; and | 10 |
| | “(b) that is specified in rules made under section 51C for the purposes of this section. | |
| | “(2) A hearing conducted under the authority of subsection (1) — | |
| | “(a) has effect as if the Judge or Associate Judge were physically present: | 15 |
| | “(b) does not affect the privileges and immunities of the Judge or Associate Judge or of any witnesses, counsel, or parties appearing at the hearing. | |
| | “(3) Rules made under section 51C may— | |
| | “(a) specify a class or classes of matters in respect of which hearings authorised by subsection (1) may be conducted: | 20 |
| | “(b) regulate the manner in which hearings authorised by subsection (1) are conducted.” | |
| 6 | <i>(Decision of Court of Appeal final as regards tribunals of New Zealand)</i> Section 65 repealed
Section 65 is <i>(amended by repealing the proviso)</i> <u>repealed</u> . | 25 |
| 7 | New section 67 substituted
Section 67 is repealed and the following section substituted: | |
| | “67 Appeals against decisions of High Court on appeal | |
| | “(1) The decision of the High Court on appeal from an inferior court is final, unless a party, on application, obtains leave to appeal against that decision— | 30 |
| | “(a) to the Court of Appeal; or | |

“(b) directly to the Supreme Court (in exceptional circumstances as provided for in section 14 of the Supreme Court Act 2003).

- “(2) An application under **subsection (1)** for leave to appeal to the Court of Appeal must be made to the High Court or, if the High Court refuses leave, to the Court of Appeal. 5
- “(3) An application under **subsection (1)** for leave to appeal directly to the Supreme Court must be made to the Supreme Court.

Struck out (unanimous)

- “(4) **Subsection (1)** does not affect any right to seek leave to appeal to the Supreme Court from a decision of the Court of Appeal on appeal from the High Court. 10

New (unanimous)

- “(4) If leave to appeal referred to in **subsection (1)(a)** is obtained, the decision of the Court of Appeal on appeal from the High Court is final unless a party, on application, obtains leave to appeal against that decision to the Supreme Court. 15
- “(5) **Subsections (1), (3), and (4)** are subject to the Supreme Court Act 2003.”

- 8 Section 68 repealed** 20
Section 68 is repealed.

Legislative history

10 May 2005	Introduction (Bill 262-1)
21 June 2005	First reading and referral to Government Administration Committee
24 February 2006	Reported from Government Administration Committee (Bill 262-2)
14 March 2006	Second reading
28 March, 4 April 2006	Committee of the whole House

