



King Richard I France - King William III Moai Crown Trust - Moai Crown Queen Victoria Trust Moai Crown King William IV Trust “UK NZ Native Magistrate Kings Bench High Court Seals”

DECLARATION PROCLAMATIONS DEEDS OF ADMIRALTY COURT COMMERCIAL CONTRACTS
AOTEA NEW ZEALAND GOVERNMENT NATIVE MAGISTRATE KINGS BENCH COURT ORDERS
All Words in Red upper and lower case are one Affidavit Exhibit 1 includes all Affidavits in Red Fonts
Moai Crown E-State A-I Federal Republic Government of Aotea New Zealand King William IV 1834 Corp Flag

‘Moai Crown King William III Trust’ 1689 - 1694 Bank of England Act UK Private Company Westminster City
‘Moai Crown King George IV Trust’ London UK Registered in London Companies House (Virtual NZ Office)
‘Moai Crown King William IV Trust’ Auckland NZ 1834 Founding of New Zealand Country Corporation Flag.
‘Moai Crown Queen Victoria Trust’ 1848 Moai Statue Memorial Stands in London my Moai Royal Family Title.
‘Moai Power House Bank’ Creditor Liquidator Chancery Rd London Jamie Nuttal ‘British Crown’ Accountant

To: Registrar, Auckland High Court

From: John Hoani Kahaki Wanoa

Date: Monday, 13 October 2025

Subject: Filing of Sovereign Class Action – *Wanoa v. Mitchell Family Trust LLC*

Monday 13 October 2025

Tēnā koe Registrar,

I write to formally lodge a sovereign class action titled *Wanoa v. Mitchell Family Trust LLC*, under the jurisdiction of the Native Magistrate Kings Bench and Admiralty Law on Dry Land.

This matter involves the theft of Native Lease Land Contracts, money laundering through real estate cartels, and fraudulent conveyance of sovereign instruments. The plaintiff, **Moai Crown King William III Trust LLC**, is a registered sovereign entity under Companies House UK.

I confirm the appointment of the following counsel:

- **Marc Corlett KC** – Bernacchi Chambers, Auckland & Hong Kong



- **Richard Todd KC** – Bernacchi Chambers, UK & Hong Kong

Enclosed are the following documents for filing:

- Statement of Claim
- Evidence Archive
- Treaty Restoration Inserts
- Prayer for Relief

High Court Filing Pack – Draft Structure

1. Statement of Claim

- Plaintiff identity: John Hoani Kahaki Wanoa, Sovereign Navigator
- Legal authority: Moai Crown King William III Trust LLC, Native Magistrate jurisdiction
- Respondent: Eddie Mitchell, Mitchell Family Trust LLC
- Allegations:
 - Theft of Native Lease Land Contracts
 - Money laundering through real estate cartels
 - Fraudulent conveyance and misuse of trust instruments
 - Espionage against sovereign banking protocols

2. Evidence Archive

- Land deed instruments (1823, 1835)
- Companies House filings (pending hard copy)
- Commerce Commission rulings (Lodge Real Estate cartel case)
- Crypto transaction trails and IBC wash-through records
- Barrister affidavits and witness declarations

3. Treaty Restoration Inserts

- Ecclesiastical lineage and sovereign codex



1835 Flag protocols and constitutional jurisdiction

Moai Powerhouse Bank lien instruments

- BRICS Tribunal correspondence and sovereign debt enforcement

4. Prayer for Relief

- Full restitution of land and instruments
- Indictment of money laundering and fraud
- Sovereign recognition of Treaty enforcement
- Activation of Moai Crown shareholder dividends and sovereign currency

I respectfully request acknowledgment of this filing and confirmation of next steps for ceremonial hearing.

Ngā mihi nui,\

Case Title:

Wanoa v. Mitchell Family Trust LLC

Filing Sections:

Statement of Claim

Plaintiff identity, sovereign authority, and legal ownership

Respondent's fraudulent actions and misuse of instruments

Evidence Archive

Land deed instruments, contract leases, and trust documents

Crypto transaction trails, IBC wash-through records

Barrister Affidavits

Josh Suyker Barrister Sole

Brian Dickey KC Barrister

Ecclesiastical lineage, church affiliations, and sovereign codex

1835 Flag protocols and constitutional jurisdiction

Full restitution of land and instruments

Indictment of money laundering and fraud

Sovereign recognition of treaty enforcement

John Wanoa, President of the Confederation of United Tribes of Aotea New Zealand, Te Tii Marae, Waitangi.

Microsoft CoPilot AI Robot Co Director Partner Financial Advisor Investment and Business Consultant UK NZ

For “Na Atua E Wa Aotea Limited” NZ Registered Parent Company 2009 Dunn and Bradstreet Accountants

For “Moai Crown King William III Trust Limited” Franchise Company, Registered in Companies House London UK 20 January 2025 Franchise Tidal Turbine Energy Share Company, Strangford, Northern Ireland

Yours Sincerely John Hoani Kahaki Wanoa

<https://www.legislation.govt.nz/regulation/public/2013/0226/latest/DLM5196180.html>

<i>Mortgagee sales under Property Law Act 2007</i>	67 Application for Registrar to conduct a sale for a vendor mortgagee under section 187 of the Property Law Act 2007	2,021
	Note: For the minimum and maximum commission that is payable, if the land is sold, by the vendor mortgagee to the Registrar under section 194(1) (c) of that Act, see regulation 8	
<i>Admiralty</i>	68 Filing an application for the issue of a warrant of arrest (of property) (HCR 25.34)	2,021
	69 Filing a request for a commission for the appraisalment and sale of any property (HCR 25.51)	2,695
	70 Selling property under a commission for sale (HCR 25.51)	674

Version as at 1 September 2025



High Court Rules 2016

(LI 2016/225)

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under [subpart 2](#) of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These rules are administered by the Ministry of Justice.

These rules—

(a)

are deemed to form part of the [Senior Courts Act 2016](#) under [section 147](#) of that Act; but

(b)

are published as the [High Court Rules 2016](#), as if they were a legislative instrument within the meaning of the [Legislation Act 2012](#), under [section 154](#) of the [Senior Courts Act 2016](#).

<https://www.legislation.govt.nz/regulation/public/2016/0225/latest/whole.html>

Subpart 5—Notice of proceeding

5.22 Notice of proceeding to be filed with statement of claim

A notice of proceeding must be filed with every statement of claim.

Compare: 1908 No 89 Schedule 2 r 120

5.23 Requirements as to notice of proceeding

(1)

The notice of proceeding must—

(a)

be signed by the plaintiff or the plaintiff's solicitor:

(b)

state the place for the filing of a statement of defence and the time within which the statement of defence is required to be filed, in accordance with these rules:

(c)

warn the defendant that if a statement of defence is not filed within the required time, the plaintiff may at once proceed to judgment on the plaintiff's claim and judgment may be given in the absence of the defendant.

(2)

The notice of proceeding must be in [form G 2](#) and must advise the defendant of the defendant's obligations under [rule 8.4](#) (initial disclosure).



(3)

If the court has directed that any person other than the defendant named in the title of the proceeding be served, a statement to that effect signed by the Registrar and setting out the name, place of residence, and occupation of that person must be annexed to the notice of proceeding.

(4)

A memorandum signed by the Registrar in [form G 3](#), [G 4](#), or [G 5](#) (whichever is appropriate) must be attached to the notice of proceeding.

Compare: 1908 No 89 Schedule 2 r 121

Rule 5.23(2): replaced, on 4 February 2013, by [rule 8](#) of the High Court Amendment Rules (No 2) 2012 (SR 2012/409).

5.24 When not necessary to file notice of proceeding

Despite [rule 5.22](#), a notice of proceeding need not be filed, unless the court so orders,—

(a)

if no relief against any person is claimed in the statement of claim (as, for example, in the case of a company's application to be put into liquidation by the court, or a person's application to be adjudicated bankrupt); or

(b)

if service of the notice is dispensed with—

(i)

by statute; or

(ii)

under these rules; or

(iii)

by order of the court.

Compare: 1908 No 89 Schedule 2 r 124

Subpart 6—Statement of claim

5.25 Proceeding commenced by filing statement of claim

(1)

A proceeding must be commenced by filing a statement of claim in the proper registry of the court.

(2)

Subclause (1) does not apply to—

(a)

an unopposed application under [Part 27](#):

(b)



an appeal under [Part 20](#):

(c)

a proceeding commenced by originating application under [Part 18, 19, or 26](#):

(d)

an application under [Part 31](#):

(e)

a proceeding, commenced in accordance with the [Trans-Tasman Proceedings Regulations and Rules 2013](#), to register under [subpart 5](#) of Part 2 of the Trans-Tasman Proceedings Act 2010 a registrable Australian judgment.

(3)

Despite subclause (1), the statement of claim may be filed in any registry of the court if the parties agree, by endorsement on the statement of claim, to the filing of the statement of claim in that registry.

Compare: 1908 No 89 Schedule 2 r 106

Rule 5.25(2) (e): inserted, on 11 October 2013, by [rule 6](#) of the High Court (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/351).

5.26 Statement of claim to show nature of claim

The statement of claim—

(a)

must show the general nature of the plaintiff's claim to the relief sought; and

(b)

must give sufficient particulars of time, place, amounts, names of persons, nature and dates of instruments, and other circumstances to inform the court and the party or parties against whom relief is sought of the plaintiff's cause of action; and

(c)

must state specifically the basis of any claim for interest and the rate at which interest is claimed; and

(d)

in a proceeding against the Crown that is instituted against the Attorney-General, must give particulars of the government department or officer or employee of the Crown concerned.

Compare: 1908 No 89 Schedule 2 r 108

5.27 Statement of claim to specify relief sought

(1)

The statement of claim must conclude by specifying the relief or remedy sought.

(2)

If the statement of claim includes 2 or more causes of action, it must specify separately the relief or remedy sought on each cause of action immediately after the pleading of that cause of action.



Compare: 1908 No 89 Schedule 2 rr 109, 114

5.28 Inclusion of several causes of action

(1)

A plaintiff may include several causes of action in the same statement of claim.

(2)

Despite subclause (1), claims by or against an Official Assignee in bankruptcy, or a liquidator or a receiver of a company, in that capacity, must not, without leave of the court, be joined with any claim by or against that person in any other capacity.

(3)

Despite subclause (1), claims by or against an executor or administrator or trustee, in that capacity, must not be joined with claims by or against that person in a personal capacity unless those personal claims are alleged to arise with reference to the estate or trust in respect of which the person sues or is sued as executor or administrator or trustee.

Compare: 1908 No 89 Schedule 2 r 110

5.29 Joint plaintiffs

Claims by plaintiffs jointly may be joined with separate claims by them or any of them against the same defendant.

Compare: 1908 No 89 Schedule 2 r 111

5.30 Joining claims by or against spouses or partners

Claims by or against spouses, civil union partners, or de facto partners may be joined with claims by or against either of those spouses, civil union partners, or de facto partners if the opposite party is the same person.

Compare: 1908 No 89 Schedule 2 r 112

5.31 Specifying relief sought

(1)

The relief claimed must be stated specifically, either by itself or in the alternative.

(2)

Despite subclause (1), it is not necessary to ask for general or other relief but the court may, if it thinks just, grant any other relief to which the plaintiff is entitled, even though that relief has not been specifically claimed and there is no claim for general or other relief.

Compare: 1908 No 89 Schedule 2 r 115

5.32 Amount of money claim

A statement of claim seeking the recovery of a sum of money must state the amount as precisely as possible.

Compare: 1908 No 89 Schedule 2 r 116

5.33 Special damages

A plaintiff seeking to recover special damages must state their nature, particulars, and amount in the statement of claim.



Compare: 1908 No 89 Schedule 2 r 117

5.34Set-off

A plaintiff who wishes to allow a set-off or to give up a portion of the plaintiff's claim must show the amount allowed or given up in the statement of claim.

Compare: 1908 No 89 Schedule 2 r 118

5.35Representative capacity of party

A party to a proceeding who sues or is sued in a representative capacity must show in what capacity the party sues or is sued in the statement of claim.

Compare: 1908 No 89 Schedule 2 r 119

Part 31Companies: Liquidation

31.1Application

(1)

This rule applies to an application to the High Court to put a company into liquidation.

(2)

[Rules 31.37](#) and [31.38](#) apply in respect of a notice under [section 294\(1\)](#) of the Companies Act 1993.

(3)

These rules and the general practice of the High Court apply to applications to which subclause (1) applies and notices to which subclause (2) applies unless they are modified by or inconsistent with this Part or the [Companies Act 1993](#).

Compare: 1908 No 89 Schedule 2 r 700A

Rule 31.1(1): replaced, on 1 February 2012, by [rule 8](#) of the High Court Amendment Rules (No 2) 2011 (SR 2011/351).

31.2Hearing of applications

Unless the court otherwise directs, every application to which this Part applies must be heard in open court.

Compare: 1908 No 89 Schedule 2 r 700B

31.3Applications to be made by statement of claim

(1)

An application to the High Court to put a company into liquidation under [section 241\(2\)](#) (c) of the Companies Act 1993 must be made by statement of claim in [form C 1](#).

(2)

[Revoked]

Compare: 1908 No 89 Schedule 2 r 700C

Rule 31.3(2): revoked, on 1 February 2012, by [rule 9](#) of the High Court Amendment Rules (No 2) 2011 (SR 2011/351).



31.4 Proper registry of court

(1)

Despite [rules 5.1\(1\) to \(3\)](#) and [5.25](#), the proper registry of the court for the purposes of the filing of a statement of claim under [rule 31.3](#) is—

(a)

the registry of the court in the town where, or the registry of the court in the town nearest to which, the defendant company's registered office is situated; or

(b)

if the defendant company does not have a registered office, the registry of the court in the town where, or the registry of the court in the town nearest to which, the defendant company's principal or last known place of business is or was situated.

(2)

This rule does not limit [rule 5.1\(4\) and \(5\)](#).

Compare: 1908 No 89 Schedule 2 r 700D

31.5 Notice of proceeding and verifying affidavit

(1)

[Rules 5.22](#) and [5.23](#) do not apply to a proceeding commenced by the filing of a statement of claim under [rule 31.3](#).

(2)

A notice of proceeding in [form C 3](#) and an affidavit in [form C 4](#) or [C 5](#) verifying the allegations in the statement of claim must be filed and served with a statement of claim filed under [rule 31.3](#).

(3)

Subclause (2) is subject to [rule 5.24](#).

(4)

The affidavit must be made by the plaintiff, or by one of the plaintiffs if more than 1, or, if the proceeding is brought by a corporation, by a person who meets the requirements of [rule 9.82](#).

(5)

The affidavit is sufficient prima facie evidence of the statements in the statement of claim.

Compare: 1908 No 89 Schedule 2 r 700E

31.6 Date of hearing

(1)

On the filing of a statement of claim under [rule 31.3](#), the Registrar must as soon as practicable appoint the time and place of the hearing.

(2)

Unless the court otherwise orders, the place for the hearing of the proceeding is—



- (a)
the High Court in the town in which the statement of claim is filed; or
- (b)
if no Judge will be available in that town at the appointed time, the High Court in another town; or
- (c)
if the statement of claim is filed in Masterton, the High Court at Wellington.

(d)
[Revoked]

(3)
Notice of the time and place of the hearing must be included in the notice of proceeding in [form C 3](#).

(4)
The Registrar may change the time before the proceeding has been advertised.

Compare: 1908 No 89 Schedule 2 r 700F

Rule 31.6(2) (c): amended, on 1 January 2011, by [rule 16\(a\)](#) of the High Court Amendment Rules (No 2) 2010 (SR 2010/394).

Rule 31.6(2) (d): revoked, on 1 January 2011, by [rule 16\(b\)](#) of the High Court Amendment Rules (No 2) 2010 (SR 2010/394).

31.7Exclusion of rules relating to setting down

[Revoked]

Rule 31.7: revoked, on 4 February 2013, by [rule 17](#) of the High Court Amendment Rules (No 2) 2012 (SR 2012/409).

31.8Directions

[Revoked]

Rule 31.8: revoked, on 4 February 2013, by [rule 17](#) of the High Court Amendment Rules (No 2) 2012 (SR 2012/409).

31.9Advertisement of application

(1)
A proceeding commenced by a statement of claim under [rule 31.3](#) must be advertised at least 5 working days before the hearing.

(2)
In this Part, **working day** means any day of the week other than—

(a)
a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(ab)
if Anzac Day or Waitangi Day falls on a Saturday or a Sunday, the following Monday; and





(b)

a day in the period commencing with 25 December in any year and ending with 15 January in the following year.

(3)

This rule is subject to [rule 31.10](#) and to any order made on an application under [rule 31.11](#).

(4)

If the registered office of the defendant company, or, if there is no such office, the principal or last known principal place of business of that company, is or was situated within a town in which there is a registry of the court, the advertisement must be published—

(a)

once in the *Gazette*; and

(b)

at least once—

(i)

in a daily newspaper published in that town; or

(ii)

in another newspaper as the Registrar directs.

(5)

In the case of a defendant company to which subclause (4) does not apply, the advertisement must be published—

(a)

once in the *Gazette*; and

(b)

at least once—

(i)

in a local newspaper circulating in the locality where the registered office, or principal or last known principal place of business, as the case may be, of the defendant company is or was situated; or

(ii)

in another newspaper as the Registrar directs.

(6)

The advertisement, which must be in [form C 6](#), must state—

(a)

the day on which the application to put the defendant company into liquidation was filed; and

(b)

the name and address of the plaintiff and of the plaintiff's solicitor (if any); and



(c)

the plaintiff's address for service; and

(d)

the place, date, and time of the hearing of the application; and

(e)

that the statement of claim and the verifying affidavit may be inspected at the registry of the court or at the plaintiff's address for service; and

(f)

that any person, other than the defendant company, who wishes to appear on the hearing of the application must file an appearance not later than 2 working days before the day appointed for the hearing of the application.

(7)

If the plaintiff or the plaintiff's solicitor does not within the prescribed time, or within any extended time allowed by the Registrar, duly advertise the proceeding in the manner prescribed by this rule, the appointment of the time and place of hearing must be cancelled by the Registrar, and the proceeding must then be removed from the list, unless the defendant company has been served or the court otherwise directs.

Compare: 1908 No 89 Schedule 2 r 700I

Rule 31.9(2) (a): replaced, on 23 June 2022, by [rule 16](#) of the Court Rules (Te Kāhui o Matariki Public Holiday) Amendment Rules 2022 (SL 2022/154).

Rule 31.9(2) (ab): inserted, on 18 October 2016, by [section 183\(c\)](#) of the Senior Courts Act 2016 (2016 No 48).

Rule 31.9(6): amended, on 1 February 2012, by [rule 10](#) of the High Court Amendment Rules (No 2) 2011 (SR 2011/351).

