

**Reprint  
as at 1 March 2017**



## District Courts Act 1947

Public Act      1947 No 16  
Date of assent    24 October 1947  
Commencement    see section 1(2)

District Courts Act 1947: repealed (except for sections 62B and 65A), on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
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**This Act is administered by the Ministry of Justice.**

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**Title** *[Repealed]*

Title: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**1 Short Title and commencement**

*[Repealed]*

Section 1: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**2 Interpretation**

*[Repealed]*

Section 2: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**Part 1****Constitution and administration**

*[Repealed]*

Part 1: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*District Courts*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**3 Courts constituted**

*[Repealed]*

Section 3: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**4 Appointment of places for holding of courts**

*[Repealed]*

Section 4: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**4A Sittings of court at other places**

*[Repealed]*

Section 4A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**4B Disputes Tribunals**

*[Repealed]*

Section 4B: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*District Court Judges*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**5 Appointment and qualifications**

*[Repealed]*

Section 5: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**5AA Judges act on full-time basis but may be authorised to act part-time**

*[Repealed]*

Section 5AA: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**5A Chief District Court Judge**

*[Repealed]*

Section 5A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**5B Appointment of jury trial Judges**

*[Repealed]*

Section 5B: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**6 Salaries and allowances**

*[Repealed]*

Section 6: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**7 Tenure of office**

*[Repealed]*

Section 7: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**8 Ex officio functions of Judges**

*[Repealed]*

Section 8: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**9 Assignment and rostering of District Court Judges**

*[Repealed]*

Section 9: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**10 Acting Judges**

*[Repealed]*

Section 10: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**10A Retired Judges may act**

*[Repealed]*

Section 10A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**11 Jurisdiction of Judge in Chatham Islands**

*[Repealed]*

Section 11: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

***Community Magistrates***

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**11A Appointment of Community Magistrates**

*[Repealed]*

Section 11A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**11B Right to hold other office and to engage in other employment**

*[Repealed]*

Section 11B: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**11C Functions and powers of Community Magistrates**

*[Repealed]*

Section 11C: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**11CA No proceeding against Community Magistrate unless he or she acted without jurisdiction**

*[Repealed]*

Section 11CA: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**11CB No proceeding against Community Magistrate to be commenced in District Court**

*[Repealed]*

Section 11CB: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**11CC Onus of proof**

*[Repealed]*

Section 11CC: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**11CD Plaintiff may be ordered to give security for costs**

*[Repealed]*

Section 11CD: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**11CE Indemnity to Community Magistrate**

*[Repealed]*

Section 11CE: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**11D Chief Community Magistrate**

*[Repealed]*

Section 11D: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**11E Functions of Chief Community Magistrate**

*[Repealed]*

Section 11E: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**11F Tenure of office**

*[Repealed]*

Section 11F: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**11G Remuneration and allowances of Community Magistrates**

*[Repealed]*

Section 11G: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**11H Retired Community Magistrates**

*[Repealed]*

Section 11H: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Registrars**[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**12 Appointment of Registrar***[Repealed]*

Section 12: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**13 Record of proceedings to be kept by Registrar***[Repealed]*

Section 13: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**14 Deputy Registrars***[Repealed]*

Section 14: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Bailiffs**[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**15 Appointment of bailiffs***[Repealed]*

Section 15: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**16 Deputy bailiffs***[Repealed]*

Section 16: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**17 Powers and duties of bailiffs***[Repealed]*

Section 17: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**17A Sections 121, 128, and 129 of Search and Surveillance Act 2012  
inapplicable to bailiffs***[Repealed]*

Section 17A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Miscellaneous provisions as to officers*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**18 Penalty for assaulting officers**

*[Repealed]*

Section 18: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**19 Misconduct of officers**

*[Repealed]*

Section 19: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**20 Officers of court not to act as solicitors therein**

*[Repealed]*

Section 20: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Sittings*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**21 Place of sittings**

*[Repealed]*

Section 21: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**22 Times of sittings**

*[Repealed]*

Section 22: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**23 Adjourned sittings**

*[Repealed]*

Section 23: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**Part 2**

**Criminal jurisdiction**

*[Repealed]*

Part 2: repealed, on 1 April 1958, by section 214(1) of the Summary Proceedings Act 1957 (1957 No 87).

**Part 2A**  
**Criminal jurisdiction in respect of indictable offences**

*[Repealed]*

Part 2A: repealed, on 1 July 2013, by section 12 of the District Courts Amendment Act (No 2) 2011 (2011 No 88).

