

**Reprint
as at 1 January 2018**

Judicature Amendment Act (No 2) 1985

Public Act 1985 No 112
Date of assent 17 July 1985

Judicature Amendment Act (No 2) 1985: repealed, on 1 January 2018, pursuant to section 182 of the Senior Courts Act 2016 (2016 No 48).

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

This Act is administered by the Ministry of Justice.

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 and commencement

- (1) This Act may be cited as the Judicature Amendment Act (No 2) 1985, and shall be read together with and deemed part of the Judicature Act 1908 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the 1st day of January 1986.

2 Interpretation

- (1) *This subsection substituted section 2 of the principal Act.*
- (2) The Judicature Amendment Act 1972 is hereby consequentially amended by repealing so much of Schedule 1 as relates to section 2 of the principal Act.

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8 Proceedings in lieu of writs

- (1) *This subsection inserted section 98A in the principal Act.*
- (2) Nothing in section 98A of the principal Act (as inserted by subsection (1) of this section) limits the provisions of sections 13 and 14 of this Act.

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13 Transitional provisions

- (1) Where any civil proceedings commenced before the commencement of this Act, whether by writ or in any other manner prescribed by rules of Court repealed or revoked by this Act, are pending or in progress on the commencement of this Act, those civil proceedings may be continued, completed, and enforced under the High Court Rules and the High Court Rules shall, so far as

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practicable, apply to those civil proceedings. So far as it is not practicable for any provision of the High Court Rules to be applied to any such civil proceedings, the rules repealed or revoked by this Act shall, to such extent as may be necessary, continue to apply to those civil proceedings.

- (2) For the avoidance of doubt it is hereby declared that where any civil proceedings are pending or in progress on the commencement of this Act and those civil proceedings were commenced by the issue of a writ of summons that, on the commencement of this Act, has not been served on the defendant, or on any defendant named therein, rules 127 and 128 of the High Court Rules shall apply as if that writ of summons were a statement of claim and notice of proceeding.
- (3) If in any civil proceedings to which subsection (1) of this section applies any question arises as to the application of any provision of the High Court Rules or of the rules repealed or revoked by this Act, the Court may, either on the application of any party to those proceedings or of its own motion, determine the question and make such order thereon as it thinks fit.
- (4) The Acts Interpretation Act 1924 shall apply subject to subsections (1) to (3) of this section and to section 14 of this Act.

14 Saving

Subject to section 13 of this Act, all offices, appointments, records, accounts, books, seals, certificates, summonses, applications, notices, documents, warrants, writs, judgments, orders, decisions, directions, appeals, and generally all acts of authority that originated under any of the provisions of the rules hereby repealed or revoked and are subsisting or in force at the commencement of this Act shall enure for the purposes of the High Court Rules as if they had originated under the corresponding provisions of the High Court Rules and accordingly shall, where necessary, be deemed to have so originated.

Schedule 1

New Second Schedule to principal Act

Section 10

Schedule 2

Enactments amended

Section 11

Schedule 3

Enactments repealed

Section 12(1)

Schedule 4
Rules revoked

Section 12(2)

Eprint notes

1 *General*

This is an eprint of the Judicature Amendment Act (No 2) 1985 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Senior Courts Act 2016 (2016 No 48): section 182