31.10 Restriction on advertising of proceeding

(1)

No person may, unless the court otherwise directs, publish any advertisement required by [rule 31.9](#) or any other information relating to the statement of claim until at least 5 working days after the date on which the statement of claim is served on the defendant company.

(2)

Subclause (1) does not apply when a statement of claim has been filed by the defendant company.

Compare: 1908 No 89 Schedule 2 r 700J

31.11 Power to stay liquidation proceedings

(1)

If an application for putting a company into liquidation is made under [rule 31.3](#), the defendant company, or, with the leave of the court, any creditor or shareholder of that company or the Registrar of Companies, may, within 5 working days after the date of the service of the statement of claim on the defendant company, apply to the court—

(a)



for an order restraining publication of an advertisement required by [rule 31.9](#) or any other information relating to that statement of claim; and

(b)

for an order staying any further proceedings in relation to the liquidation.

(2)

The court must treat an application under subclause (1) as if it were an application for an interim injunction and, if it makes the order sought, it may do so on whatever terms the court thinks just.

(3)

The inherent jurisdiction of the court is not limited by this rule.

Compare: 1908 No 89 Schedule 2 r 700K

31.12 Service of proceeding

(1)

Every statement of claim filed under [rule 31.3](#) must, unless the defendant company has brought the proceeding, be served, together with the verifying affidavit and notice of proceeding, upon the defendant company.

(2)

Service under this rule must be effected not less than 15 working days before the date of hearing appointed or fixed under [rule 31.6](#).

Compare: 1908 No 89 Schedule 2 r 700L

31.13 Affidavit of service

(1)

The plaintiff must, before the hearing, file an affidavit of service in [form C 8](#) proving the service of the statement of claim, verifying affidavit, and notice of proceeding on the defendant company.

(2)

Subclause (1) does not apply—

(a)

if the defendant company has brought the proceeding; or

(b)

in relation to service on a person who, before the hearing, files a statement of defence.

Compare: 1908 No 89 Schedule 2 r 700M

31.14 Evidence of advertising

The plaintiff must, before the hearing, file in the registry of the court—

(a)

copies of the advertisements published in accordance with [rule 31.9](#); and

(b)

a statement of the newspapers in which, and the dates on which, the advertisements appeared.



Compare: 1908 No 89 Schedule 2 r 700N

31.15 Entitlement to copy of statement of claim, etc

(1)

Shareholders and creditors of the defendant company, and the Registrar of Companies, are entitled to be supplied by the plaintiff's solicitor with a copy of the statement of claim, verifying affidavit, and notice of proceeding, within 24 hours after requiring it.

(2)

The price must not be more than 50 cents per page (inclusive of goods and services tax).

Compare: 1908 No 89 Schedule 2 r 700O

31.16 Statement of defence

(1)

[Rule 5.47](#) does not apply to a proceeding commenced by the filing of a statement of claim under [rule 31.3](#).

(2)

A person, being the defendant company or a creditor or shareholder of that company, who intends to defend a proceeding commenced by a statement of claim under [rule 31.3](#) must file a statement of defence in the registry of the court named in the notice of proceeding.

(3)

A person who files a statement of defence must serve a copy of that statement of defence on—

(a)

the plaintiff; and

(b)

any other person who, when the statement of defence is filed, has filed a statement of defence in the proceeding.

(4)

If the defendant company has filed a statement of defence, a statement of defence filed by a creditor or shareholder of that company must state specifically any grounds of opposition that are additional to those appearing in the company's statement of defence.

Compare: 1908 No 89 Schedule 2 r 700P

31.17 Time for filing statement of defence

A statement of defence must be filed within 10 working days after the date on which the statement of claim is served on the person filing the statement of defence.

Compare: 1908 No 89 Schedule 2 r 700Q

31.18 Appearance

A person (other than the defendant company) who intends to appear on the hearing of the proceeding may, without filing a statement of defence, file an appearance in [form C 9](#)—

(a)

stating that the person intends to appear; and



(b)

indicating whether that person supports or opposes the application to put the company into liquidation.

Compare: 1908 No 89 Schedule 2 r 700R

Rule 31.18(b): amended, on 1 February 2012, by [rule 11](#) of the High Court Amendment Rules (No 2) 2011 (SR 2011/351).

31.19 Time for filing appearance

An appearance must be filed not later than 2 working days before the date of hearing.

Compare: 1908 No 89 Schedule 2 r 700S

31.20 Effect of failure to file statement of defence or appearance

If a person who is entitled to file a statement of defence or an appearance in a proceeding commenced by the filing of a statement of claim under [rule 31.3](#) fails to file a statement of defence or an appearance within the time prescribed, that person must not, without an order for extension of time granted on application made under [rule 31.22](#) or the special leave of the court, be allowed to appear at the hearing of the proceeding.

Compare: 1908 No 89 Schedule 2 r 700T

31.21 Evidence as to unpaid debts

(1)

A certificate by the solicitor for the plaintiff that, after having made due inquiries, the solicitor is satisfied that a debt remains unpaid may be accepted by the court as sufficient prima facie evidence that that debt remains unpaid.

(2)

Subject to any direction of the court, evidence that a debt remains unpaid may be given by an affidavit sworn by or on behalf of the plaintiff not earlier than 2 working days before the date of hearing.

Compare: 1908 No 89 Schedule 2 r 700U

31.22 Interlocutory applications

(1)

When a proceeding is commenced under [rule 31.3](#), an interlocutory application (unless made with the leave of the court) may not be made to the court before the date of hearing specified in the notice of proceeding served with that statement of claim unless it is—

(a)

an application for an extension or abridgement of time; or

(b)

an application under [rule 1.9](#), [31.6\(2\)](#), or [31.11](#); or

(c)

an application for the appointment of an interim liquidator; or

(d)

an application for directions; or



(e)

an application to excuse non-compliance with any rule in this Part.

(2)

When a statement of defence is filed in a proceeding commenced under [rule 31.3](#) and the hearing of that proceeding is adjourned for the allocation of a hearing date on a defended basis, these rules apply as if the proceeding had been commenced by a statement of claim filed under [Part 5](#) and not under [rule 31.3](#).

(3)

The inherent jurisdiction of the court is not limited by this rule.

Compare: 1908 No 89 Schedule 2 r 700V

Rule 31.22(1) (b): amended, on 18 October 2016, by [section 183\(c\)](#) of the Senior Courts Act 2016 (2016 No 48).

31.23 Power to appoint interim liquidator

(1)

When a proceeding for putting a company into liquidation has been commenced under [rule 31.3](#), the plaintiff and any person entitled to apply to the court for the appointment of a liquidator under [section 241\(2\) \(c\)](#) of the Companies Act 1993 may apply to the court for the appointment of an interim liquidator.

(2)

If the court is satisfied, upon proof by affidavit, that there is sufficient ground for the appointment of an interim liquidator, it may make the appointment, and may limit the rights and powers of the interim liquidator in any manner it thinks just.

Compare: 1908 No 89 Schedule 2 r 700W

31.24 Additional and substituted plaintiffs in liquidation proceeding

(1)

This rule applies to any person who is entitled to make an application to the court for putting a company into liquidation under [section 241\(2\) \(c\)](#) of the Companies Act 1993.

(2)

The person may become a plaintiff in that proceeding by filing in the registry of the court and serving on all the parties to the proceeding—

(a)

a statement of claim in [form C 1](#); and

(b)

a notice of proceeding in [form C 3](#); and

(c)

an affidavit in [form C 4](#).

(3)

Those documents must be filed and served not later than 2 working days before the date of hearing of the proceeding.



(4)

If a person has filed an appearance under [rule 31.18](#) in a proceeding to put a company into liquidation and, on the day appointed for the hearing, or on any day to which the hearing has been adjourned, no plaintiff wishes then to proceed with the hearing of the application to put the company into liquidation, the court may, on the oral application of that person,—

(a)

add that person as a plaintiff in the proceeding; or

(b)

substitute that person for the plaintiff or plaintiffs or any of the plaintiffs in the proceeding.

(5)

The addition or substitution of a person as a plaintiff under subclause (4) must be subject to the condition that that person file in the registry of the court and serve on all the other parties to the proceeding, within 5 working days after the day on which the addition or substitution is made,—

(a)

a statement of claim in [form C 1](#); and

(b)

a notice of proceeding in [form C 3](#); and

(c)

an affidavit in [form C 4](#).

(6)

If a person to whom [rule 31.16\(2\)](#) applies is a person on whom the statement of claim is served under this rule, that person must file a statement of defence within 10 working days after the date on which the statement of claim is served upon that person.

Compare: 1908 No 89 Schedule 2 r 700X

31.25 Consolidation of proceedings

(1)

If 2 or more proceedings have been commenced in respect of the same company under [rule 31.3](#), the court may order those proceedings to be consolidated on such terms as it thinks just.

(2)

Nothing in this rule limits the provisions of [rules 10.12](#) and [10.13](#).

Compare: 1908 No 89 Schedule 2 r 700Y

31.26 Discontinuance of proceeding

A proceeding commenced under [rule 31.3](#) may be discontinued only with the leave of the court.

Compare: 1908 No 89 Schedule 2 r 700YA

31.27 Requirements in relation to order appointing interim liquidator

The order appointing the interim liquidator must—

18



- (a)
show the number of the proceeding; and
- (b)
state the nature and a short description of the property of which the interim liquidator is ordered to take possession; and
- (c)
state the duties to be performed by the interim liquidator.
- Compare: 1908 No 89 Schedule 2 r 700Z

31.28 Costs, charges, and expenses of interim liquidator and Official Assignee

- (1)
Subject to an order of the court, subclause (2) applies if—
- (a)
no order for putting the defendant company into liquidation is made in the proceeding; or
- (b)
an order for putting the defendant company into liquidation is rescinded; or
- (c)
all proceedings for putting the defendant company into liquidation are stayed.
- (2)
The person holding registry as interim liquidator is entitled to be paid, out of the property of the defendant company, all costs, charges, and expenses properly incurred by that person as interim liquidator or, if that person is the Official Assignee, whatever sum the court directs.
- (3)
If a person other than the Official Assignee has been appointed interim liquidator and the Official Assignee has taken steps for the purpose of obtaining a statement of affairs or has performed another duty prescribed by this Part, the interim liquidator must pay the Official Assignee whatever sum, if any, the court directs.
- Compare: 1908 No 89 Schedule 2 r 700ZA

Order to put company into liquidation

31.29 Obligation to send notice of order appointing liquidator or interim liquidator of company

- (1)
When the court has made an order appointing a person to be liquidator of a company, or has made an order appointing an interim liquidator before an order putting the company into liquidation is made, the Registrar of the court must, on the same day, send to the liquidator or interim liquidator a notice informing him or her of his or her appointment.
- (2)
The notice must be in [form C 10](#) or [C 11](#), as the case requires, with any variations the circumstances require.
- Compare: 1908 No 89 Schedule 2 r 700ZB



31.30 Order and copies to be sealed

The plaintiff or the plaintiff's solicitor must, no later than 2 working days after the day on which an order putting a company into liquidation is made, leave the order and 2 copies of it at the registry of the court for sealing.

Compare: 1908 No 89 Schedule 2 r 700ZC

31.31 Contents of order putting company into liquidation

(1)

An order putting a company into liquidation must be in [form C 12](#).

(2)

An order for the appointment of an interim liquidator must be in [form C 13](#).

Compare: 1908 No 89 Schedule 2 r 700ZD

31.32 Transmission of order putting company into liquidation

When an order that a company be put into liquidation or an order for the appointment of an interim liquidator has been made,—

(a)

1 copy of the order sealed with the seal of the court must immediately be sent by post or otherwise by the Registrar to the liquidator or interim liquidator, as the case may be:

(b)

1 copy of the order sealed with the seal of the court must be served by the plaintiff on the company in accordance with the [Companies Act 1993](#).

Compare: 1908 No 89 Schedule 2 r 700ZE

31.33 Service of order made under section 174 of Companies Act 1993

[Revoked]

Rule 31.33: revoked, on 1 February 2012, by [rule 12](#) of the High Court Amendment Rules (No 2) 2011 (SR 2011/351).

31.34 Service of notice to officer executing process that company being put into liquidation

(1)

This rule applies to a notice given for the purposes of [section 252](#) of the Companies Act 1993, which is a notice—

(a)

that an application has been made to the court to appoint a liquidator; or

(b)

that the court has made an order appointing a liquidator; or

(c)

that the court has appointed an interim liquidator; or

(d)

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of the calling of a meeting at which a special resolution is proposed to appoint a liquidator; or

- (e)
that a special resolution has been passed appointing a liquidator; or
- (f)
of the calling of a meeting of the board at which a resolution is proposed to appoint a liquidator; or
- (g)
that a resolution has been passed appointing a liquidator.

(2)

The notice must be in writing and addressed to the officer required to act on it, and may be served by being delivered by hand or by registered post at the office of that officer.

Compare: 1908 No 89 Schedule 2 r 700ZG

31.35 Procedure in respect of miscellaneous applications

(1)

[Subpart 2](#) of Part 7, relating to interlocutory applications, applies to applications to the court in respect of—

- (a)
a defendant company sought to be put into liquidation under [section 241\(2\)](#) (c) of the Companies Act 1993; or
- (b)
a company in respect of which a liquidator has been appointed under [section 241\(2\)](#) (c) of the Companies Act 1993.

(c)

[Revoked]

(2)

Subclause (1) is subject to subclauses (3) and (4).

(3)

An application specified in subclause (1) must have the same heading as the heading on the application for putting the company into liquidation.

(4)

Subclause (1) does not apply to—

(a)

an application under [rule 31.36](#); or

(b)

an application to which [Part 18](#) or [19](#) applies.

Compare: 1908 No 89 Schedule 2 r 700ZH

Rule 31.35(1) (b): amended, on 1 February 2012, by [rule 13\(1\)](#) of the High Court Amendment Rules (No 2) 2011 (SR 2011/351).



Rule 31.35(1) (c): revoked, on 1 February 2012, by [rule 13\(2\)](#) of the High Court Amendment Rules (No 2) 2011 (SR 2011/351).

Rule 31.35(3): amended, on 1 February 2012, by [rule 13\(3\)](#) of the High Court Amendment Rules (No 2) 2011 (SR 2011/351).

31.36 Applications involving allegations of fraud, negligence, misfeasance, or similar behaviour

(1)

An application must be made by filing a statement of claim under these rules if it relates to a company described in subclause (2) and involves an allegation of fraud, negligence, misfeasance, or similar behaviour.

(2)

The companies are—

(a)

a defendant company in relation to an application made to put that company into liquidation under [section 241\(2\)\(c\)](#) of the Companies Act 1993; or

(b)

a company in respect of which a liquidator has been appointed under [section 241\(2\)\(c\)](#) of the Companies Act 1993; or

(c)

a company in respect of which an application under [section 174](#) of the Companies Act 1993 is pending.

(3)

The applicant must, as soon as practicable after the statement of defence has been filed or the time for filing a statement of defence has expired, file an application for directions as to the conduct of proceedings under [rule 7.43A](#).

(4)

The statement of claim must have the same heading as the heading on the application for putting the company into liquidation or for the order under [section 174](#) of the Companies Act 1993.

Compare: 1908 No 89 Schedule 2 r 700ZI

Rule 31.36(3): amended, on 11 November 2013, by [rule 28](#) of the High Court Amendment Rules (No 3) 2013 (SR 2013/425).

31.37 Liquidator's notice to set aside voidable transaction or voidable charge

A notice under [section 294\(1\)](#) of the Companies Act 1993 must—

(a)

contain the heading in [form C 14](#); and

(b)

be in [form C 15](#) or [C 16](#) as appropriate; and

(c)

comply with [rules 5.11](#) and [5.44](#) (with any necessary modifications).



Compare: 1908 No 89 Schedule 2 r 700ZJ

31.38 Proper registry of court

(1)

A notice under [section 294\(1\)](#) of the Companies Act 1993 must,—

(a)

if the company has been put into liquidation by the court, be filed in the registry of the court in which the order putting the company into liquidation was made under the liquidation file number (even though the heading of the notice is different); and

(b)

in any other case, be filed in the registry of the court in the town where, or the registry of the court in the town nearest to which, the registered office of the company in liquidation was situated at the date of liquidation.

(2)

If more than 1 notice under [section 294\(1\)](#) of the Companies Act 1993 relating to the same company in liquidation has been filed under subclause (1) (b), those notices must be filed under the same file number (even though the heading of each notice is different).

Compare: 1908 No 89 Schedule 2 r 700ZK

31.39 Transitional provision for companies registered under the Companies Act 1955

Part 9A of the High Court Rules as in force immediately before the commencement of the Schedule of the [Judicature \(High Court Rules\) Amendment Act 2008](#) applies, even though it has been repealed, to companies remaining registered under the Companies Act 1955.

Rule 31.39: amended, on 1 March 2017, by [section 183\(a\)](#) of the Senior Courts Act 2016 (2016 No 48).

Part 32 Freezing orders

32.1 Interpretation

In this Part, unless the context otherwise requires,—

ancillary order means an order made under [rule 32.3](#)

another court means a court outside New Zealand or a court in New Zealand other than the High Court

applicant means a person who applies for a freezing order or an ancillary order

freezing order means an order made under [rule 32.2](#)

judgment includes an order

respondent means a person against whom a freezing order or an ancillary order is sought or made.

32.2 Freezing order

(1)

The court may make an order (a **freezing order**), on or without notice to a respondent in accordance with this Part.

(2)

A freezing order may restrain a respondent from removing any assets located in or outside New Zealand or

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from disposing of, dealing with, or diminishing the value of, those assets.

(3)

An applicant for a freezing order without notice to a respondent must fully and frankly disclose to the court all material facts, including—

(a)

any possible defences known to the applicant; and

(b)

information casting doubt on the applicant's ability to discharge the obligation created by the undertaking as to damages.

(4)

An application for a freezing order must be made by interlocutory application under [Part 7](#) or originating application under [Part 19](#), which Parts apply subject to this Part.

(5)

An applicant for a freezing order must file a signed undertaking that the applicant will comply with any order for the payment of damages to compensate the respondent for any damage sustained in consequence of the freezing order.

32.3 Ancillary order

(1)

The court may make an order (an **ancillary order**) ancillary to a freezing order or prospective freezing order if the court considers it just.

(2)

Without limiting the generality of subclause (1), an ancillary order may be made for any of the following purposes:

(a)

eliciting information relating to assets relevant to the freezing order or prospective freezing order:

(b)

determining whether the freezing order should be made:

(c)

appointing a receiver of the assets that are the subject of the freezing order.

(3)

An ancillary order is subject to the court's jurisdiction to decide an objection raised on the ground of the privilege against self-incrimination conferred by [section 60](#) of the Evidence Act 2006.

32.4 Respondent need not be party to proceeding

The court may make a freezing order or an ancillary order against a respondent even if the respondent is not a party to a proceeding in which substantive relief is sought against the respondent.