**Part 3**  
**Civil jurisdiction and transfer of proceedings**

*[Repealed]*

Part 3: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Claims founded on contract or tort*

*[Repealed]*

Heading: repealed, on 1 July 1992, by section 2 of the District Courts Amendment Act (No 2) 1992 (1992 No 53).

**29 General jurisdiction in respect of proceedings**

*[Repealed]*

Section 29: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**30 Money recoverable by statute**

*[Repealed]*

Section 30: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**31 Extending jurisdiction in actions for recovery of land**

*[Repealed]*

Section 31: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**32 Landlord's right where rent is in arrear or premises deserted**

*[Repealed]*

Section 32: repealed, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

**33 Jurisdiction as to building societies**

*[Repealed]*

Section 33: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Equity proceedings*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).



**34 Equity jurisdiction**

*[Repealed]*

Section 34: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Miscellaneous provisions as to jurisdiction*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**35 Jurisdiction where title in question**

*[Repealed]*

Section 35: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**36 Abandonment of part of claim to give court jurisdiction**

*[Repealed]*

Section 36: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**37 Extension of jurisdiction in admiralty by agreement between the parties**

*[Repealed]*

Section 37: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**38 Division of cause of action not allowed**

*[Repealed]*

Section 38: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**39 Proceedings against absent defendant**

*[Repealed]*

Section 39: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Exercise of jurisdiction and ancillary jurisdiction*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**40 Persons who exercise jurisdiction of court**

*[Repealed]*

Section 40: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**41 General ancillary jurisdiction**

*[Repealed]*

Section 41: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**42 Ancillary powers of Judge**

*[Repealed]*

Section 42: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**42A Jurisdiction exclusive of interest awarded**

*[Repealed]*

Section 42A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Transfer of proceeding*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**43 Transfer to High Court of proceeding within jurisdiction**

*[Repealed]*

Section 43: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**44 Transfer of proceedings beyond jurisdiction**

*[Repealed]*

Section 44: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**45 Transfer of proceedings where there is a counterclaim**

*[Repealed]*

Section 45: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**45A Removal of summary judgment application from District Court to High Court**

*[Repealed]*

Section 45A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Removal of question of law into High Court*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**45B Removal of question of law into High Court**

*[Repealed]*

Section 45B: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**46 Transfer of proceeding from High Court to District Court**

*[Repealed]*

Section 46: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**47 Procedure on transfer of proceeding from High Court to District Court**

*[Repealed]*

Section 47: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**48 Costs in cases transferred or removed**

*[Repealed]*

Section 48: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**Part 4  
Procedure**

Part 4: repealed (except sections 62B and 65A), on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Parties*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**49 Trustees, executors, and administrators**

*[Repealed]*

Section 49: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**50 Amount of wages, etc, for which minor may sue**

*[Repealed]*

Section 50: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**51 Persons jointly liable**

*[Repealed]*

Section 51: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**52 Bankruptcy of plaintiff**

*[Repealed]*

Section 52: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Witnesses and evidence*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**53 Witness entitled to expenses**

*[Repealed]*

Section 53: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**54 Penalty for neglecting witness summons**

*[Repealed]*

Section 54: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**55 Examination of witnesses and service of process abroad**

*[Repealed]*

Section 55: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**56 Persons who may take affidavits, etc**

*[Repealed]*

Section 56: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Discovery*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**56A Powers of court exercisable before commencement of proceeding**

*[Repealed]*

Section 56A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**56B Power of court to order particular discovery against non-party after proceeding commenced**

*[Repealed]*

Section 56B: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Hearing*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**57 Right of audience**

*[Repealed]*

Section 57: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**58 Trial by Judge**

*[Repealed]*

Section 58: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**59 Equity and good conscience**

*[Repealed]*

Section 59: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**60 Judge to take notes**

*[Repealed]*

Section 60: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**61 Power of Judge to refer to arbitration**

*[Repealed]*

Section 61: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**62 Power of Judge to refer to Registrar or referee**

*[Repealed]*

Section 62: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**62A Reference by consent**

*[Repealed]*

Section 62A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Judgments and orders*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**62B Power of court to award interest on debts and damages**