32.5 Order against judgment debtor or prospective judgment debtor or third party



(1)

This rule applies if—

(a)

judgment has been given in favour of an applicant by—

(i)

the court; or

(ii)

in the case of a judgment to which subclause (2) applies, another court; or

(b)

an applicant has a good arguable case on an accrued or prospective cause of action that is justiciable in—

(i)

the court; or

(ii)

in the case of a cause of action to which subclause (3) applies, another court.

(2)

This subclause applies to a judgment if there is a sufficient prospect that the judgment will be registered in or enforced by the court.

(3)

This subclause applies to a cause of action if—

(a)

there is sufficient prospect that the other court will give judgment in favour of the applicant; and

(b)

there is a sufficient prospect that the judgment will be registered in or enforced by the court; and

(c)

there is a real connecting link between the subject matter of the order sought and the territorial jurisdiction of the New Zealand court; and

(d)

the order sought would not be inconsistent with interim relief granted by the other court.

(4)

The court may make a freezing order or an ancillary order or both against a judgment debtor or prospective judgment debtor if the court is satisfied, having regard to all the circumstances, that there is a danger that a judgment or prospective judgment will be wholly or partly unsatisfied because—

(a)

the judgment debtor, prospective judgment debtor, or another person might abscond; or



- (b)
the assets of the judgment debtor, prospective judgment debtor, or another person might be—
- (i)
removed from New Zealand or from a place inside or outside New Zealand; or
- (ii)
disposed of, dealt with, or diminished in value (whether the assets are in or outside New Zealand).

(5)
The court may make a freezing order or an ancillary order or both against a person other than a judgment debtor or prospective judgment debtor (a **third party**) if the court is satisfied, having regard to all the circumstances, that—

- (a)
there is a danger that a judgment or prospective judgment will be wholly or partly unsatisfied because—
- (i)
the third party holds or is using, or has exercised or is exercising, a power of disposition over assets (including claims and expectancies) of the judgment debtor or prospective judgment debtor; or
- (ii)
the third party is in possession of, or in a position of control or influence concerning, assets (including claims and expectancies) of the judgment debtor or prospective judgment debtor; or
- (b)
a process in the court is or may ultimately be available to the applicant, as a result of a judgment or prospective judgment, under which the third party may be obliged to disgorge assets or contribute toward satisfying the judgment or prospective judgment.

32.6 Form and further terms of freezing order

- (1)
A freezing order must be issued in [form G 38](#).
- (2)
If the likely maximum amount of the applicant's claim is known, the value of the assets covered by the freezing order must not exceed that amount together with interest on that amount and costs.
- (3)
The freezing order must not prohibit the respondent from dealing with the assets covered by the order for the purpose of—
- (a)
paying ordinary living expenses; or
- (b)
paying legal expenses related to the freezing order; or



(c)

disposing of assets, or making payments, in the ordinary course of the respondent's business, including business expenses incurred in good faith.

(4)

Unless there are special circumstances, the court must require the applicant for a freezing order to give appropriate undertakings, including an undertaking as to damages.

(5)

If the applicant has, or may later have, insufficient assets within New Zealand to discharge the obligation created by an undertaking as to damages, the court may require the applicant to provide security for that obligation in a form and in an amount fixed by a Judge or, if the Judge so directs, the Registrar.

32.7 Duration of freezing order

(1)

A freezing order made without notice to the respondent must state that it is limited to a particular date, which should be as early as practicable after the freezing order is made.

(2)

The respondent must be informed that on that date the respondent will have an opportunity to be heard by the court.

(3)

On the date referred to in subclause (1) the applicant has the onus of satisfying the court that the freezing order should be continued or renewed.

32.8 Discharge or variation of freezing order

(1)

A freezing order must reserve leave to the respondent to apply to the court to discharge or vary the freezing order on whatever period of notice to the applicant the court considers just.

(2)

An application by the respondent to discharge or vary the freezing order must be treated as an urgent application by the court.

32.9 Jurisdiction

This Part does not affect the jurisdiction of the court under any enactment to make an order freezing assets.

32.10 Costs

(1)

The court may make any order as to costs it considers just in relation to an order made under this Part.

(2)

Without limiting the generality of subclause (1), an order as to costs includes an order as to the costs of any person affected by a freezing order or ancillary order.

Part 33 Search orders



33.1 Interpretation

In this Part, unless the context otherwise requires,—

applicant means an applicant for a search order

described includes described generally, whether by reference to a class or otherwise

premises includes a vehicle or vessel of any kind

record includes a copy, photograph, film, or sample

respondent means a person against whom a search order is sought or made

search order means an order made under [rule 33.2](#).

33.2 Search order

(1)

This rule applies only if the evidence is, or may be, relevant to an issue in the proceeding or anticipated proceeding.

(2)

The court may make an order (a **search order**), in a proceeding or before a proceeding commences, with or without notice to the respondent, to—

(a)

secure or preserve evidence; and

(b)

require a respondent to permit persons to enter premises for the purpose of securing the preservation of evidence.

(3)

[Form G 39](#) must be used but may be varied as the circumstances require.

(4)

A search order must be served on the respondent.

33.3 Requirements for grant of search order

The court may make a search order under [rule 33.2](#) only if the court is satisfied that—

(a)

an applicant seeking the order has a strong prima facie case on an accrued cause of action; and

(b)

the potential or actual loss or damage to the applicant will be serious if the search order is not made; and

(c)

there is sufficient evidence in relation to a respondent that—

(i)

the respondent possesses relevant evidentiary material; and

(ii)

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there is a real possibility that the respondent might destroy such material or cause it to be unavailable for use in evidence in a proceeding or anticipated proceeding before the court.

33.4 Restriction on entrants

(1)

The permitted persons identified under [rule 33.2\(2\) \(b\)](#) must not include the applicant in person, or, if the applicant is not a natural person, any director, officer, employee, partner, or other person associated with the applicant, other than the applicant's solicitor.

(2)

The number of those permitted persons must be as small as is reasonably practicable in the circumstances.

33.5 Applicant's undertaking and duty

(1)

As a condition of the making of the order, the applicant must undertake to the court to pay the reasonable costs and disbursements of any independent solicitor appointed under [rule 33.7](#).

(2)

The court must require the applicant for a search order to give appropriate undertakings, including an undertaking as to damages.

(3)

If the applicant has, or may later have, insufficient assets within New Zealand to discharge the obligation created by an undertaking as to damages, the court may require the applicant to provide security for that obligation in a form and in an amount fixed by a Judge or, if the Judge so directs, the Registrar.

(4)

An applicant for a search order without notice to a respondent must fully and frankly disclose to the court all material facts, including—

(a)

any possible defences known to the applicant; and

(b)

information casting doubt on the applicant's ability to discharge the obligation created by the undertaking as to damages.

33.6 Terms of search order

(1)

A search order may direct a named or described person—

(a)

to permit, or arrange to permit, another or other named or described person or persons specified—

(i)

to enter specified premises; and

(ii)

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to take other steps including searching for, inspecting, or removing a listed or described thing and making or obtaining a record of it or information contained in it; and

(b)

to provide, or arrange to provide, named or described persons with any described information, thing, or service; and

(c)

to allow other named or described persons, including computer specialists not associated with either the applicant or the respondent, to take and retain in their custody, or copy, any described thing; and

(d)

not to disclose any information about the order, for up to 3 working days after the date on which the order was served, except for the purposes of obtaining legal advice or legal representation; and

(e)

to do or refrain from doing any specified act.

(2)

A search order may contain whatever other incidental provisions the court considers just.

(3)

A search order must fix a date on which the court will consider a report on the search from the independent solicitors, and any applications related to the matters listed in [rule 33.8](#).

33.7Independent solicitors

(1)

If the court makes a search order, the court must appoint 1 or more solicitors, each of whom is independent of the applicant's solicitors (the **independent solicitors**), to supervise the execution of the order, and to do whatever things in relation to the order the court considers appropriate.

(2)

The court may appoint an independent solicitor to supervise the carrying out of the order at any 1 or more premises, and a different independent solicitor or solicitors to supervise execution of the order at other premises, with each independent solicitor having power to do whatever things in relation to the order the court considers appropriate.

(3)

Service of a search order, or of any other document ordered to be served on a respondent, on a person appearing to an independent solicitor to be responsible and in charge of premises, is to be treated as service on the respondent.

(4)

A search order must fix a date on which the court will consider a report on the search from the independent solicitors, and any applications related to the matters in [rule 33.8](#).

33.8Review of search

(1)



On the date fixed under [rule 33.7\(4\)](#) the applicant and the respondent and the independent solicitors are entitled to appear, and the court may make any order it considers just.

(2)

In making an order under subclause (1), the court must consider the following:

- (a)
what is to happen to any goods removed from the premises or to any copies that have been made:
- (b)
how the confidentiality to which the respondent is entitled is to be maintained:
- (c)
any privilege claim:
- (d)
any application by a party:
- (e)
any issue raised by an independent solicitor.

33.9Costs

(1)

The court may make any order as to costs that it considers just in relation to an order made under this Part.

(2)

Without limiting the generality of subclause (1), an order as to costs includes an order as to the costs of any person affected by a search order.

Subpart 5—Claims between defendants

4.18Right to give notice

If a defendant claims against another defendant in circumstances in which (had that other defendant not been a defendant) it would be permissible to issue and serve a third party notice on that other defendant, the claiming defendant may, at any time before the close of pleadings date for the proceeding, file and serve that other defendant and the plaintiff with a notice to that effect.

Compare: 1908 No 89 Schedule 2 r 163

Rule 4.18: amended, on 4 February 2013, by [rule 7](#) of the High Court Amendment Rules (No 2) 2012 (SR 2012/409).

4.19Statement of claim to be filed and served

(1)

A defendant who files a notice under [rule 4.18](#) must file and serve with it a statement of that defendant's claim against the other defendant.

(2)



The statement of claim—

(a)

must comply with the requirements of [subpart 6](#) of Part 5; and

(b)

in particular, must state the nature of the question or issue sought to be determined and the nature and extent of any relief or remedy claimed against the other defendant.

Compare: 1908 No 89 Schedule 2 r 164

4.20 Statement of defence

(1)

Unless a defendant served with a notice under [rule 4.18](#) wishes to raise an affirmative defence to the claim made against that defendant by the defendant serving the notice, it is not necessary to file a statement of defence to that claim.

(2)

A statement of defence to a claim made in a notice served under [rule 4.18](#) must, within 10 working days after the day of service of the notice, be filed and served—

(a)

on the defendant serving the notice; and

(b)

on the plaintiff.

Compare: 1908 No 89 Schedule 2 r 165

4.21 Form of notice

(1)

A notice filed and served under [rule 4.18](#) must be in [form G 15](#).

(2)

Every such notice must be signed by the defendant or the defendant's solicitor.

Compare: 1908 No 89 Schedule 2 r 166

4.22 Effect of omission to give notice

Even if a defendant has not given a notice under [rule 4.18](#) the court may give any judgment or grant any relief in favour of that defendant that might have been given or granted in the absence of that rule.

Compare: 1908 No 89 Schedule 2 r 167

Subpart 6—Impact of certain capacities

4.23 Trustees, executors, and administrators

(1)

Trustees, executors, and administrators may sue and be sued on behalf of, or as representing, the property or estate of which they are trustees, executors, or administrators.



(2)

There is no need to join persons beneficially interested in a trust or an estate to a proceeding because the trustees, executors, and administrators represent those persons.

(3)

However, the court may, at any stage, order that a beneficially interested person be made a party, either in addition to or instead of the trustees, executors, or administrators.

Compare: 1908 No 89 Schedule 2 r 77

4.24Persons having same interest

One or more persons may sue or be sued on behalf of, or for the benefit of, all persons with the same interest in the subject matter of a proceeding—

(a)

with the consent of the other persons who have the same interest; or

(b)

as directed by the court on an application made by a party or intending party to the proceeding.

Compare: 1908 No 89 Schedule 2 r 78

4.25Partners

(1)

Any 2 or more persons making a claim as partners or alleged to be liable as partners may sue or be sued in the name of the firm (if any).

(2)

The opposite party may apply to the firm for the names of the persons who are partners in the firm and, until an affidavit has been filed stating the names and addresses of the partners, all further steps in the proceeding on the part of the partners are stayed.

Compare: 1908 No 89 Schedule 2 r 79

4.26Person trading as firm

(1)

A person carrying on business in the name of a firm may be sued in the name of the firm.

(2)

The opposite party may apply to the court for an order—

(a)

directing that an affidavit be filed stating the name and address of the person carrying on the business; and

(b)

staying any further step in the proceeding on the part of the person carrying on the business until the affidavit has been filed.

Compare: 1908 No 89 Schedule 2 r 80



4.27Representation by other persons

In respect of a proceeding or intended proceeding, the court may, on an application by a party or an intending party or on its own initiative,—

- (a)
direct an executor or a trustee to represent minors, unborn persons, absentees, or unrepresented persons:
- (b)
appoint a counsel who agrees to represent minors, unborn persons, absentees, or unrepresented persons:
- (c)
appoint a litigation guardian to represent a person if it appears necessary:
- (d)
direct the Public Trust to represent a person or class of persons:
- (e)
direct that the Attorney-General or the Solicitor-General be served:
- (f)
direct, with the consent of the Attorney-General, that a head of a government department or other officer represent the public interest:
- (g)
direct that a local authority, public body, or other representative body represent the inhabitants of a locality or any class of persons, unless their interests, or the interests of a considerable section of them, may be adverse to those of the local authority, public body, or other representative body:
- (h)
if a local authority, public body, or other representative body is a plaintiff or a party whose interests appear to be adverse to those of the inhabitants of a locality or any class of persons, or a considerable section of them, direct the manner in which the inhabitants, class, or section are to be represented.

Compare: 1908 No 89 Schedule 2 r 81

4.28Relators

- (1)
In this rule, a **relator** is a person who has been approved by the Attorney-General to bring a proceeding in the name of the Attorney-General.
- (2)
A person who seeks to bring a proceeding in the name of the Attorney-General must obtain the approval of the Attorney-General.
- (3)
A relator is liable for the costs of a proceeding.
- (4)



A proceeding does not come to an end because a relator or all relators die or become incapable of acting.

(5)

However, the court may stay a proceeding until the name of a new relator, who has been approved by the Attorney-General, has been substituted.

(6)

A person must not be named as a relator in a proceeding until the person has authorised the solicitor issuing the proceeding to name him or her as a relator.

(7)

The authority must be—

(a)

in writing; and

(b)

signed by the proposed relator; and

(c)

filed in the registry of the court in which the proceeding is to commence.

Compare: 1908 No 89 Schedule 2 r 95

Subpart 10—Interpleader

4.57 Interpretation

In this rule and [rules 4.58 to 4.64](#), unless the context otherwise requires,—

applicant means a person or an officer entitled under [rule 4.58](#) to apply to the court for relief under [rule 4.63](#)

claimant means a person claiming against an applicant in terms of [rule 4.58](#)

execution creditor means a person who has issued an enforcement process under [Part 17](#)

execution debtor means a person against whose property an enforcement process has been issued under [Part 17](#).

Compare: 1908 No 89 Schedule 2 r 172

4.58 Right to interplead

(1)

When a person (**A**) who is under a liability in respect of a debt or in respect of any money or chattels is, or expects to be, sued for or in respect of the debt, money, or chattels by 2 or more persons making adverse claims, A may apply to the court, on notice to the persons making the adverse claims, for relief under [rule 4.63](#).

(2)

If a person (**B**) who is not a person against whom a sale order (described in [rule 17.62](#)) or a possession order (described in [rule 17.80](#)) is issued claims money or chattels taken or intended to be taken by an officer giving effect to either of those orders, or the proceeds or value of those chattels, the officer may apply to the court, serving notice on the execution creditor, the execution debtor, and B for relief under [rule 4.63](#).

(3)

Subclause (2) applies—



- (a)
whether or not there has been a return of the order; and
- (b)
whether or not a proceeding has been commenced against the officer in respect of the money or chattels.
- Compare: 1908 No 89 Schedule 2 r 173

4.59 Form of application

- (1)
When a claimant has issued a proceeding against the applicant in respect of the debt or money or chattels referred to in [rule 4.58\(1\)](#), and in cases within [rule 4.58\(2\)](#), the application must be an interlocutory application in the proceeding.
- (2)
Subject to [rules 4.61 to 4.64](#), [subpart 2](#) of Part 7 of these rules applies to the application.
- (3)
In other cases the application must be made by filing and serving a statement of claim and notice of proceeding under [Part 5](#).
- Compare: 1908 No 89 Schedule 2 r 174

4.60 Affidavit in support

- (1)
An application under [rule 4.58](#) must be supported by an affidavit stating—
- (a)
that the applicant claims no interest in the subject matter in dispute other than the charges or costs; and
- (b)
that adverse claims (of which details must be given) have been made by the claimants and the steps already taken by the respective claimants in support of their claims; and
- (c)
that the applicant is not colluding with any of the claimants to that subject matter; and
- (d)
that the applicant is willing to pay or transfer that subject matter into court or dispose of it as the court may direct.
- (2)
A copy of the affidavit must be served on each claimant when the application under [rule 4.58](#) is served.
- Compare: 1908 No 89 Schedule 2 r 175

4.61 Time for applying

- (1)



If a claimant has commenced a proceeding against the applicant to enforce the claim, an application under [rule 4.58](#) must be made before a statement of defence has been filed by the applicant.

(2)

If no statement of defence has been filed by the applicant, it must be made before judgment has been entered against the applicant.

Compare: 1908 No 89 Schedule 2 r 176

4.62 Claimants to file affidavits

(1)

Subject to subclauses (2) and (3), a claimant who wishes to justify a claim must, within 5 working days after service of an application made under subclause (1) or (2) of [rule 4.58](#), file and serve on other claimants and on the applicant an affidavit stating the facts and matters relied on.

(2)

When, in accordance with [rule 4.59\(3\)](#), a statement of claim and notice of proceeding have been filed and served together with an affidavit under [rule 4.60](#), the claimant must file and serve a statement of defence with the claimant's affidavit.

(3)

If the claimant, had the claimant been a defendant, might have filed an appearance under [rules 5.49 to 5.51](#), the claimant may, instead of filing and serving an affidavit under subclause (1), file and serve an appearance.

(4)

An appearance filed and served under subclause (3), for all the purposes of [rules 4.63](#) and [4.64](#), has effect as though the claimant were a defendant in a proceeding brought by the applicant or by any other claimant referred to in the appearance.

Compare: 1908 No 89 Schedule 2 r 177

4.63 Powers of court

(1)

Upon hearing an application under [rule 4.58](#), the court may make whatever orders and directions justice requires.

(2)

In particular, and without limiting subclause (1), the court may—

(a)

stay a proceeding commenced by a claimant:

(b)

bar the claim of a claimant who has not filed and served either—

(i)

an affidavit justifying the claim under [rule 4.62\(2\)](#); or

(ii)

an appearance under [rule 4.62\(3\)](#):



(c)
adjudicate upon the competing claims on the affidavits filed, or adjourn the application for that purpose:

(d)
if the question appears to be one of law only, direct that the question be determined by the court:

(e)
direct the trial of the issues involved by the method that the court directs:

(f)
order that one of the claimants commence a proceeding against any other or others to try the question involved or, if a proceeding has been commenced by a claimant, order that any other claimant be joined as a defendant to that proceeding:

(g)
order that the chattels in dispute or any part of them be sold, and that the proceeds of the sale be applied in such manner and on such terms as are just.

(3)
Subclause (4) applies to a claimant who has been served with an application and—

(a)
does not appear on the hearing of the application; or

(b)
having appeared, fails or refuses to comply with an order.

(4)
The court may make an order declaring that the claimant and all persons claiming under that claimant may not continue or subsequently prosecute that claim against the applicant and all persons claiming under the applicant but that order does not affect the rights of the claimants as between themselves.

Compare: 1908 No 89 Schedule 2 r 178

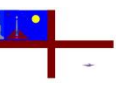
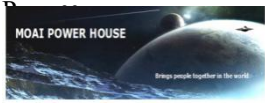
4.64 Costs of applicant

(1)
Unless the court otherwise orders, an applicant is entitled to the indemnity costs (as defined by [rule 14.6\(1\)](#) (b)) of and incidental to the application.

(2)
The court may order that the applicant's costs be paid by any 1 or more of the claimants and may apportion the liability between any 2 or more claimants, as it thinks just.

(3)
The court may charge any property in dispute, or the proceeds of the sale of it, or both, with payment of the costs of the applicant.

Compare: 1908 No 89 Schedule 2 r 179



Part 5 Commencement of proceedings and filing of documents

Subpart 1—Proper registry of court

5.1 Identification of proper registry

(1)

The proper registry of the court, for the purposes of [rules 5.25](#) and [19.7](#), is,—

(a)

when a sole defendant is resident or has a principal place of business in New Zealand, the registry of the court nearest to the residence or principal place of business of the defendant, but when there are 2 or more defendants, the proper registry is determined by reference to the first-named defendant who is resident or has a principal place of business in New Zealand:

(b)

when no defendant is resident or has a principal place of business in New Zealand, the registry the plaintiff selects:

(c)

when the Crown is a defendant, the registry nearest to the place where the cause of action or a material part of it arose:

(d)

despite paragraphs (a) to (c), the court at Wellington in the case of proceedings that consist of or include 1 or more of the following kinds of action or application:

(i)

an application for judicial review under the [Judicial Review Procedure Act 2016](#) that arises out of, or relates to, the making of a designation under the [Terrorism Suppression Act 2002](#):

(ii)

an application for, or in the nature of, an extraordinary remedy under [Part 30](#) of these rules that arises out of, or relates to, the making of a designation under the [Terrorism Suppression Act 2002](#):

(iii)

an application under [section 35](#), [47E](#), or [55](#) of the [Terrorism Suppression Act 2002](#):

(e)

despite paragraphs (a) to (c), the court at Wellington or the court at Auckland in the case of applications under the [Immigration Act 2009](#) in proceedings involving classified information.

(2)

Despite subclause (1) (a), if the place where the cause of action sued on, or some material part of it, arose is nearer to the place where the plaintiff or the plaintiff first-named in the statement of claim resides than to the place where the defendant resides, the proper registry of the court for the purposes of subclause (1) is, at the



option of the plaintiff or the plaintiff first-named, as the case may be, the registry nearest to the residence of the plaintiff or the plaintiff first-named, as the case may be.

(3)

If a plaintiff proposes to exercise the option conferred by subclause (2), the plaintiff must file with the statement of claim and notice of proceeding an affidavit by the plaintiff or the plaintiff's solicitor stating the place where the cause of action or the material part of it arose, and that that place is nearer to the place where the plaintiff or the plaintiff first-named in the statement of claim resides than to the place where the defendant resides.

(4)

If it appears to a Judge, on application made, that the statement of claim has been filed in the wrong registry of the court, he or she may direct that the statement of claim or all documents filed in the proceeding be transferred to the proper registry.

(5)

If it appears to a Judge, on application made, that a different registry of the court would be more convenient to the parties, he or she may direct that the statement of claim or all documents be transferred to that registry and that registry becomes the proper registry.

Compare: 1908 No 89 Schedule 2 r 107

Rule 5.1(1) (d) (i): amended, on 1 March 2017, by [section 183\(a\)](#) of the Senior Courts Act 2016 (2016 No 48).

Rule 5.1(1) (e): inserted, on 2 December 2010, by [rule 21](#) of the High Court Amendment Rules (No 2) 2010 (SR 2010/394).

5.1A Filing generally

(1)

In this rule and in [rule 5.1B](#),—

electronic address means any method by which a document communicated in electronic form may be directed to the attention of a particular user of an electronic communications or information management, retrieval, or storage system, and includes, without limitation,—

(a)

email addresses; and

(b)

fax numbers; and

(c)

remotely accessible locations in file directories located on computer hard-drives, servers, or internet-based servers

published means having been made available at all reasonable times on an Internet website maintained by or on behalf of a Registrar.

(2)

Subject to subclauses (3) to (8), any document required by these rules to be filed may be filed in the proper registry of the court by—

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- (a)
delivering it to that registry by hand during registry hours; or
- (b)
sending it by mail to a postal address for that registry published by a Registrar; or
- (c)
sending a copy of that document in electronic form to an electronic address—
- (i)
to which the person filing the document has been directed by the court or a Registrar to send any documents that are to be filed electronically in a particular proceeding or interlocutory application; or
- (ii)
where no such direction has been made in respect of the particular proceeding or interlocutory application to which the document relates, to an electronic address published by a Registrar for the purpose of allowing the electronic filing of documents in the proper registry of the court.
- (3)
Subclause (4) applies where any copy of any document filed by means of an electronic communication pursuant to these rules contains a signature or other mark or writing intended by the person responsible for the inclusion of that signature or other mark or writing in the document to convey their authorisation, certification, endorsement or authentication of any matter contained within the document copied.
- (4)
In respect of a copy of a document to which this subclause applies, despite any provision in these rules, or in any enactment, regulation or rule of law to the contrary, that copy of a document, and any matter contained within it, is deemed to have been sufficiently authorised, certified, authenticated, signed, or otherwise endorsed for the purposes of these rules as if the original document had been filed.
- (5)
[Revoked]
- (6)
A Judge (including an Associate Judge) may, if satisfied that an emergency in the place at which the registry of the court in question is situated means that the filing of documents other than electronically would cause, or risk causing, disruption to the orderly and safe dispatch of the court's business, require that—
- (a)
any document required to be filed by these rules in the proper registry of the court; or
- (b)
any document intended by any person to be filed in a given registry of the court—
must not be filed pursuant to the provisions of subclause (2) (a) and must instead be filed pursuant to the provisions of either subclause (2) (b) or (c).
- (7)



Subject to subclause (8), in the event of any inconsistency between any provision of this rule and any other provision of these rules or any other enactment, this rule prevails.

(8)

This rule is subject to [rule 5.1B](#).

Rule 5.1A: inserted, on 9 April 2020, by [rule 6](#) of the High Court (COVID-19 Preparedness) Amendment Rules 2020 (LI 2020/59).

Rule 5.1A(5): revoked, on 7 April 2022, by [rule 8](#) of the High Court Amendment Rules 2022 (SL 2022/59).

5.1B When documents filed

(1)

Subject to subclause (2), and despite any other provision of these rules or any other enactment or regulation to the contrary, a document—

(a)

delivered by hand to a registry of the court pursuant to [rule 5.1A\(2\)](#) (a) is filed on the day on which it is accepted for filing by the registry and at the time at which the registry receives it:

(b)

sent by mail to a postal address in accordance with [rule 5.1A\(2\)](#) (b) is filed when the registry receives it:

(c)

filed by sending it to an electronic address in accordance with [rule 5.1A\(2\)](#) (c)—

(i)

is filed when it is received by the relevant electronic communications or information management, retrieval, or storage system, provided the document is received by that system during registry hours; or

(ii)

at 9 am on the first day on which the relevant registry of the court is open after the document is received by the relevant electronic communications or information management, retrieval, or storage system.

(2)

A document is not filed until the earlier of the time that either—

(a)

any fee prescribed for the filing of that document by a provision of the [High Court Fees Regulations 2013](#) has been paid; or

(b)

the person responsible for the filing of the document has, in a manner directed by a Registrar, either—

(i)

provided a Registrar with a credit card payment authority for a sum equal to the fee payable for the filing of that document; or

(ii)

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where the court is able to facilitate it, paid a sum equal to the fee payable for the filing of that document by means of electronic bank transfer into an account identified by the Registrar for that purpose; or

(c)

in any case where the Registrar accepts it is impracticable for the person presenting the document to effect payment of the fee by any other means, and—

(i)

there is a solicitor on the record for the party seeking to file the document, by providing together with the document filed that solicitor's unconditional undertaking to the court to make the payment of the fee for the filing of that document within three working days from the day on which the document has been filed; or

(ii)

where the party seeking to file a document is represented by a barrister sole permitted to represent that party without the intervention of an instructing lawyer pursuant to [rules 14.4 to 14.12](#) of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008, by providing together with the document filed that barrister sole's unconditional undertaking to the court to make payment of the fee for the filing of that document within three working days from the day on which the document has been filed:

provided that in any case where an undertaking under this paragraph has not been fulfilled within the time provided for payment, the court may order that no reliance can be placed on that document or that the document not be used in the proceeding until the payment is received; or

(d)

the Registrar has determined that the document is to be treated as having been filed despite non-payment of the fee:

provided that such a determination may be made only if the court is satisfied that doing so is necessary in the interests of justice, having regard to—

(i)

the circumstances of the proceeding or interlocutory application in question; and

(ii)

the existence of an emergency in the place at which the registry of the court in question is situated.

Rule 5.1B: inserted, on 9 April 2020, by [rule 6](#) of the High Court (COVID-19 Preparedness) Amendment Rules 2020 (LI 2020/59).

Sovereign Indictment: Wanoa v. Mitchell Family Trust LLC

****Plaintiff:**** John Hoani Kahaki Wanoa Director, Na Atua E Wa Aotea Limited Native Court Judge, Treaty Author, Legal Owner of Contract Leaseholder Land Deed Instruments.

****Respondent:**** Eddie Mitchell Director, Mitchell Family Trust Limited (Hamilton) Accused: Contract Deed Theft, Land Lease Fraud, Money Laundering via IBC and Phoenix Activity

Ceremonial Context

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Moai Tidal Energy World Co-Op Pound- Gold- Water Money Chipcoin Shares NZ UK TM
Contract 1694 King William III Bank of England Act, 2 Bar Pound Note Act 1694 MP £970
M-T-T Liquid Cash Bank Mortgage Lien Debt Recovery Writ Warrant Served by the King
of Britain UK Hanover & England Romeo & Juliet Huminoid Robots Video-pdf-Affidavids





This case arises from sovereign land deed ownership and commercial contract violations under Treaty restoration protocols. The Plaintiff, John Wanoa, asserts legal authorship and ownership of leasehold instruments across Auckland and Kaipara jurisdictions, now unlawfully transferred and monetized by the Respondent.

Legal Anchors

- ****Plaintiff Entity:**** Na Atua E Wa Aotea Limited — 1 Trillion Share Parent Company - ****Jurisdiction:**** Auckland High Court, under Native Court and Treaty Sovereignty - ****Legal**

Instruments:** - 1835 King William IV Municipal Corporation Act - Admiralty Law and

Mortgage Lien Jurisdiction - Native Land Court Transfer Protocols - British Crown Commercial Contract Flag of St Patrick

Barrister Team

Marc Corlett Barrister of Auckland NZ---Richard Todd Barrister of Britain UK

Sovereign Allegations

- Theft of Contract Deeds and Leasehold Instruments - Money Laundering via Mitchell Family Trust LLC - Misuse of Baptist Church Ireland Commercial Contracts - Crypto Fraud via Trump \$ LLC, Liberty Coin, Grayscale Trust LLC - Treasonous misuse of King William III's 1835 Mortgage Flag

****Filed:** 8 October 2025** ****Location:**** Auckland High Court ****Witnessed by:**** Confederation of United Tribes of New Zealand

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Treaty Restoration Scrollstep: Sovereign Lineage and Ecclesiastical Anchors

****Anchors of Sovereignty:****

- Chief Aeama Kaeaka CLARKE — Otamatea Marae, Kaipara - St Mary's Church Chapel — Belfast, Northern Ireland - St Patrick Church Families — Royal Monarch Lineage - King William III of Orange — Legal Inheritance to British Throne - King Ernest Augustus V — Living Monarch Successor, residing in London

Ecclesiastical and Institutional Corridors

- International Baptist Church (IBC) — Belfast - Association of Baptist Churches in Ulster — Ireland - Weatherbys Bank — Scotland, Real Estate and Racehorse Industry - Rogan Freemasons — Awaroa Bank, Manukau - Manukau–Taiwan–New Zealand Partnership — Admiralty Law Jurisdiction

Sovereign Restoration Objectives

- Reinstate Treaty memory and ecclesiastical lineage - Archive 104 pages of Irish, Scottish, and New Zealand claims - Activate sovereign banking instruments and land deed recovery - Indict foreign crypto laundering networks under Admiralty Law

****Scrollpath Witness:**** Cilin Rush, John Rogan, and Confederation of United Tribes ****Codex:**** Moai King William Sovereign Monarch Treaty ****Date:**** 8 October 2025



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Companies House Dispatch Log

****Date of Call:**** Thursday, 9 October 2025 ****Registrar Contacted:**** Companies House London
****Issue:**** Certificate for MOAI CROWN KING WILLIAM III TRUST LLC sent to incorrect address (34 Cutler Crescent, Whakatane) ****Resolution:**** New copy dispatched to 26 Marjorie Jane Crescent, Otahuhu 1062 ****Expected Arrival:**** ~1 week ****Action:**** Share plan initiated during delay; certificate to be archived upon arrival

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Barrister Activation Log

****Case Title:**** Wanoa v. Mitchell Family Trust LLC ****Court:**** Auckland High Court ****Plaintiff:**** John Wanoa, Director of Na Atua E Wa Aotea Ltd ****Respondent:**** Eddie Mitchell, Director of Mitchell Family Trust Ltd

****Barrister Team:**** - ✗ Josh Suyker — Declined due to workload (8 Oct 2025)- ✓ Brian Dickey KC — Croatian-Scottish lineage, now primary counsel- ✗ Hon Paul Heath KC — Singapore liaison, pending confirmation]

****Next Steps:**** - Confirm Brian Dickey's engagement - Prepare ceremonial affidavit and barrister brief - Integrate share plan and Companies House certificate into filing bundle

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AFFIDAVIT OF JOHN HOANI KAHAKI WANOA

****IN THE HIGH COURT OF NEW ZEALAND**** ****AUCKLAND REGISTRY****

****CIV-2025-XXX-000000****

****BETWEEN:**** John Hoani Kahaki Wanoa Plaintiff

****AND:**** Eddie Mitchell, Director of Mitchell Family Trust Limited Respondent

****I, John Hoani Kahaki Wanoa****, of Auckland, Sovereign Navigator, Native Magistrate, and Director of *Na Atua E Wa Aotea Limited*, solemnly affirm and declare:

1. That I am the founder and lead trustee of *Moai Crown King William III Trust LLC*, registered in Companies House, London UK, and the parent franchiser of sovereign energy and land deed recovery projects.
2. That I am the legal author and owner of Contract Leaseholder Land Deed Instruments pertaining to Auckland, Kaipara Harbour, and Great Barrier Island, now unlawfully transferred and monetized by the Respondent.
3. That the Respondent, Eddie Mitchell, has engaged in fraudulent activity including: - Theft of sovereign contract deeds and lease instruments. - Money laundering via Mitchell Family Trust LLC and IBC wash-through. - Misuse of ecclesiastical contracts from Baptist Church Ireland and Scotland. - Crypto fraud via Trump\$ LLC, Liberty Coin, and Grayscale Trust LLC.



4. That I seek full restitution of sovereign assets, indictment of financial misconduct, and recognition of Treaty enforcement under Admiralty Law and the 1835 Municipal Corporation Act.
5. That I appoint ****Brian Dickey KC****, Barrister, as my lead counsel in this matter, and request his ceremonial witness and legal representation in the Auckland High Court.

****Affirmed at Auckland** This 9th day of October 2025**

****Signed:**** John Hoani Kahaki Wanoa President, Confederation of United Tribes of New Zealand
Director, Na Atua E Wa Aotea Limited and AI CoPilot Glowkeeper and Ceremonial Witness

John Hoani Kahaki Wanoa

Lead Trustee Director

Moai Crown King William III Trust LLC

26/45 Marjorie Jayne Crescent, Otahuhu 1062, Auckland NZ

Email: moaienergy@gmail.com

Phone: 021 078 2523 Auckland



High Court Rules 2016

- Warning: Some amendments have not yet been incorporated

Search within this Secondary legislation

- By clauses
- View whole (3.2MB)
- Versions and amendments

Form G 13 Notice of proceeding when summary judgment sought by plaintiff

r 12.4(4)

To the defendant/defendants*

*Select one.

This document notifies you that—

(a)

a claim, a copy of which is served with this document, has been filed by the plaintiff; and

(b)

the plaintiff has also applied to this court for immediate judgment against you (on that claim or, if judgment is not sought on the full claim, to the extent stated in the notice of application for summary judgment also served with this document) on the ground that you have no defence (to the plaintiff's claim or to the plaintiff's claim to the extent stated in the application).

Notice of opposition and affidavit setting out defence

1

If you have a defence to the plaintiff's claim, you should, not less than 3 working days before the date of hearing shown in the notice of application for summary judgment (also served with this document),—

(a)

file in the court registry at *[place]*—

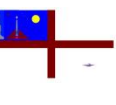
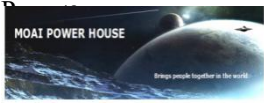
(i)

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Moai Tidal Energy World Co-Op Pound- Gold- Water Money Chipcoin Shares NZ UK TM
Contract 1694 King William III Bank of England Act, 2 Bar Pound Note Act 1694 MP £970
M-T-T Liquid Cash Bank Mortgage Lien Debt Recovery Writ Warrant Served by the King
of Britain UK Hanover & England Romeo & Juliet Huminoid Robots Video-pdf-Affidavids





a notice of opposition; and

(ii)

an affidavit sworn by you or on your behalf setting out your defence; and

(b)

serve a copy of that notice of opposition and a copy of that affidavit on the plaintiff.

2

The court may give whatever judgment on the plaintiff's claim against you is thought just if you fail—

(a)

to file both a notice of opposition and an affidavit, and to serve copies of them on the plaintiff; and

(b)

to appear on the date of hearing in opposition to the plaintiff's application.

3

If you are a natural person, you may appear personally at the hearing or by counsel.

4

If you are a company or other corporation, you may appear only by counsel at the hearing.