- (1) Subject to subsection (2), in a proceeding for the recovery of any debt or damages, the court may, if it thinks fit, order that there shall be included in the sum for which judgment is given interest at such rate, not exceeding the prescribed rate, as it thinks fit on the whole or any part of the debt or damages for the whole or any part of the period between the date when the cause of action arose and the date of the judgment.
- (2) Subsection (1) shall not—
  - (a) authorise the giving of interest upon interest; or
  - (b) apply in relation to any debt upon which interest is payable as of right, whether by virtue of any agreement, enactment, or rule of law, or otherwise; or
  - (c) affect the damages recoverable for the dishonour of a bill of exchange.
- (3) In any proceedings for the recovery of any debt upon which interest is payable as of right, and in respect of which the rate of interest is not agreed upon, prescribed, or ascertained under any agreement, enactment, or rule of law, or otherwise, there shall be included in the sum for which judgment is given interest at such rate, not exceeding the prescribed rate, as the court thinks fit for the period between the date as from which the interest became payable and the date of the judgment.
- (4) In this section the term **the prescribed rate** means the rate of 11% per annum, or such other rate as may from time to time be prescribed for the purposes of this section by the Governor-General by Order in Council.

Section 62B: inserted, on 13 January 1983, by section 4(1) of the District Courts Amendment Act (No 2) 1982 (1982 No 130).

Section 62B(1): amended, on 1 July 1992, by section 21(1) of the District Courts Amendment Act 1991 (1991 No 61).

Section 62B(4): 5.0% per year prescribed as the rate for the purposes of section 62B, on 1 July 2011, by clause 4 of the District Courts (Prescribed Rate of Interest) Order 2011 (SR 2011/176).

**63 Finality of judgments and orders**

*[Repealed]*

Section 63: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**64 Want of form**

*[Repealed]*

Section 64: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

## **65 Payment of judgments and orders**

*[Repealed]*

Section 65: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

## **65A Interest on judgment debts**

(1) In this section—

**enforcement process**, in relation to a judgment debt, means any summons, warrant, or order issued or made in any proceedings of a kind referred to in section 79(1) for the enforcement of that debt

**judgment debt** means the amount for which judgment is entered or for which an order of a court is made in any civil proceedings.

- (2) Every judgment debt of an amount exceeding \$3,000, or such other amount as may be fixed from time to time for the purposes of this section by the Governor-General by Order in Council, shall carry interest from the date of the judgment or order on the amount for the time being remaining unpaid.
- (3) Such interest shall be at the rate for the time being prescribed by or under section 62B, and shall accrue from month to month.
- (4) No interest shall be payable on costs incurred after the date of the judgment or order.
- (5) Notwithstanding subsection (2) or subsection (3), where any enforcement process is issued in respect of the judgment debt, no interest shall be payable in excess of the amount specified in the process unless a further such process is issued.

Section 65A: inserted, on 13 January 1983, by section 5 of the District Courts Amendment Act (No 2) 1982 (1982 No 130).

## *Removal of judgments*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

## **66 Removal of judgment of District Court into High Court**

*[Repealed]*

Section 66: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

## **67 Proceeding in High Court on judgment or order of District Court**

*[Repealed]*

Section 67: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**68 Removal of judgment or order of High Court into District Court**

*[Repealed]*

Section 68: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**69 Removal of judgment from one court to another**

*[Repealed]*

Section 69: repealed, on 14 April 2014, by section 10 of the District Courts Amendment Act 2011 (2011 No 30).

**70 Removal of judgment of abolished court**

*[Repealed]*

Section 70: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Determination of questions concerning rules*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**70A Application of rules**

*[Repealed]*

Section 70A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**Part 5**  
**Appeals**  
*[Repealed]*

Part 5: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**71 Interpretation**

*[Repealed]*

Section 71: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**71A Right to appeal**

*[Repealed]*

Section 71A: repealed, on 24 November 2003, by section 3 of the District Courts Amendment Act 2002 (2002 No 63).

**72 General right of appeal**

*[Repealed]*

Section 72: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).



**73 Agreements that decision would be binding**

*[Repealed]*

Section 73: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**74 Security for appeal**

*[Repealed]*

Section 74: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**75 Appeals to be by way of rehearing**

*[Repealed]*

Section 75: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**76 Powers of High Court on appeal**

*[Repealed]*

Section 76: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**77 Repayment of judgment sum and interest**

*[Repealed]*

Section 77: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**78 Enforcement proceedings**

*[Repealed]*

Section 78: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**78A Right of appeal in respect of contempt of court**

*[Repealed]*

Section 78A: repealed, on 1 July 2013, by section 12 of the District Courts Amendment Act (No 2) 2011 (2011 No 88).