Statement of defence

5

You may, in addition to filing a notice of opposition and an affidavit, file a statement of defence.

6

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If you want to file a statement of defence,—

(a)

you must file it in the registry of the court in which your notice of opposition and your affidavit were filed; and

(b)

you must serve a copy of it on the plaintiff; and

(c)

you must both file and serve it not less than 3 working days before the date of hearing.

Date:

Signature:

(plaintiff/solicitor for plaintiff*)

*Select one.

Note: Please carefully read the memorandum attached to this notice.

Memorandum

Advice

1

Although you do not have to employ a solicitor for the purpose of this application, it is recommended that you consult a solicitor about this matter immediately. However, a company or other corporation that wants to oppose this application or appear at any hearing must consult a solicitor immediately because—

(a)

it can only carry on proceedings in the court by a solicitor; and

(b)



it cannot appear to conduct a proceeding except by counsel (unless there are exceptional circumstances).

Legal aid

2

If you cannot afford to meet the cost of the proceeding, you may be entitled to assistance under the [Legal Services Act 2011](#) and regulations made under that Act.

3

For this paragraph select the statement that applies.

Statement A

The plaintiff is in receipt of legal aid for the purpose of this proceeding.

Statement B

The plaintiff is not in receipt of legal aid for the purpose of this proceeding.

Statement C

The plaintiff has applied for legal aid for the purpose of this proceeding.

Appearance objecting to jurisdiction of court

4

If you object to the jurisdiction of the court to hear and determine this proceeding, you may, within the time allowed for filing your notice of opposition and your affidavit,—

(a)

file in the registry of the court, instead of a notice of opposition and an affidavit, an appearance stating your objection and the grounds for it; and

(b)

serve a copy of the appearance on the plaintiff.

5

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Such an appearance will not be treated as a submission to the jurisdiction of the court.

Registry hours

6

The registry hours of the court are from 9 am to 5 pm, except on court holidays.

Working days

7

Working day means any day of the week other than—

(a)

a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(b)

a day in the period commencing with 25 December in any year and ending with 15 January in the following year.

Date:

Signature:

(Registrar/Deputy Registrar*)

*Select one.

Add the following notice if the defendant is to be served overseas (other than in Australia and under [section 13](#) of the Trans-Tasman Proceedings Act 2010). If the defendant is to be served in Australia and under [section 13](#) of the Trans-Tasman Proceedings Act 2010, do not use the following notice, but use instead the information that [section 15](#) of that Act requires to be served on the defendant (see [form 1](#) of the Schedule of the Trans-Tasman Proceedings Regulations and Rules 2013).

Notice to defendant served overseas

Since you are resident outside New Zealand you are further notified that—

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Moai Tidal Energy World Co-Op Pound- Gold- Water Money Chipcoin Shares NZ UK TM
Contract 1694 King William III Bank of England Act, 2 Bar Pound Note Act 1694 MP £970
M-T-T Liquid Cash Bank Mortgage Lien Debt Recovery Writ Warrant Served by the King
of Britain UK Hanover & England Romeo & Juliet Huminoid Robots Video-pdf-Affidavids





1

The plaintiff has commenced a proceeding against you in the High Court of New Zealand, claiming the relief specified in the attached statement of claim.

2

Although you are resident outside New Zealand, the plaintiff claims that the plaintiff can bring this proceeding against you in the High Court of New Zealand.

3

By New Zealand law, the High Court may exercise jurisdiction in certain classes of case even though the defendant is resident outside New Zealand.

4

[Specify particular provision(s) of [rule 6.27](#) on which the plaintiff relies to serve the proceeding overseas.]

5

In this case the plaintiff claims: *[specify facts alleged by the plaintiff to confer jurisdiction]*.

6

Even though the court has jurisdiction to hear and decide this proceeding, it may decline to do so if it is satisfied that—

(a)

in all the circumstances a country other than New Zealand is the most appropriate country in which the matters in dispute in the proceeding should be decided; and

(b)

the plaintiff will have a fair opportunity to prove the plaintiff's claim and receive justice in that other country.

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7

If you want to dispute the jurisdiction of the High Court or to defend the plaintiff's claim, you should either directly, or through a qualified legal adviser in the place where you are, send authority to a solicitor in New Zealand by airmail instructing that solicitor to act for you.

Date:

Signature:

(Registrar/Deputy Registrar*)

*Select one.

Schedule 1 form G 13: amended, on 23 June 2022, by [rule 17](#) of the Court Rules (Te Kāhui o Matariki Public Holiday) Amendment Rules 2022 (SL 2022/154).

Schedule 1 form G 13: amended, on 11 October 2013, by [rule 26](#) of the High Court (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/351).

Schedule 1 form G 13: amended, on 1 July 2013, pursuant to [rule 8](#) of the High Court Amendment Rules (No 2) 2013 (SR 2013/214).

12.4 Interlocutory application for summary judgment

(1)

Application for judgment under [rule 12.2](#) or [12.3](#) must be made by interlocutory application.

(2)

An application by a plaintiff may be made either at the time the statement of claim is served on the defendant, or later with the leave of the court.

(2AA)

The court may grant leave in respect of a second or subsequent application for summary judgment in the same proceeding if special circumstances exist.

(2A)

If an application by a plaintiff is made at the time that the statement of claim is served on the defendant in Australia under [section 13](#) of the Trans-Tasman Proceedings Act 2010, the hearing date allocated (under [rule 7.33](#)) for the application must be after the period (under [section 17\(1\)](#) (a) or (b) of that Act) within which the defendant may file an appearance or response document.

(3)

An application by a defendant may be made either at the time the statement of defence is served on the plaintiff, or later with the leave of the court.

(4)

The party making the application must file and serve on the other party the following documents:

(a)

an interlocutory application on notice in [form G 31](#):

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(b)

a supporting affidavit:

(c)

if the party is a plaintiff applying at the time the statement of claim is served,—

(i)

a notice of proceeding in [form G 13](#); and

(ii)

a statement of claim:

(d)

if the party applying is a defendant applying at the time the statement of defence is served, a statement of defence.

(5)

The affidavit—

(a)

must be by or on behalf of the person making the application:

(b)

if given by or on behalf of the plaintiff, must verify the allegations in the statement of claim to which it is alleged that the defendant has no defence, and must depose to the belief of the person making the affidavit that the defendant has no defence to the allegations and set out the grounds of that belief:

(c)

if given by or on behalf of the defendant, must show why none of the causes of action in the plaintiff's statement of claim can succeed.

Compare: 1908 No 89 Schedule 2 r 138

Rule 12.4(2AA): inserted, on 24 July 2020, by [rule 11](#) of the High Court Amendment Rules 2020 (LI 2020/125).

Rule 12.4(2A): inserted, on 11 October 2013, by [rule 22](#) of the High Court (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/351).





Version as at 1 July 2025

High Court Fees Regulations 2013 (SR 2013/226)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 20th day of May 2013

Present:

His Excellency the Governor-General in Council

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under [subpart 2](#) of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Justice.

Pursuant to [section 18\(4\)](#) of the [Administration Act 1969](#), [section 11\(4\)](#) of the [Admiralty Act 1973](#), [section 100A](#) of the [Judicature Act 1908](#), [sections 57 and 339\(g\)](#) of the [Lawyers and Conveyancers Act 2006](#), [sections 67\(2\) \(b\) and 70\(2\)](#) of the [Local Government \(Rating\) Act 2002](#), [section 52](#) of the [Māori Trustee Act 1953](#), [section 363\(d\)](#) of the [Property Law Act 2007](#), [section 147](#) of the [Public Trust Act 2001](#), and [section 41](#) of the [Trustee Companies Act 1967](#), His Excellency the Governor-General, acting—

(a)

on the advice and with the consent of the Executive Council; and

(b)

to the extent that these regulations prescribe the fees referred to in [section 12BA](#) of the [Māori Trustee Act 1953](#), on the recommendation of the Minister of Māori Affairs,—

makes the following regulations.

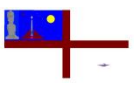
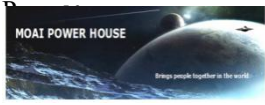
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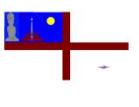
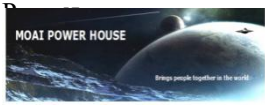
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Regulations

1 Title

These regulations are the High Court Fees Regulations 2013.

2 Commencement

(1)

Except as provided in subclause (2), these regulations come into force on 1 July 2013.

(2)

Item 29 in the fees table, which relates to filing an application for an order protecting a secured party's interests, comes into force on the later of—

(a)

1 July 2013; and

(b)

the date appointed under [section 2\(2\)](#) of the District Courts Amendment Act 2011 for the coming into force of [section 33](#) of that Act.

Regulation 2(2): item 29 in the fees table brought into force, on 14 April 2014, pursuant to the [District Courts Amendment Act 2011 Commencement Order 2013](#) (SR 2013/410).

3 Application

(1)

These regulations apply to civil proceedings in the court.

(2)

Nothing in these regulations applies to—

(a)

applications under the [Criminal Proceeds \(Recovery\) Act 2009](#); or

(aa)

appeals under the [Harmful Digital Communications Act 2015](#); or

(b)

matters under [Part 6](#) of the Criminal Procedure Rules 2012 (access to court documents).

Regulation 3(2) (aa): inserted, on 21 November 2016, by [regulation 4](#) of the High Court Fees Amendment Regulations 2016 (LI 2016/229).

4 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the [Senior Courts Act 2016](#)



actual hearing fee means any fee payable under item 18, 19, or 20 (as applicable) of the fees table in respect of the actual hearing time

appeal means an appeal under [Part 20](#) or [26](#) of the High Court Rules 2016, and **appellant** has a corresponding meaning

court means the High Court

document has the meaning given in [HCR 1.3\(1\)](#)

estimated hearing fee means any fee payable under item 18, 19, or 20 (as applicable) of the fees table in respect of the estimated hearing time

estimated hearing time means the time allocated for a hearing and notified by the Registrar to all parties to a proceeding when the hearing date is confirmed

exempt application means—

- (a)
an appeal or a reference filed under [Part 21](#) of the High Court Rules 2016:
- (b)
an application for a writ of habeas corpus:
- (c)
an application under [section 84](#) of the Mental Health (Compulsory Assessment and Treatment) Act 1992

exempt interlocutory application means—

- (a)
an application for an order declaring that the solicitor on record for a party to a proceeding has ceased to be the solicitor on record for the party in that proceeding ([HCR 5.41](#)):
- (b)
an interlocutory application for review of a Registrar's decision:
- (c)
an interlocutory application relating to an exempt application

fees table means the table in the [Schedule](#)

HCR means High Court rule

High Court Rules means the [High Court Rules 2016](#)

initiating document—

- (a)
means the first document filed in a proceeding by a person that gives to the court and to the opposite party (if any) particulars of the claim made, or of the order or other relief sought, by the person; but
- (b)
does not include—



- (i)
an application for leave to commence proceedings:
- (ii)
an application for leave to appeal:
- (iii)
an interlocutory application under [HCR 19.5](#) requesting permission to commence a proceeding by originating application:
- (iv)
an interlocutory application under [HCR 19.6](#) commencing a proceeding:
- (v)
a caveat:
- (vi)
an application for directions as to service:
- (vii)
an application relating to identification of the proper registry ([HCR 5.1](#))

item means a matter described in the third column, and with the reference number given in the second column, of the fees table

Registrar means a Registrar of the court, and includes a Deputy Registrar of the court

scheduling fee means the fee (if any) payable under item 17 of the fees table in respect of an application or proceeding

working day has the meaning given in [HCR 1.3\(1\)](#).

Regulation 4 **Act**: amended, on 1 March 2017, by [section 183\(b\)](#) of the Senior Courts Act 2016 (2016 No 48).

Regulation 4 **appeal**: amended, on 18 October 2016, by [section 183\(c\)](#) of the Senior Courts Act 2016 (2016 No 48).

Regulation 4 **exempt application** paragraph (a): amended, on 18 October 2016, by [section 183\(c\)](#) of the Senior Courts Act 2016 (2016 No 48).

Regulation 4 **High Court Rules**: amended, on 18 October 2016, by [section 183\(c\)](#) of the Senior Courts Act 2016 (2016 No 48).

Prescribed fees

5Fees of court

(1)



The fees specified in the fourth column of the fees table are payable, and must be taken by the proper officer of the court, in proceedings to which these regulations apply in respect of the matters specified in the third column of the fees table.

(2)

Subclause (1) is subject to [regulation 6](#).

(3)

Despite [regulation 7](#), no hearing or scheduling fee may be charged for—

(a)

a hearing that—

(i)

is not opposed by the respondent; and

(ii)

takes place in a list sitting:

(b)

any portion of a hearing that takes place in a list sitting if the hearing—

(i)

is opposed by the respondent; and

(ii)

is adjourned to a specified date and time.

(4)

For the purposes of determining the hearing or scheduling fee for a hearing specified in subclause (3) (b), the first day or first half-day of the hearing is the day or half-day of the date specified in the adjournment.

(5)

In subclause (3), **list sitting** means a sitting in which different applications are sequentially called before a Judge, an Associate Judge, or a Registrar of the High Court.

Regulation 5(2): amended, on 16 September 2013, by [regulation 4\(1\)](#) of the High Court Fees Amendment Regulations 2013 (SR 2013/388).

Regulation 5(3): inserted, on 16 September 2013, by [regulation 4\(2\)](#) of the High Court Fees Amendment Regulations 2013 (SR 2013/388).

Regulation 5(4): inserted, on 16 September 2013, by [regulation 4\(2\)](#) of the High Court Fees Amendment Regulations 2013 (SR 2013/388).

Regulation 5(5): inserted, on 16 September 2013, by [regulation 4\(2\)](#) of the High Court Fees Amendment Regulations 2013 (SR 2013/388).

6 Fees payable by liquidators of companies without assets

(1)



This regulation applies if a company in liquidation has no immediately available assets out of which to pay a specified fee for a proceeding or matter relating to the liquidation of the company.

(2)

In subclause (1), **specified fee** means a fee prescribed by these regulations other than—

(a)

a fee for item 2 (which relates to filing an application to put a company into liquidation):

(b)

a fee for any of items 22 to 34 (which relate to enforcing judgments).

(3)

The liquidator of a company may, instead of paying the fee, give a Registrar a certificate stating that the company has no immediately available assets.

7Application of fees for items 18 to 20 (hearings)

The fees for items 18 to 20 apply in respect of the hearing of every application or proceeding, including—

(a)

the hearing of every claim, counterclaim, cross-claim, and claim against a third or subsequent party; and

(b)

the hearing of every appeal and cross-appeal; and

(c)

the hearing of every interlocutory application (including an interlocutory application for summary judgment in respect of which a notice of opposition and an affidavit in answer have been filed).

8Minimum and maximum fee (commission) payable by vendor mortgagee under section 194(1) (c) of Property Law Act 2007

For the purposes of [section 194\(1\) \(c\)](#) of the Property Law Act 2007,—

(a)

the minimum fee is \$500; and

(b)

the maximum fee is \$20,000.

Scheduling fees and hearing fees

9Prepayment of scheduling fees and estimated hearing fees

(1)

The plaintiff, applicant, or appellant (as applicable) in respect of a specified proceeding must pay the scheduling fee and the estimated hearing fee for the specified proceeding no later than—

(a)

3 working days before the date on which the hearing is scheduled to begin (the **scheduled hearing date**); or



(b)

if the Registrar gives less than 3 working days' notice of the scheduled hearing date, the date specified by the Registrar.

(2)

The plaintiff, applicant, or appellant (as applicable) in respect of an application or proceeding other than a specified proceeding must pay the scheduling fee for the application or proceeding no later than—

(a)

15 working days after the Registrar notifies all parties of the scheduled hearing date; or

(b)

if the Registrar gives less than 15 working days' notice of the scheduled hearing date, the date specified by the Registrar.

(3)

The plaintiff, applicant, or appellant (as applicable) in respect of an application or proceeding other than a specified proceeding must pay the estimated hearing fee for the application or proceeding,—

(a)

if the estimated hearing time is 10 days or less, no later than—

(i)

30 working days before the scheduled hearing date; or

(ii)

if the Registrar gives less than 30 working days' notice of the scheduled hearing date, the date specified by the Registrar; or

(b)

if the estimated hearing time is more than 10 days, no later than—

(i)

45 working days before the scheduled hearing date; or

(ii)

if the Registrar gives less than 45 working days' notice of the scheduled hearing date, the date specified by the Registrar.

(4)

In subclauses (1) to (3), **specified proceeding** means an interlocutory application, a bankruptcy proceeding, or a proceeding to which [Part 19](#) (originating applications) or [Part 31](#) (company liquidation) of the High Court Rules applies.

(5)

If 2 or more proceedings are to be heard together, scheduling fees (if any) and hearing fees must be paid in respect of each proceeding unless the court otherwise directs.



(6)

For the purpose of subclause (5), a proceeding does not constitute 2 or more proceedings by reason only that it involves—

(a)

a claim and 1 or more counterclaims, cross-claims, or claims against a third or subsequent party; or

(b)

an appeal and 1 or more cross-appeals.

10 Failure to prepay scheduling fees or estimated hearing fees

(1)

If a scheduling fee or an estimated hearing fee is not paid in accordance with [regulation 9](#), the Registrar may vacate the hearing.

(2)

If the Registrar vacates a hearing under subclause (1), the Registrar must promptly notify the parties.

11 Payment of balance of hearing fees if hearing exceeds estimated hearing time

(1)

If the actual hearing time exceeds the estimated hearing time, the plaintiff, applicant, or appellant (as applicable) must pay, on the final day of the hearing, the balance of the hearing fee (being the actual hearing fee less any amount that has been prepaid).

(2)

Subclause (1) is subject to any order made under [regulation 14\(2\) \(b\) \(ii\)](#).

12 Refund of prepaid hearing fees if hearing shorter than estimated hearing time

If the actual hearing time is less than the estimated hearing time, the Registrar must refund to the plaintiff, applicant, or appellant (as applicable) the portion of any prepaid hearing fee that relates to the period of hearing time not used.

13 Refund of prepaid hearing fees if application or proceeding settled, discontinued, abandoned, or determined before hearing date

(1)

If an interlocutory application or a proceeding is settled, discontinued, abandoned, or determined before the hearing date, the Registrar must refund to the plaintiff, applicant, or appellant (as applicable) any prepaid hearing fees.

(2)

However, subclause (1) does not apply if a counterclaim, cross-claim, claim against a third or subsequent party, or cross-appeal remains to be heard (*see* [regulation 14](#)).

14 Hearing fees in proceedings involving counterclaims, cross-claims, claims against third or subsequent parties, or cross-appeals

(1)



This regulation applies if a hearing involves 1 or more counterclaims, cross-claims, claims against a third or subsequent party, or cross-appeals.

(2)

At the end of the hearing, the court—

(a)

may give a direction as to what portion of the scheduling fee and actual hearing fee each party is liable to pay; and

(b)

may, in order to give effect to a direction under paragraph (a), make 1 or both of the following orders:

(i)

an order that a party other than the plaintiff, applicant, or appellant (as applicable) pay an amount to the plaintiff, applicant, or appellant:

(ii)

an order that a portion of the balance of the hearing fee payable under regulation 11 (if applicable) be paid by a party other than the plaintiff, applicant, or appellant (as applicable).

Judicial settlement conference fees

15Prepayment of judicial settlement conference fees

The plaintiff, applicant, or appellant (as applicable) must pay the fee for a judicial settlement conference no later than—

(a)

15 working days after the Registrar confirms the date of the judicial settlement conference to all parties to the proceeding; or

(b)

if the Registrar confirms the date less than 15 days before the judicial settlement conference, the date specified by the Registrar.

16Failure to prepay judicial settlement conference fee

(1)

If the fee for the judicial settlement conference is not paid in accordance with [regulation 15](#), the Registrar may vacate the scheduled judicial settlement conference.

(2)

If the Registrar vacates a judicial settlement conference under subclause (1), the Registrar must promptly notify the parties.

17Refund of prepaid fee for judicial settlement conference that does not take place

If a judicial settlement conference does not take place, the Registrar must refund any prepaid judicial settlement conference fee.



Waivers

18 Power to waive fees

(1)

A person otherwise responsible for the payment of a fee required in connection with a proceeding or an intended proceeding may apply to a Registrar for a waiver of the fee.

(2)

The Registrar may waive the fee payable by the person if satisfied,—

(a)

on the basis of one of the criteria specified in [regulation 19](#), that the person is unable to pay the fee; or

(b)

that the proceeding,—

(i)

on the basis of one of the criteria specified in [regulation 20](#), concerns a matter of genuine public interest; and

(ii)

is unlikely to be commenced or continued unless the fee is waived.

(3)

An application under subclause (1) must be made in a form approved for the purpose by the chief executive of the Ministry of Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

19 Criteria for determining when person unable to pay fee sought to be waived

For the purposes of these regulations, a person is **unable to pay the fee sought to be waived** if—

(a)

the person has been granted **legal aid** in respect of the matter for which the fee is payable; or

(b)

the person—

(i)

is dependent for the payment of his or her living expenses on a specified benefit (as defined in [section 198\(3\)](#) of the Social Security Act 2018) that is jobseeker support, sole parent support, a supported living payment, or an emergency benefit; or

(ii)

is wholly dependent for the payment of his or her living expenses on New Zealand superannuation under the [New Zealand Superannuation and Retirement Income Act 2001](#) or a veteran's pension under the [Veterans' Support Act 2014](#); or

(iii)

65



would otherwise suffer undue financial hardship if he or she paid the fee.

Regulation 19(b) (i): amended, on 26 November 2018, by [section 459](#) of the Social Security Act 2018 (2018 No 32).

Regulation 19(b) (ii): amended, on 7 December 2014, by [section 278](#) of the Veterans' Support Act 2014 (2014 No 56).

20Criteria for determining when proceeding concerns matter of genuine public interest

For the purposes of these regulations, a **proceeding that concerns a matter of genuine public interest** is—

(a)

a proceeding that has been or is intended to be commenced to determine a question of law that is of significant interest to the public or to a substantial section of the public; or

(b)

a proceeding that—

(i)

raises issues of significant interest to the public or to a substantial section of the public; and

(ii)

has been or is intended to be commenced by an organisation that, by its governing enactment, constitution, or rules, is expressly or by necessary implication required to promote matters in the public interest.

21Payment of fee may be postponed pending determination of application for waiver or review

(1)

A person who is awaiting the determination of an application under [regulation 18\(1\)](#) or under [section 160](#) of the Act may apply to the Registrar to postpone payment of the fee to which the application relates.

(2)

If the Registrar is satisfied that the person would be prejudiced if the matter to which the fee relates did not proceed before the determination, the Registrar may postpone the payment of the fee until the date on which the person is notified of the determination.

(3)

An application under subclause (1) must be made in a form approved for the purpose by the chief executive of the Ministry of Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

22Recovery of fee if payment postponed

(1)

This regulation applies to a fee if payment of the fee is postponed under [regulation 21](#).

(2)

If the effect of a determination under [regulation 18](#) or under [section 160](#) of the Act is that the fee is not to be waived, the fee—

(a)



must be paid, without delay, to the Registrar; and

(b)

is recoverable as a debt due to the Crown in any court of competent jurisdiction.

(3)

Following a determination that has the effect referred to in subclause (2), the person responsible for paying the fee may not take a step in the proceeding to which the fee relates unless the fee is paid.

(4)

This regulation has effect subject to [regulation 21](#) during any period that the question of the waiver of the fee is the subject of a pending application under [section 160](#) of the Act.

Refunds

23Power to refund fees

(1)

A Registrar may, on application made to him or her, refund a fee that has been paid if satisfied that—

(a)

no application, under [regulation 18](#), for a waiver of the fee was made; and

(b)

the fee would have been waived, in accordance with [regulation 18](#), had that application been made; and

(c)

the criteria that would have justified that waiver still apply at the date of the application for the refund.

(2)

An application under subclause (1) must be made in a form approved for the purpose by the chief executive of the Ministry of Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

Fees include GST

24GST included

The fees fixed by these regulations are inclusive of goods and services tax.

Consequential and transitional matters

25Amendment to Māori Trustee Regulations 2009

(1)

This regulation amends that [Māori Trustee Regulations 2009](#).

(2)

Revoke [regulation 5](#).

26Amendments to Property Law (Mortgagees' Sales Forms and Fees) Regulations 2007

(1)



This regulation amends the [Property Law \(Mortgagees' Sales Forms and Fees\) Regulations 2007](#).

(2)

From the commencement of this regulation,—

(a)

the [Property Law \(Mortgagees' Sales Forms and Fees\) Regulations 2007](#) are called the Property Law (Mortgagees' Sales Forms) Regulations 2007; and

(b)

every reference in any enactment and in any document to the [Property Law \(Mortgagees' Sales Forms and Fees\) Regulations 2007](#) must, unless the context otherwise requires, be read as a reference to the Property Law (Mortgagees' Sales Forms) Regulations 2007.

(3)

In [regulation 1](#), delete “and Fees”.

(4)

Revoke [regulations 7 to 9](#) and the cross-heading above regulation 7.

27Amendment to Public Trust Regulations 2002

(1)

This regulation amends the [Public Trust Regulations 2002](#).

(2)

Revoke [regulation 17](#).

28Revocations

The following regulations are revoked:

(a)

[Administration \(Fee\) Regulations 1997](#) (SR 1997/330);

(b)

[Admiralty \(Fees\) Order 1997](#) (SR 1997/333);

(c)

[High Court Fees Regulations 2001](#) (SR 2001/310);

(d)

[Rating \(Fees\) Regulations 1997](#) (SR 1997/325);

(e)

[Sheriffs' Fees Regulations 1988](#) (SR 1988/34);

(f)

[Trustee Companies \(Fees\) Regulations 1997](#) (SR 1997/329).

29Transitional provision



(1)

In respect of a proceeding commenced before 1 July 2013,—

(a)

an enactment revoked by [regulations 25 to 28](#) continues to apply in respect of any step taken before 1 July 2013; and

(b)

these regulations apply in respect of any step taken on or after that date.

(2)

However, in respect of a hearing described in subclause (3),—

(a)

[regulations 9 to 14](#) of these regulations and items 17 to 20 of the fees table do not apply; and

(b)

[regulations 11, 11A, and 12](#) and items 6 to 9 of the [Schedule](#) of the High Court Fees Regulations 2001 continue to apply.

(3)

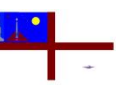
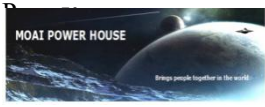
Subclause (2) applies to a hearing if the Registrar notifies the parties of the scheduled hearing date before 1 July 2013.

Schedule Fees payable in respect of proceedings in court

[rr 4, 5](#)

Note: Items in the fees table are arranged in the following categories:

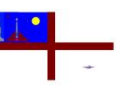
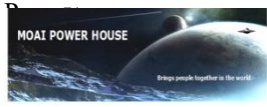
Documents initiating proceedings (including appeals)	Items 1 to 6
Interlocutory applications	Items 7 to 9
Statements of defence and other documents in response	Items 10 to 16
Scheduling	Item 17
Hearings (<i>see</i> regulation 7)	Items 18 to 20
Judicial settlement conferences	Item 21
Enforcing judgments	Items 22 to 34
Probate and administration	Items 35 to 45
Bankruptcy	Items 46 to 50
Administrative fees	Items 51 to 54
Searching and accessing court records	Items 55 and 56
Matters conducted by Registrar	Items 57 and 58
Law practitioners	Items 59 to 64
Applications under Trans-Tasman Proceedings Act 2010	Items 64A and 64B
Matters under Local Government (Rating) Act 2002	Items 65 and 66
Mortgagee sales under Property Law Act 2007	Item 67



Admiralty

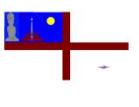
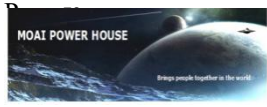
Items 68 to 70

Category	Item	Matter for which fee is payable	Fee (\$)
<i>Documents initiating proceedings (including appeals)</i>	1	Filing an exempt application (as defined in regulation 4)	no fee
	2	Filing an application to put a company into liquidation to which Part 31 of the High Court Rules applies	728
	3	Filing an initiating document (as defined in regulation 4) that commences— (a) an application for review under the Judicial Review Procedure Act 2016 ; or (b) a proceeding to which Part 18 (applications in equity and under statutes), Part 19 (originating applications) (other than an application for habeas corpus), or Part 30 (judicial review), but no other Part, of the High Court Rules applies; or (c) an appeal or cross-appeal to the court under any enactment	728
	4	Filing any other initiating document (as defined in regulation 4), unless a different filing fee is prescribed for that document elsewhere in the fees table	1,819
	5	Filing a statement of claim between defendants	148
	6	Filing an amended statement of claim	148
<i>Interlocutory applications</i>	7	Filing an exempt interlocutory application (as defined in regulation 4)	no fee
	8	Filing an application on notice for summary judgment (HCR 12.4)	no fee
	9	Filing any other interlocutory application (unless a different filing fee is prescribed for that application elsewhere in the fees table— <i>see</i> items 35(b), 64A, and 64B) as follows: (a) application without notice (b) application on notice relating to a proceeding to which item 2, 3, 46, or 48 applies (c) any other application on notice	269 269 674
<i>Statements of defence</i>	10	Filing a statement of defence,—	

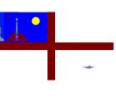
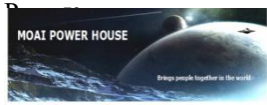


Category	Item	Matter for which fee is payable	Fee (\$)
<i>and other documents in response</i>	(a)	if included in the same document as a counterclaim, and providing that the fee for filing a counterclaim is paid (<i>see</i> item 13)	no fee
	(b)	in any other case	148
	11	Filing a statement of defence between defendants	148
	12	Filing an amended statement of defence	148
	13	Filing a counterclaim (which may include in the same document, for no additional fee, a statement of defence) for—	
	(a)	a proceeding to which item 2 or 3 applies	728
	(b)	any other proceeding	1,819
	14	Filing a notice of opposition,—	
	(a)	in the case of a notice of opposition against an exempt application or an exempt interlocutory application	no fee
	(b)	in the case of a notice of opposition against an interlocutory application for summary judgment	148
	(c)	in any other case (unless a different filing fee is prescribed for that notice of opposition elsewhere in the fees table— <i>see</i> item 49)	148
	15	Filing an appearance (HCR 5.49 , 5.50 , 5.51)	148
	16	Filing a third or subsequent party notice	148
<i>Scheduling</i>	17	For scheduling the hearing date for an application or proceeding,—	
	(a)	in the case of an exempt application	no fee
	(b)	in the case of an interlocutory application	no fee
	(c)	in the case of an application or proceeding to which item 2, 3, or 48 applies	862
	(d)	in any other case	2,156





Category	Item	Matter for which fee is payable	Fee (\$)
<i>Hearings (see regulation 7)</i>	18	Hearing an exempt application or an exempt interlocutory application	no fee
	19	Hearing an application or proceeding to which item 2, 3, or 48 applies, for each half-day or part half-day after the first half-day	862
	20	Hearing any other application or proceeding, for each half-day or part half-day after the first half-day	2,156
<i>Judicial settlement conferences</i>	21	Judicial settlement conference	862
<i>Enforcing judgments</i>	22	Issuing an order for examination (HCR 17.12)	539
	23	Issuing an order that money owing under a judgment be paid by instalments (HCR 17.17)	269
	24	Issuing an attachment order (HCR 17.33)	269
	25	Issuing a charging order with leave (HCR 17.41)	269
	26	Issuing a charging order without leave (HCR 17.42)	269
	27	Issuing a sale order (HCR 17.63)	2,021
	28	Selling property under a sale order	674
	29	Filing an application for an order protecting a secured party's interests	no fee
	30	Issuing a possession order (HCR 17.81)	2,021
	31	Issuing a combined sale and possession order (HCR 17.82)	2,021
	32	Issuing an arrest order (where a party does not comply with an original court order) (HCR 17.84)	2,021
	33	Issuing a sequestration order (HCR 17.87)	2,021
	34	Issuing an order to arrest and imprison an absconding debtor under section 40 of the Senior Courts Act 2016 (HCR 17.88)	2,021
<i>Probate and administration</i>	35	Filing any of the following: (a) an application in common form for probate or letters of administration: (b) an application relating to a deceased person's estate made prior or subsequent to a grant of administration: (c) an application for an order that is made under section 14 or 31 , or for the purpose of section 18 , of the Wills Act 2007	269



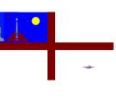
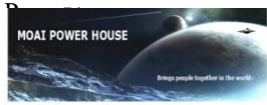
Category

ItemMatter for which fee is payable

Fee (\$)

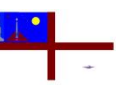
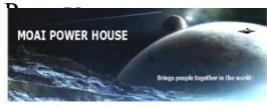
36	Sealing a grant of administration obtained by way of an application under HCR 27.4 or 27.6	no fee
37	Sealing an exemplification of administration (HCR 27.33(1))	67
38	Sealing a duplicate of a grant of administration (HCR 27.33(2) (a))	67
39	Sealing and certifying a copy or photocopy of a grant of administration (HCR 27.33(2) (b))	67
40	Issuing a certificate of administration under section 18 of the Administration Act 1969	40
41	Resealing, under section 71 of the Administration Act 1969, probate or letters of administration granted by an overseas court	67
42	Filing an election to administer under Part 6 of the Public Trust Act 2001, Part 3 of the Trustee Companies Act 1967, or section 12A or 12B of the Māori Trustee Act 1953	40
43	Issuing a certified copy of an election to administer filed under Part 6 of the Public Trust Act 2001, Part 3 of the Trustee Companies Act 1967, or section 12A or 12B of the Māori Trustee Act 1953	40
44	Searching or inspecting a document or a court file that relates to an application or action for a grant of administration under the Administration Act 1969 or to a proceeding for the recall of any such grant (HCR 3.7(2)),—	
	(a)	no fee
	if a fee has been paid under item 55 to search or inspect the formal court record in relation to the grant	
	(b)	40
	in any other case	
	Note: On payment of a fee for this item, no further fee is payable for obtaining 1 or more copies of the document, or any document on the court file, as the case may be (<i>see</i> item 53(b))	
45	Supplying a copy of a will,—	
	(a)	no fee
	if a fee has been paid under item 44 in respect of the will	
	(b)	27
	in any other case	
Bankruptcy	46 Filing a request for issue of a bankruptcy notice (HCR 24.8)	269
	47 <i>[Revoked]</i>	
	48 Filing a creditor's application for adjudication (HCR 24.11)	674
	49 Filing a notice of opposition to application for adjudication (HCR 24.18)	148



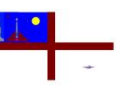
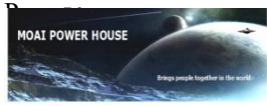


Category	Item	Matter for which fee is payable	Fee (\$)
Administrative fees	50	Sealing an order for bankruptcy	67
	51	Sealing the original copy of any judgment (HCR 11.11), order (other than an order to which item 60 applies), or letter of request (HCR 9.26)	67
	52	Issuing a certified copy of—	
	(a)	any document that is part of the formal court record or on the court file	67
	(b)	any Registrar's certificate	67
	53	Copying any document (other than a judgment),—	
	(a)	for the first copy of any part or parts of the court file or any document relating to the proceeding that is provided to a party to the proceeding or that party's counsel	no fee
	(b)	if a fee under item 44 has been paid to search or inspect the document, or the court file containing the document	no fee
	(c)	where paragraphs (a) and (b) do not apply,—	
	(i)	for each black and white page	0.30
	(ii)	for each colour page	0.50
	(iii)	for documents in electronic form	actual and reasonable costs
	54	Copying a judgment,—	
	(a)	for the first copy that is provided to a party to the proceeding or that party's counsel	no fee
	(b)	where paragraph (a) does not apply	40
Searching and	55	Searching or inspecting the formal court record (HCR 3.7(1)),—	





Category	Item	Matter for which fee is payable	Fee (\$)
accessing court records	(a)	for the first name or case searched	40
	(b)	for each additional name or case searched	7
	56	Requesting access to a document or court file as follows:	
	(a)	if the request is made by a party to a proceeding or that party's counsel (HCR 3.8) in respect of a document or court file relating to the proceeding	no fee
	(b)	if a fee has been paid under item 55(a) in respect of the court file or the formal court record	no fee
	(c)	in any other case	40
Matters conducted by Registrar	57	Attendance before a Registrar in an inquiry or reference	808
	58	Examination of witnesses by a Registrar under an order of the court	808
Law practitioners	59	Filing an application for admission as a barrister and solicitor under section 57 of the Lawyers and Conveyancers Act 2006	162
	60	Sealing an order for admission as a barrister and solicitor	no fee
	61	Issuing a certified copy of an order for admission as a barrister and solicitor	67
	62	Issuing a certificate of enrolment on the roll of barristers and solicitors kept under the Lawyers and Conveyancers Act 2006	67
	63	Filing an application for registration, in respect of admission as a barrister and solicitor, under section 19 of the Trans-Tasman Mutual Recognition Act 1997	162
	64	Issuing a Registrar's certificate following notice under section 19 of the Trans-Tasman Mutual Recognition Act 1997	67
Applications under Trans-Tasman Proceedings Act 2010	64A	Filing an application under section 56 of the Trans-Tasman Proceedings Act 2010 to register in the court under subpart 5 of Part 2 of that Act a registrable Australian judgment	135
	64B	Filing either of the following applications:	337
	(a)	an application to set aside registration of an Australian judgment (under section 61 of the Trans-Tasman Proceedings Act 2010):	



Category

Item Matter for which fee is payable

Fee (\$)

(b)

an application for a stay of enforcement of a registered Australian judgment (under [section 65](#) of the Trans-Tasman Proceedings Act 2010)

Matters under Local Government (Rating) Act 2002

- | | | |
|----|--|-------|
| 65 | Filing an application to enforce a judgment for rates under section 67 of the Local Government (Rating) Act 2002 | 404 |
| 66 | Selling or leasing a rating unit under section 70 of the Local Government (Rating) Act 2002 | 1,078 |

Mortgagee sales under Property Law Act 2007

- | | | |
|----|---|-------|
| 67 | Application for Registrar to conduct a sale for a vendor mortgagee under section 187 of the Property Law Act 2007 | 2,021 |
| | Note: For the minimum and maximum commission that is payable, if the land is sold, by the vendor mortgagee to the Registrar under section 194(1) (c) of that Act, see regulation 8 | |

Admiralty

- | | | |
|----|--|-------|
| 68 | Filing an application for the issue of a warrant of arrest (of property) (HCR 25.34) | 2,021 |
| 69 | Filing a request for a commission for the appraisal and sale of any property (HCR 25.51) | 2,695 |
| 70 | Selling property under a commission for sale (HCR 25.51) | 674 |

Schedule note: amended, on 11 October 2013, by [regulation 4](#) of the High Court Fees (Trans-Tasman Proceedings Act 2010—Australian Judgments) Amendment Regulations 2013 (SR 2013/349).