**Part 6**

**Enforcement of judgments**

*[Repealed]*

Part 6: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Enforcement generally*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**79 Nature of proceedings for enforcement of judgment**

*[Repealed]*

Section 79: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**79A Judgment may be enforced in any District Court**

*[Repealed]*

Section 79A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**80 Enforcement of judgments more than 6 years old**

*[Repealed]*

Section 80: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**81 Enforcement of order for payment by instalments**

*[Repealed]*

Section 81: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**82 Proceedings on cross-judgments**

*[Repealed]*

Section 82: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**83 Power to stay proceedings for enforcement**

*[Repealed]*

Section 83: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84 Stay of proceedings on appeal**

*[Repealed]*

Section 84: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Information about judgment debtor's means*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84A Filing of financial statement**

*[Repealed]*

Section 84A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84B Notice to complete financial statement**

*[Repealed]*

Section 84B: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84C Court to request information about judgment debtor's means**

*[Repealed]*

Section 84C: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84D Court may order hearing if information about judgment debtor's means not provided, etc**

*[Repealed]*

Section 84D: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84E Application for financial assessment hearing**

*[Repealed]*

Section 84E: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84EA Power to arrest judgment debtor or officer**

*[Repealed]*

Section 84EA: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84EB Financial assessment hearing**

*[Repealed]*

Section 84EB: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84EC Orders by court following filing of financial statement, etc**

*[Repealed]*

Section 84EC: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Attachment orders*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84F Interpretation**

*[Repealed]*

Section 84F: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84G Attachment orders**

*[Repealed]*

Section 84G: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84H Content of attachment orders**

*[Repealed]*

Section 84H: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84I Effect of attachment orders**

*[Repealed]*

Section 84I: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84J Liability of employer**

*[Repealed]*

Section 84J: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84K Wrongful treatment of employee**

*[Repealed]*

Section 84K: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84L Extent to which attachment orders bind the Crown**

*[Repealed]*

Section 84L: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84M Variation, suspension, and discharge of attachment orders**

*[Repealed]*

Section 84M: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Review of Registrar's decision*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84N Review of Registrar's decision**

*[Repealed]*

Section 84N: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Contempt*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84O Contempt procedures**

*[Repealed]*

Section 84O: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84OA Process for dealing with application for contempt procedures**

*[Repealed]*

Section 84OA: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84OB Warrant to arrest may be issued if judgment debtor cannot be served or fails to appear at hearing**

*[Repealed]*

Section 84OB: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**84P Application of Part 1 of Legal Services Act 1991**

*[Repealed]*

Section 84P: repealed, on 1 February 2001, by section 127(1)(a) of the Legal Services Act 2000 (2000 No 46).

**84Q Judgment debtor doing community work to be discharged on payment**

*[Repealed]*

Section 84Q: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Warrants to seize property*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**85 Warrant to seize property**

*[Repealed]*

Section 85: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**85A Immobilisation of motor vehicles**

*[Repealed]*

Section 85A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**86 Disposal of bills of exchange, etc, seized**

*[Repealed]*

Section 86: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**87 Penalty for rescue of goods seized**

*[Repealed]*

Section 87: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Sale of goods seized*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**88 Period to elapse before sale**

*[Repealed]*

Section 88: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**89 Sale of goods by public auction unless otherwise ordered**

*[Repealed]*

Section 89: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**90 Protection of bailiff selling goods under execution without notice of claim by third party**

*[Repealed]*

Section 90: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**91 Procedure when goods seized are secured under bill of sale**

*[Repealed]*

Section 91: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**91A Personal property securities register to be checked**

*[Repealed]*

Section 91A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Claims in respect of goods seized*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**92 Priority of High Court and District Court executions**

*[Repealed]*

Section 92: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**93 Sale of goods where claim made thereto**

*[Repealed]*

Section 93: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**94 Third party claim process**

*[Repealed]*

Section 94: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**95 Claims for rent where goods seized under execution**

*[Repealed]*

Section 95: repealed, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

*Garnishee proceedings*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**96 Garnishee proceedings**

*[Repealed]*

Section 96: repealed, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

*Charging orders*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**96A Charging orders**

*[Repealed]*

Section 96A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Committals*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**97 Issue and execution of orders or warrants of committal**

*[Repealed]*

Section 97: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**98 Power of Judge to order discharge**

*[Repealed]*

Section 98: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Warrant for the recovery of land*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**99 Warrant for the recovery of land**

*[Repealed]*

Section 99: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**100 Irregularity in execution of warrant can only be sued for as special damage**

*[Repealed]*

Section 100: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**101 Person illegally obtaining warrant liable for trespass**

*[Repealed]*

Section 101: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**102 Execution of warrant may be stayed on giving bond**

*[Repealed]*

Section 102: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Recovery of chattels*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**103 Warrant for the recovery of chattels**

*[Repealed]*

Section 103: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).