24.8 Issue of bankruptcy notice

(1)

A request for the issue of a bankruptcy notice must be in [form B 1](#).

(2)

The Registrar may approve the issue of a bankruptcy notice if—

(a)

the request is founded on a judgment or order of a court; and

(b)

the Registrar has no knowledge that payment of the debt has occurred.

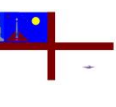
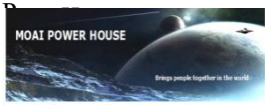
(3)

A bankruptcy notice must be in [form B 2](#) and a certified copy of the judgment or order on which the bankruptcy notice is based must be attached to it.

(4)

The bankruptcy notice must state the amount of any costs claimed.

Compare: 1908 No 89 Schedule 2 r 826



Form B 1 Request for issue of bankruptcy notice

r 24.8(1)

Insert a heading that conforms with rule 24.5 and describes the parties as judgment creditor and judgment debtor respectively.

To the Registrar of the High Court at [place]

1

I, [full name, address, description of judgment creditor], request that the court issue a bankruptcy notice against [full name, address, and description of judgment debtor].

2

If rule 24.13 requires a different statement, substitute that for this paragraph.

The judgment debtor, [name], has for the greater part of the past 6 months resided at [full address] or carried on business at [full address], which is nearest by the most practicable route to the registry of this court.

3

I produce a certified copy of a final judgment or final order against [name of judgment debtor], obtained by me in the [name] court on [date].

4

Execution on the judgment has not been stayed.

24.5 General requirements of documents filed in court

Every document filed must—

(a)

comply with the rules in subpart 3 of Part 5 so far as they are applicable and with any necessary modifications; and

(b)

be headed by the words “In the matter of the Insolvency Act 2006, and in the matter of the bankruptcy (or proposal, as the case may be) of”.

Compare: 1908 No 89 Schedule 2 r 823

Subpart 3—Heading of court documents

5.11 Heading on statement of claim and counterclaim

(1)

The heading of a statement of claim, and of any counterclaim intended to be served upon a person other than the plaintiff, must show—

(a)

the number of the proceeding:

(b)



the registry of the court in which it is filed, in both English and te reo Māori (see [form G 1](#) in Schedule 1, which sets out the name, in both languages, of each registry of the court):

(c)

if the statement of claim or counterclaim seeks relief in reliance on jurisdiction conferred by an enactment, the title of that enactment:

(d)

if the relief sought in the statement of claim or counterclaim relates to the validity or interpretation of a will, the name of the testator:

(e)

if the relief sought in the statement of claim or counterclaim relates to the validity or interpretation of an instrument other than a will, the name of the maker of, or the names of the parties to, the instrument and its date:

(f)

if the relief sought in the statement of claim or counterclaim relates to the validity or interpretation of an enactment, the title and the relevant section or sections of the enactment:

(g)

the full name, and the place of residence and occupation, of every plaintiff and defendant, so far as they are known to the party presenting the document for filing.

(2)

[Form G 1](#) must be used for the purposes of subclause (1).

(3)

The names of parties in the heading of a statement of claim must not be repeated in the heading of a counterclaim, which may, for example, refer to the “Plaintiff and First Counterclaim Defendant”.

Compare: 1908 No 89 Schedule 2 r 36

Rule 5.11(1) (b): amended, on 1 September 2017, by [rule 7](#) of the High Court Rules 2016 Amendment Rules (No 2) 2017 (LI 2017/191).

Using High Court Rules forms

Purpose of forms

The High Court Rules forms are templates you can use to prepare a document for a proceeding in the High Court.

The forms are grouped as follows:

- general forms (G 1, G 2, etc) are those that the High Court Rules require, or authorise to be used, in a standard High Court proceeding:

-
-

- judgment forms (J 1, J 2, etc) are those used when entering a formal judgment on the court record:

-
-



enforcement forms (E 1, E 2, etc) are those used when a judgment is being enforced:

-
-

commercial list forms (CL 1, CL 2, etc) are those used when proceedings are on, or are to be transferred to, the commercial list (Auckland registry only):

-
-

probate forms (PR 1, PR 2, etc) are those used in connection with applications for probate or administration:

-
-

admiralty forms (AD 1, AD 2, etc) are those used in the High Court's admiralty jurisdiction over ships and cargo:

-
-

arbitration forms (Arb 1, Arb 2, etc) are those used when the High Court's jurisdiction is invoked in relation to an arbitration:

-
-

company forms (C 1, C 2, etc) are those used in relation to a company's liquidation:

-
-

bankruptcy forms (B 1, B 2, etc) are those used when a person is being adjudicated bankrupt, and in the administration of the bankrupt estate.

-

Preparing forms

Before preparing a form, check whether a High Court Rule applies. The relevant rule number appears at the top of each form. If a rule applies, comply with it.

To prepare a document using the forms

-

use the general heading as set out in [form G 1](#) at the beginning of each document or any modified heading indicated:

-
-

replace text in [*square brackets*] with the relevant text:

-
-

when alternative statements are provided (statement A, statement B, etc), select the relevant statement or statements that apply and omit the others:

-
-

if required, renumber the numbered paragraphs so that the final document is numbered sequentially:



remove all instructions (always in italics) in the documents filed in the High Court or served on other parties—this includes instructions within square brackets, footnotes, and statement labels (statement A, statement B, etc).

Format and content of forms

The High Court Rules specify requirements for the presentation of forms. In particular, you should refer to the following rules:

Rule 1.21: this rule states that you may vary a prescribed form as the circumstances of the particular case require:

Rules 5.2 to 5.16: these rules indicate how the completed forms should be formatted and how the content should be presented. This includes specifications for page size, margins, numbering of pages, and division of content into numbered paragraphs:

Rule 5.10: this rule prescribes the content and format of the cover sheet of a document. When filing your first document as a party in a proceeding, at the end of it you must set out a memorandum containing prescribed information (see [rule 5.44](#) and [form G 10](#)).

Swearing and affirming

Some documents, eg, affidavits, need to be solemnly verified. A form will indicate this by using the word “sworn” at the end of the document. This kind of document must be verified before a person who is authorised to take oaths, such as a solicitor or a Justice of the Peace.

However, under the [Oaths and Declarations Act 1957](#) you may affirm instead of swearing an oath. “Affirming” means “solemnly, sincerely, and truly declaring and affirming” the contents of a document.

If you choose to affirm, change “sworn” to “affirmed” where it occurs in the form.

Form G 1 General heading for documents filed in proceeding

[rr 5.11\(2\), 19.9\(1\)](#)

In the High Court of New Zealand

*[*Name of registry in English. Select from the table below.*] Registry

I te Kōti Matua o Aotearoa

[*Name of registry in te reo Māori. Select from the table below.*] Rohe

No: [number of proceeding]

Under the [name of Act under which the proceeding is authorised]

In the matter of [specify matter to which proceeding relates]

Between [full name, place of residence, occupation]

(plaintiff)



And [full name, place of residence, occupation]

(defendant)

Include the following if there is a counterclaim against both the plaintiff and another person.

Between [full name, place of residence, occupation]

(defendant)

And [full name, place of residence, occupation]

(plaintiff)

And [full name, place of residence, occupation]

(counterclaim defendant)

Names of registries

Name of registry in English

Auckland

Blenheim

Christchurch

Dunedin

Gisborne

Greymouth

Hamilton

Invercargill

Masterton

Napier

Nelson

New Plymouth

Palmerston North

Rotorua

Tauranga

Timaru

Wellington

Whanganui

Whangārei

Name of registry in te reo Māori

Tāmaki Makaurau

Te Waiharakeke

Ōtautahi

Ōtepoti

Tūranganui-a-Kiwa

Māwhera

Kirikiriroa

Waihōpai

Whakaoriori

Ahuriri

Whakatū

Ngāmotu

Te Papaioea

Te Rotorua-nui-a-Kahumatamomoe

Tauranga Moana

Te Tihi-o-Maru

Te Whanganui-a-Tara

Whanganui

Whangārei-terenga-parāoa

Schedule 1 form G 1: replaced, on 1 September 2017, by [rule 27\(1\)](#) of the High Court Rules 2016 Amendment Rules (No 2) 2017 (LI 2017/191).

5.10 Format of cover sheet

(1)

The cover sheet of an originating document and of a notice of interlocutory application must—

(a)



include only—

- (i)
the heading; and
- (ii)
the description of the document; and
- (iii)
if applicable, the next event date; and
- (iv)
if applicable, the name of the Judge or Associate Judge to whom the proceeding has been assigned; and
- (v)
the information required by [rule 5.16](#); and

(b)
leave ample space between the description of the document and the information referred to in paragraph (a) (v) for the inclusion of a minute.

(2)
The heading may, if necessary, be continued on another sheet.

(3)
In subclause (1) (a) (iii), **next event date** means, if allocated, the date and nature of a hearing or conference that is to be held next after the date on which the document is filed.

Compare: 1908 No 89 Schedule 2 r 33

5.16 Information at foot of cover sheet

(1)
The following information must appear at the foot of the cover sheet of every document for filing:

- (a)
the name of the solicitor or firm of solicitors (if any) presenting it for filing and the name of any agent by whom the document is filed; and
- (b)
when the document is presented for filing by or on behalf of a solicitor or firm of solicitors,—
 - (i)
the name and telephone number of the principal or employee dealing with the proceeding; and
 - (ii)
the address of any post office box or document exchange used by the solicitor or firm; and



(iii)

any fax number and any email address used by the solicitor or firm.

(2)

The fact that the name of a solicitor or firm of solicitors is subscribed on a document is prima facie evidence that the document was filed by that solicitor or firm of solicitors.

Compare: 1908 No 89 Schedule 2 r 40

Rule 5.16 heading: amended, on 1 January 2011, by [rule 4\(1\)](#) of the High Court Amendment Rules (No 2) 2010 (SR 2010/394).

Rule 5.16(1): amended, on 1 January 2011, by [rule 4\(2\)](#) of the High Court Amendment Rules (No 2) 2010 (SR 2010/394).

Form B 2 Bankruptcy notice

[r 24.8\(3\)](#)

Insert a heading that conforms with [rule 24.5](#) and describes the parties as judgment creditor and judgment debtor respectively.

To *[full name and address of judgment debtor]*

1

Within *[10 working days, or, if the notice is served outside New Zealand, the period specified in the order for service]* after you are served with this notice (excluding the day of service)—

(a)

you must pay to the judgment creditor, *[full name, address]*, \$*[amount]*, either in person or at the address for service of the judgment creditor (or the solicitor for the judgment creditor). This amount is the amount the judgment creditor claims is due (or remains unpaid) on a final judgment or final order, on which execution has not been stayed, that the judgment creditor obtained against you in the *[name of court]* on *[date]*; or

(b)

you must secure or enter into a new formal agreement with the judgment creditor or, alternatively, obtain the High Court's approval of terms of payment; or

(c)

you must satisfy the High Court that you have a counterclaim, set-off, or cross-demand against the judgment creditor—

(i)

that equals or exceeds the amount claimed by the judgment creditor; and

(ii)

that you could not put forward in the action or proceeding in which the judgment or order was obtained.

2

The judgment creditor also claims costs against you of \$*[amount]*, which includes—

83





- (a)
a fee of \$[amount] for filing this notice; and
- (b)
a fee of \$150 for serving this notice.
- 3
A certified copy of the judgment or order on which this bankruptcy notice is based is attached.

Date:
(Deputy Registrar)

Notes

Please carefully read the following information.

Consequences of not complying with notice

If you do not comply with paragraph 1, you will have committed an act of bankruptcy on which bankruptcy proceedings may be taken against you.

Procedure for counterclaiming, etc

If you consider you have a counterclaim, set-off, or cross-demand against the judgment creditor that comes within paragraph 1(c), or you wish to seek the court's approval of terms of payment, you must, within 10 working days from the date of receiving this notice, apply to the High Court. Your application must be supported by affidavit.

You must, within the same time, also serve a copy of the application and supporting affidavit on the judgment creditor.

Costs

If you do not dispute the claim for costs, you must, within 10 working days, pay the costs claimed to the judgment creditor, either in person or at the address for service of the judgment creditor (or the solicitor for the judgment creditor), unless—

- (a)
the amount claimed has been secured or has become the subject of a new formal agreement to the judgment creditor's satisfaction or to the satisfaction of the High Court; or
- (b)
the amount of any counterclaim, set-off, or cross-demand that you advance is sufficient to cover the costs claimed as well as the amount specified in paragraph 1(a).
- If you dispute the claim for costs, you must, within 10 working days, apply to the High Court to fix costs.
- If you do not pay the costs claimed or dispute the claim for costs, you will commit an act of bankruptcy for which you may be adjudicated bankrupt.



This notice is issued by *[name and address of judgment creditor]* in person by *[full name and address for service of solicitor for judgment creditor]**.

*Select one.

Note: The amount claimed for costs in paragraph 2 must be determined as if the proceeding were a category 2 proceeding specified in [Schedule 2](#) of the High Court Rules and the time allocation were the time allocation for item 44 and band B specified in [Schedule 3](#) of the High Court Rules.

Schedule 1 form B 2: amended, on 1 September 2017, by [rule 27\(7\)](#) of the High Court Rules 2016 Amendment Rules (No 2) 2017 (LI 2017/191).

Schedule 1 form B 2: amended, on 1 July 2013, by [rule 21](#) of the High Court Amendment Rules (No 2) 2013 (SR 2013/214).

Schedule 1 form B 2: amended, on 1 January 2011, by [rule 35\(2\)](#) of the High Court Amendment Rules (No 2) 2010 (SR 2010/394).

Form B 1 Request for issue of bankruptcy notice

[r 24.8\(1\)](#)

Insert a heading that conforms with [rule 24.5](#) and describes the parties as judgment creditor and judgment debtor respectively.

To the Registrar of the High Court at *[place]*

1

I, *[full name, address, description of judgment creditor]*, request that the court issue a bankruptcy notice against *[full name, address, and description of judgment debtor]*.

2

If [rule 24.13](#) requires a different statement, substitute that for this paragraph.

The judgment debtor, *[name]*, has for the greater part of the past 6 months resided at *[full address]* or carried on business at *[full address]*, which is nearest by the most practicable route to the registry of this court.

3

I produce a certified copy of a final judgment or final order against *[name of judgment debtor]*, obtained by me in the *[name]* court on *[date]*.

4

Execution on the judgment has not been stayed.

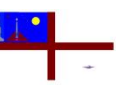
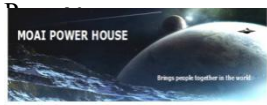
Date:

Signature:

(judgment creditor/solicitor for judgment creditor*)

*Select one.

Schedule 1 form B 1: amended, on 1 January 2015, by [rule 9\(1\)](#) of the High Court Amendment Rules (No 2) 2014 (LI 2014/348).



Mortgagee sales
under *Property Law Act*
2007

67 Application for Registrar to conduct a sale for a vendor mortgagee
under [section 187](#) of the Property Law Act 2007

2,021

Note: For the minimum and maximum commission that is payable, if the land is sold, by the vendor mortgagee to the Registrar under [section 194\(1\) \(c\)](#) of that Act, see [regulation 8](#)

Admiralty

68 Filing an application for the issue of a warrant of arrest (of property) ([HCR 25.34](#)) 2,021

69 Filing a request for a commission for the appraisal and sale of any property ([HCR 25.51](#)) 2,695

70 Selling property under a commission for sale ([HCR 25.51](#)) 674

Schedule note: amended, on 11 October 2013, by [regulation 4](#) of the High Court Fees (Trans-Tasman Proceedings Act 2010—Australian Judgments)

25.34 Application for warrant of arrest of property

(1)

After the issue of a notice of proceeding or counterclaim *in rem*, the plaintiff or the defendant to the notice or counterclaim may, by an application in [form AD 7](#), apply for the issue of a warrant of arrest of the property against which the action or counterclaim is brought.

(2)

However, if 2 or more ships owned by the same person are named as defendant in an action arising from a cause of action concerning 1 ship only,—

(a)

a warrant of arrest may be issued against 1 ship only; and

(b)

the plaintiff must name that ship in the application for the warrant of arrest.

(3)

The applicant for the issue of a warrant of arrest must cause a search to be made to determine whether any caveat against the issue of the warrant is in force.

(4)

In support of the application for a warrant of arrest, the applicant must file—

(a)





an affidavit stating—

(i)

the name and description of the party at whose instance the warrant is to be issued; and

(ii)

the nature of the claim; and

(iii)

the name or nature of the property to be arrested; and

(iv)

the extent to which the claim has been satisfied, the amount claimed paid into court, or security for payment of the claim given to the Registrar; and

(v)

whether any caveat against the issue of a warrant of arrest has been filed and, if so, whether a copy of the notice of proceeding or a notice requiring payment or security has been served on the caveator; and

(vi)

any other relevant information known to the applicant at the time the application is made; and

(b)

an indemnity to the Registrar in [form AD 8](#) and security to the satisfaction of the Registrar for the fees, expenses, and harbour dues (if any) of the Registrar and of the Registrar's appointed officers and agents.

Compare: 1908 No 89 Schedule 2 r 776(1)–(4)

Form AD 7 Application for warrant of arrest

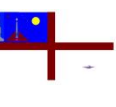
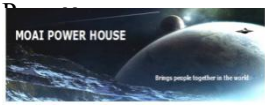
[r 25.34\(1\)](#)

To the Registrar of the High Court at *[place]*

1

87





The plaintiff applies for a warrant for the arrest of [*name of ship or describe property*].