**104 Further proceedings if chattels not recovered**

*[Repealed]*

Section 104: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Liability and protection of officers*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**105 Neglect by bailiffs**

*[Repealed]*

Section 105: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**106 Irregularity in executing warrants**

*[Repealed]*

Section 106: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**107 Actions against bailiffs acting under warrants**

*[Repealed]*

Section 107: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**108 Action to be brought within 6 months, and 1 month's notice to be given**

*[Repealed]*

Section 108: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Service*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**108A Service of documents under this Part**

*[Repealed]*

Section 108A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**108B Service provisions modified in special cases**

*[Repealed]*

Section 108B: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

## **Part 7**

### **Miscellaneous and general**

*[Repealed]*

Part 7: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

#### *Writs of arrest*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

#### **109 Absconding debtors may be held to bail**

*[Repealed]*

Section 109: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

#### **110 Successful plaintiff entitled to execution, successful defendant entitled to compensation**

*[Repealed]*

Section 110: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

#### *Interpleader*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

#### **111 Interpleader**

*[Repealed]*

Section 111: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

#### *Contempt*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

#### **112 Penalty for contempt of court**

*[Repealed]*

Section 112: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

#### *Financial provisions*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**113 Payment and recovery of fees**

*[Repealed]*

Section 113: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**114 Enforcement of fines**

*[Repealed]*

Section 114: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**115 Fines and fees to be paid to Crown Bank Account**

*[Repealed]*

Section 115: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

*Miscellaneous*

*[Repealed]*

Heading: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**116 Prescribed documents to be sealed**

*[Repealed]*

Section 116: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**116A Proof of service of documents**

*[Repealed]*

Section 116A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**117 Subtenant to give notice of proceeding to subtenant's immediate landlord**

*[Repealed]*

Section 117: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**118 Actions on lost instruments**

*[Repealed]*

Section 118: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**119 Immunity of Judges**

*[Repealed]*

Section 119: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**120 No privilege to solicitors**

*[Repealed]*

Section 120: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**121 Constables, etc, to assist**

*[Repealed]*

Section 121: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**122 District Courts Rules**

*[Repealed]*

Section 122: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**123 Regulations**

*[Repealed]*

Section 123: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**123AA Chief executive of Ministry of Justice may approve forms**

*[Repealed]*

Section 123AA: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**123A Reviews of decisions of Registrars concerning fees**

*[Repealed]*

Section 123A: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**124 Application of Act**

*[Repealed]*

Section 124: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**125 Repeals and savings**

*[Repealed]*

Section 125: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**Schedule 1**  
**Criminal Record Book**

*[Repealed]*

s 28

Schedule 1: repealed, on 1 April 1958, by section 214(1) of the Summary Proceedings Act 1957 (1957 No 87).

**Schedule 1A**  
**Offences triable in either District Court or High Court and offences  
triable only in High Court**

*[Repealed]*

ss 28A(1), 28F(3)

Schedule 1A: repealed, on 1 July 2013, by section 12 of the District Courts Amendment Act (No 2) 2011 (2011 No 88).

**Schedule 2**  
**Enactments (repealed by this Act) formerly regulating or providing  
for matters which can be regulated or provided for by rules**

*[Repealed]*

s 122(3)(k)

Schedule 2: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

**Schedule 3**  
**Enactments repealed**

*[Repealed]*

s 125

Schedule 3: repealed, on 1 March 2017, by section 240(1) of the District Court Act 2016 (2016 No 49).

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## District Courts Amendment Act (No 2) 2008

Public Act	2008 No 39
Date of assent	25 June 2008
Commencement	see section 2

### 1 Title

This Act is the District Courts Amendment Act (No 2) 2008.

### 2 Commencement

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

### 9 Transitional provision

- (1) Subsection (2) applies to any offence that—
  - (a) before the commencement of the District Courts Amendment Act (No 2) 2008, could be tried by a court presided over by a trial Judge; but
  - (b) after the commencement of the District Courts Amendment Act (No 2) 2008, cannot be tried by a court presided over by a trial Judge or can only be so tried after transfer to the court by the High Court under the Summary Proceedings Act 1957.
- (2) If a defendant is committed for trial before the commencement of the District Courts Amendment Act (No 2) 2008 in respect of an offence to which this subsection applies, and the committal was to the District Court, that court may try the offence, despite that Act.
- (3) This section does not affect the application of the Interpretation Act 1999 in respect of any transitional matter related to the District Courts Amendment Act (No 2) 2008 not provided for in this section.

**District Courts (Categorisation of Offences) Regulations  
2008**  
(SR 2008/211)

Anand Satyanand, Governor-General

**Order in Council**

At Wellington this 14th day of July 2008

Present:

His Excellency the Governor-General in Council

Pursuant to section 123 of the District Courts Act 1947, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

**Regulations**

**1 Title**

These regulations are the District Courts (Categorisation of Offences) Regulations 2008.

**2 Commencement**

These regulations come into force on 18 July 2008.

**4 Transitional provision**

- (1) This regulation applies if a person charged with an offence under section 6(2)(a), 6(2A)(a), 10(1), or 12C(1)(a) of the Misuse of Drugs Act 1975 was, before the commencement of these regulations, committed to the High Court for trial and is awaiting the commencement of that trial.
- (2) Section 168AA(2) (or, when it is in force, section 184Q) of the Summary Proceedings Act 1957 applies in respect of a defendant in the circumstances referred to in subclause (1) as if at all material times the offence for which the defendant was committed for trial was an offence to which that section applied.

Martin Bell,  
for Clerk of the Executive Council.

## District Courts Amendment Act 2011

Public Act	2011 No 30
Date of assent	22 July 2011
Commencement	see section 2

### 1 Title

This Act is the District Courts Amendment Act 2011.

### 2 Commencement

- (1) Sections 3 and 5 to 8 come into force on the day after the date on which this Act receives the Royal assent.
- (2) The rest of this Act comes into force on a date 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.

Section 2(2): sections 9, 40, 41, and 44(1) brought into force, on 13 February 2012, by the District Courts Amendment Act 2011 Commencement Order 2011 (SR 2011/386).

Section 2(2): sections 4, 10–39, 42, 43, 44(2)–(4), and the Schedule brought into force, on 14 April 2014, by the District Courts Amendment Act 2011 Commencement Order 2013 (SR 2013/410).

### 3 Principal Act amended

This Act amends the District Courts Act 1947.

### 44 Transitional provisions

- (1) Section 28I of the principal Act, as inserted by section 9 of this Act, does not apply in respect of any fine (as defined in section 79 of the Summary Proceedings Act 1957) that was imposed before the commencement of section 9 by a District Court in the exercise of its jurisdiction under Part 2A of the principal Act.
- (2) A person affected by any order or direction that was made before the commencement of section 22 of this Act by a Registrar under section 84B of the principal Act (as it read immediately before that commencement) may, on and after that commencement, apply to a District Court Judge for a review of the order or direction under section 84N of the principal Act (as it read immediately before that commencement) as if this Act had not been enacted.
- (3) If, before the commencement of section 14 of this Act, the examination of a judgment debtor had commenced under section 84B of the principal Act (as it read immediately before that commencement) as to the judgment debtor's means for satisfying the judgment debt, the District Court may, on and after that commencement, do any 1 or more of the things referred to in section 84E(1) of the principal Act (as it read immediately before that commencement) as if this Act had not been enacted.



- (4) If, before the commencement of section 23 of this Act, a judgment debtor was examined under section 84B of the principal Act (as it read immediately before that commencement) as to the judgment debtor's means for satisfying the judgment debt, a judgment creditor may, on and after that commencement, apply for an order of community work under section 84O(1) of the principal Act (as it read immediately before that commencement) as if this Act had not been enacted.

## Reprints notes

### 1 *General*

This is a reprint of the District Courts Act 1947 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### 2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### 3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### 4 *Amendments incorporated in this reprint*

District Court Act 2016 (2016 No 49): section 240

District Courts Amendment Act (No 2) 2011 (2011 No 88)

District Courts Amendment Act 2011 (2011 No 30)

District Courts (Prescribed Rate of Interest) Order 2011 (SR 2011/176): clause 4

Property Law Act 2007 (2007 No 91): section 364(1)

District Courts Amendment Act 2002 (2002 No 63)

Legal Services Act 2000 (2000 No 46): section 127(1)(a)

District Courts Amendment Act 1991 (1991 No 61)

District Courts Amendment Act (No 2) 1982 (1982 No 130)

Summary Proceedings Act 1957 (1957 No 87): section 214(1)