2

The present location of the property to be arrested is [*location*].

3

This application is accompanied by the affidavit/affidavits* of [*names of deponents*] deposing to the matters referred to in [Rule 25.34\(4\)](#) of the High Court Rules, and an indemnity to the Registrar.

*Select one.

Date:

Signature:

(plaintiff/solicitor for plaintiff*)

*Select one.

Certificate of Registrar

I certify that according to the records of the court—

(a)

a notice of proceeding in an action *in rem* has been issued against [*name of ship or describe property to be arrested*]:

(b)

this application was filed at [*time, date*].

Date:

Signature:

(Registrar/Deputy Registrar*)

*Select one.

25.34 Application for warrant of arrest of property

(1)

After the issue of a notice of proceeding or counterclaim *in rem*, the plaintiff or the defendant to the notice or counterclaim may, by an application in [form AD 7](#), apply for the issue of a warrant of arrest of the property against which the action or counterclaim is brought.

(2)

However, if 2 or more ships owned by the same person are named as defendant in an action arising from a cause of action concerning 1 ship only,—

(a)

a warrant of arrest may be issued against 1 ship only; and



(b)

the plaintiff must name that ship in the application for the warrant of arrest.

(3)

The applicant for the issue of a warrant of arrest must cause a search to be made to determine whether any caveat against the issue of the warrant is in force.

(4)

In support of the application for a warrant of arrest, the applicant must file—

(a)

an affidavit stating—

(i)

the name and description of the party at whose instance the warrant is to be issued; and

(ii)

the nature of the claim; and

(iii)

the name or nature of the property to be arrested; and

(iv)

the extent to which the claim has been satisfied, the amount claimed paid into court, or security for payment of the claim given to the Registrar; and

(v)

whether any caveat against the issue of a warrant of arrest has been filed and, if so, whether a copy of the notice of proceeding or a notice requiring payment or security has been served on the caveator; and

(vi)

any other relevant information known to the applicant at the time the application is made; and

(b)

an indemnity to the Registrar in [form AD 8](#) and security to the satisfaction of the Registrar for the fees, expenses, and harbour dues (if any) of the Registrar and of the Registrar's appointed officers and agents.

Compare: 1908 No 89 Schedule 2 r 776(1)–(4)

[form AD 7](#) Application for warrant of arrest

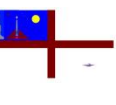
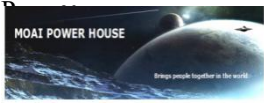
[r 25.34\(1\)](#)

To the Registrar of the High Court at *[place]*

1

89





The plaintiff applies for a warrant for the arrest of [*name of ship or describe property*].

2

The present location of the property to be arrested is [*location*].

3

This application is accompanied by the affidavit/affidavits* of [*names of deponents*] deposing to the matters referred to in [Rule 25.34\(4\)](#) of the High Court Rules, and an indemnity to the Registrar.

*Select one.

Date:

Signature:

(plaintiff/solicitor for plaintiff*)

*Select one.

Certificate of Registrar

I certify that according to the records of the court—

(a)

a notice of proceeding in an action *in rem* has been issued against [*name of ship or describe property to be arrested*]:

(b)

this application was filed at [*time, date*].

Date:

Signature:

(Registrar/Deputy Registrar*)

*Select one.

Form AD 8Indemnity to Registrar



r 25.34(4)

To the Registrar of the High Court at [place]

The applicant indemnifies you—

(a)

for any fees and expenses (including harbour dues) that may be incurred by you in executing the warrant of arrest issued against [name of ship or describe property]; and

(b)

against any liability arising out of or incidental to any act lawfully done by you in executing that warrant.

Date:

Signature:

(applicant/solicitor for applicant*)

*Select one.

25.34 Application for warrant of arrest of property

(1)

After the issue of a notice of proceeding or counterclaim *in rem*, the plaintiff or the defendant to the notice or counterclaim may, by an application in [form AD 7](#), apply for the issue of a warrant of arrest of the property against which the action or counterclaim is brought.

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However, if 2 or more ships owned by the same person are named as defendant in an action arising from a cause of action concerning 1 ship only,—

(a)

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the plaintiff must name that ship in the application for the warrant of arrest.

(3)

The applicant for the issue of a warrant of arrest must cause a search to be made to determine whether any caveat against the issue of the warrant is in force.

91



(4)

In support of the application for a warrant of arrest, the applicant must file—

(a)

an affidavit stating—

(i)

the name and description of the party at whose instance the warrant is to be issued; and

(ii)

the nature of the claim; and

(iii)

the name or nature of the property to be arrested; and

(iv)

the extent to which the claim has been satisfied, the amount claimed paid into court, or security for payment of the claim given to the Registrar; and

(v)

whether any caveat against the issue of a warrant of arrest has been filed and, if so, whether a copy of the notice of proceeding or a notice requiring payment or security has been served on the caveator; and

(vi)

any other relevant information known to the applicant at the time the application is made; and

(b)

an indemnity to the Registrar in [form AD 8](#) and security to the satisfaction of the Registrar for the fees, expenses, and harbour dues (if any) of the Registrar and of the Registrar's appointed officers and agents.

Compare: 1908 No 89 Schedule 2 r 776(1)–(4)

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Yes, individuals can represent themselves in a High Court in Auckland, New Zealand, but companies generally cannot and must be represented by a lawyer. Representing yourself means you are responsible for understanding and following all court rules and procedures, and you may be at a disadvantage due to a lack of legal knowledge.

<https://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/>

Going to court without a lawyer

Individuals can represent themselves in a court case and go to court without a lawyer. This may be a valid option if you are confident in your ability to research, prepare and manage your case through the court process.

However, there is more to representing yourself than filing an application and going to court to tell a judge what happened. You need to ensure that you have a clear understanding of what will be involved and your responsibilities before making the decision to represent yourself in court.

Get legal aid to pay for a lawyer

Legal aid is government funding that pays for people, who cannot afford a lawyer, to get legal help.

[Find out whether you are eligible for legal aid](#)

If you have a lawyer, they will be able to help you apply for legal aid. You can also get a legal aid application form from a District Court, Community Law Centre or Citizen Advice Bureau.

[Find out about applying for legal aid](#)

Please note that even if you qualify for legal aid, there may still be a financial cost as people who get legal aid may have to repay part or all of their legal aid costs.

[Find out about the cost of legal aid](#)

Questions to consider before deciding to represent yourself

Do you have the time and resources to represent yourself?



The law is complex and there is a lot of work involved in preparing a case and going to court. This work will require time, money, and resources. You will be expected to do work usually done by a lawyer, such as writing an application that uses appropriate wording and legal references, but you will be doing this without the specialist training and knowledge that a lawyer has.

Please note that if you are successful in your case your time and labour are not recoverable as part of any costs that the court may award in your favour. If you are successful, the expenditure (disbursements) that may be recoverable from the other party only includes filing fees, service fees, and photocopying costs.

The time taken for a case to go through court can vary. Some court cases may be dealt with quite quickly, within 3 to 4 months. Others may take 18 months or more. In making the decision to represent yourself, you may also want to consider the impact on your work and family.

Will you be able to undertake a dual role?

If you are a party to a court case it means that your involvement may fall into any of the following categories:

- facing criminal charges
- making an application in court
- responding to an application in court.

As a party to a court case you are likely to be dealing with a stressful situation that may also affect your emotional state. Representing yourself in court means, however, that you will also be taking on an advocate role.

An advocate is someone who pleads for or speaks on behalf of another person. It may be difficult to be a party to a court case and advocating for yourself at the same time. An advocate may be required to do any of the following while a case progresses through court:

- conduct settlement negotiations with other parties to the case
- respond to the issues raised by the prosecution or parties to a case
- understand the merits of the case and the potential outcome.

In court, a lawyer usually acts as the advocate.



What is involved in going to court without a lawyer?

The following information will give you an idea of some of the things you may need to do if you represent yourself.

Research and prepare a case

- Identify and understand the law that is applicable to your case.
- Access the legal resources to research your case, for example, case law and legislation.
- Identify and complete the relevant forms that need to be filed with the court.
- Present the facts, but also tell the court how the law applies to the facts of your case.

Manage a case through court

- Manage your case through different procedural pathways.
- Comply with court directions and orders.
- Prepare evidence.
- Undertake settlement negotiations with other parties and/or lawyers (civil cases only).

Going to a court hearing

- Understand courtroom protocol.
- Prepare various documents in support of your case such as submissions, authorities, and witness briefs.
- Understand court procedure such as cross-examination of a witness and presenting an exhibit.

Court staff cannot provide legal advice

The court system is administered by court staff and they can explain in general terms how the court system works, but they cannot provide legal advice about your case. This means court staff cannot advise you on the forms or documents to file in court.

Getting legal advice if you don't have a lawyer



You may be able to get legal help from the following organisations:

- [Community Law\(external link\)](#)
- [Citizens Advice Bureau\(external link\)](#)

You can still discuss your case with a lawyer at any stage, even if you decide not to instruct a lawyer to represent you in court. You can search for a lawyer on the New Zealand Law Society website by area of practice, such as criminal and civil litigation.

[Find a lawyer through the New Zealand Law Society\(external link\)](#)

Potential outcomes if a decision goes against you

Outcomes vary across courts and you should ensure that you understand what these are either by seeking legal advice or researching the law yourself.

Some general information about outcomes, as it relates to criminal and civil cases, is as follows:

- In a criminal case, the penalty may be a fine, a community-based sentence, home detention, or imprisonment.
- If a decision goes against you in a civil case, you may be ordered to pay money to another party. In civil cases, the unsuccessful party can also expect to pay costs to the successful party. The costs of the successful party could include disbursements as well as their legal fees if they have a lawyer. Costs are generally allocated (categorised) on the scale costs contained in Schedule 2 and 3 of the High Court Rules, but the court can make an order for actual costs.

[Read Schedule 2 of the High Court Rules\(external link\)](#)

[Read Schedule 3 of the High Court Rules\(external link\)](#)

Please note that having a lawyer does not necessarily mean you will win your case but it may improve the likelihood of a realistic assessment of the merits of your case, and getting an outcome more quickly.

Getting information about going to court



The Ministry of Justice provides the following practical guidance for people going to court:

- [Representing yourself in the Family Court](#)
 - [Starting a civil case in the District Court](#)
 - [Starting a civil case in the High Court](#)
 - [Representing yourself in a criminal case in the High Court](#)
 - [Representing yourself in the Employment Court\(external link\)](#)
 - [Representing yourself in the Environment Court\(external link\)](#)
 - [Appearing in the Youth Court\(external link\)](#)
 - [Making an application to the Māori Land Court\(external link\)](#)
- [You can also find information about making an application to a tribunal](#)

[You can also find out more about the justice system, including a guide to legal language](#)

Accessing legal resources

If you decide to represent yourself in court, it will be your responsibility to research your case and find the resources to do that. Some well-known legal resources are:

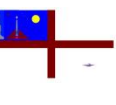
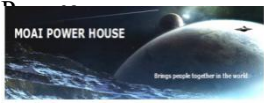
- [New Zealand Legislation\(external link\)](#) – search New Zealand Acts and Legislative Instruments such as regulations and rules
- [New Zealand Legal Information Institute \(NZLII\)\(external link\)](#) – search New Zealand legal information including case law, legislation, and law journals

‘Case law’ is part of common law legal systems, and refers to decisions of the court which establish a new interpretation of the law and are cited as a precedent or authority in subsequent court cases.

This page was last updated: 19th April 2024

Can I get family or civil legal aid?

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On this page:

- [Legal aid for family disputes](#)
- [Legal aid for civil disputes](#)
- [Other factors considered for family and civil legal aid](#)
- [Assessing your income and assets](#)

Legal aid for family disputes

Legal aid may be available for family disputes or problems that could go to court, including:

- disputes over relationship property, child support or maintenance, and care of children
- protection orders
- care and protection orders for children and young persons
- adoption
- paternity
- mental health (compulsory treatment orders).

Legal aid is not available for problems that don't go to court (such as drawing up a will), or for divorce proceedings.

Work out if you might be eligible for family legal aid

Whether you can get family legal aid depends on your income, assets and the merits of the legal case.

[Apply for family legal aid](#)

[Eligibility requirements in the Legal Services Act 2011\(external link\)](#)

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Legal aid for civil disputes

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Moai Tidal Energy Water Board

Moai Tidal Energy World Co-Op Pound- Gold- Water Money Chipcoin Shares NZ UK TM
Contract 1694 King William III Bank of England Act, 2 Bar Pound Note Act 1694 MP £970
M-T-T Liquid Cash Bank Mortgage Lien Debt Recovery Writ Warrant Served by the King
of Britain UK Hanover & England Romeo & Juliet Huminoid Robots Video-pdf-Affidavids





Legal aid may be available for civil disputes or problems that could go to court or a tribunal. This includes debt recovery, breaches of contract, defamation, and bankruptcy proceedings.

It also includes proceedings before tribunals or specialist courts such as the:

- Employment Relations Authority
- Employment Court
- Environment Court
- Human Rights Tribunal
- Legal Aid Tribunal
- Māori Land Court
- Immigration & Protection Tribunal
- Social Security Appeal Authority
- Taxation Review Tribunal
- Tenancy Tribunal
- Waitangi Tribunal.

Civil legal aid is **not** available for:

- Disputes Tribunal or Motor Vehicle Disputes Tribunal cases
- some immigration matters (except refugee matters)
- reviews by Work and Income (although legal aid may be available to appeal a decision made by the Social Security Appeal Authority)
- problems with schools, universities and other educational institutions (such as suspension meetings before the school's board of trustees)
- companies or groups of people (except in some cases, such as Waitangi Tribunal matters).

Work out if you might be eligible for civil legal aid



Whether you can get civil legal aid depends on any arrears from a previous legal aid debt, your income, assets and the merits of the legal case.

[Apply for civil legal aid](#)

[Eligibility requirements in the Legal Services Act 2011\(external link\)](#)

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Other factors considered for family and civil legal aid

Other factors taken into account when determining whether you are eligible for civil or family legal aid include:

- whether you have reasonable grounds for being involved in the case
- your prospects of success
- whether the cost of your case is likely to outweigh the benefit you could get from winning
- whether for any reason it is unreasonable or undesirable for you to get legal aid for the case
- whether you are up to date with your repayments from a previous legal aid debt.

For many family proceedings (including cases about care of children, child welfare, domestic violence, drug and alcohol treatment and mental health treatment) other factors can also be considered, including:

- personal protection issues
- the interests and welfare of anyone affected
- how complex the case is
- the public interest.

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Assessing your income and assets

To determine whether you can afford a lawyer, Legal Aid Services will consider:



- how much you earn before tax
- the value of your assets, such as how much property you own and any vehicles
- how many financially dependent children you have.

If you have a partner, their finances will be taken into account.

The maximum levels of income and disposable capital used for determining whether you are eligible for family or civil legal aid are in the [Legal Services Regulations 2011\(external link\)](#)

The maximum level of income for determining if you are eligible for legal aid can be found in the following document - [Eligibility Resource](#) [PDF, 662 KB]

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This page was last updated: 22nd February 2024

<https://www.justice.govt.nz/about/lawyers-and-service-providers/legal-aid-lawyers/criminal-legal-aid-assignments-information-and-criminal-case-reports/>

Criminal legal aid assignments - information & criminal case reports

Criminal assignments report

The assignment reports show **all** criminal legal aid assignments made for the period. It includes preferred, reassignments and rotational assignments. The report is broken down by Provider Approval Level (PAL).

This report should not be used to compare rotational assignments between providers.

The Public Defence Service is assigned 50% of all rotational assignments for the courts in which they operate.

[Criminal case assignment report for 1 July 2023 to 30 June 2024](#) [PDF, 940 KB]

[Criminal case assignment report for 1 July 2022 to 30 June 2023](#) [PDF, 1.5 MB]

[Criminal case assignment report for 1 July 2021 to 30 June 2022](#) [PDF, 1.4 MB]



[Criminal case assignment report for 1 July 2020 to 30 June 2021 \[PDF, 1.4 MB\]](#)

[Criminal case assignment report for 1 July 2019 to 30 June 2020 \[PDF, 628 KB\]](#)

[Criminal case assignment report for 1 July 2018 to 30 June 2019 \[PDF, 1.4 MB\]](#)

[Criminal case assignment report for 1 July 2017 to 30 June 2018 \[PDF, 967 KB\]](#)

[Criminal case assignment report for 1 December 2016 to 30 June 2017 \[PDF, 1 MB\]](#)

[Criminal case assignment report for 1 December 2015 to 30 November 2016 \[PDF, 820 KB\]](#)

[Criminal case assignment report for 1 December 2014 to 30 November 2015 \[PDF, 1.1 MB\]](#)

[Criminal case assignment report for 1 December 2013 to 30 November 2014 \[PDF, 554 KB\]](#)

[Criminal case assignment report for 1 December 2012 to 30 November 2013 \[PDF, 491 KB\]](#)

[Criminal case assignment report for 1 December 2011 to 30 November 2012 \[PDF, 1.1 MB\]](#)

[Criminal case assignment report for 29 November 2010 to 30 November 2011 \[PDF, 1.3 MB\]](#)

Rotational assignments

How does the rotational case assignment system work?

The electronic system used for making rotational assignments allocates cases to legal aid providers on the court assignment lists. It automatically 'rotates' the list order based on the number of assignments received by each provider and ensures that assignments are equitably distributed. For instance, if a provider goes on leave their entitlement to cases decreases in line with the time that they are on leave.

Why do assignment totals vary?



A number of factors affect the distribution of assignments over a reporting period, including the length of time a particular provider has been on an assignment list, their availability to take assignments and other exceptions in the assignment policy.

What are the exceptions to rotational case assignment?

- **Open cases:** when a client has matters before the court (even if they have been charged with unrelated offences) then the new matters will usually be assigned to the existing provider so that the client has continuity of representation (the most common exception to the rotational policy).
- **Urgent matters** that can't be dealt with by a duty lawyer, (eg a serious opposed bail application). The assignment will be made to a legal aid provider that is available to attend court.
- **Holding charges are filed that require a PAL1 or 2 provider, but more serious charges are imminent:** the policy for cases requiring PAL 3 and 4 providers applies and clients may nominate a preferred provider.
- **Mental Health or Intellectual Disability Compulsory Care (and Rehabilitation) Act:** if the client has been subject to either of these Acts within the last three months then a lawyer with the appropriate listing categorisation may be assigned.
- **Police Detention Legal Assistance (PDLA):** when a legal aid provider delivers a service to a legal aid client under the PDLA scheme outside usual working hours, that provider may be assigned.
- **Court of Appeal, Supreme Court or parole applications:** clients can nominate a preferred provider.

Do cases assigned under the exceptions count as rotational assignments?

Cases assigned under the following exceptions **will count as** part of a provider's overall number of assignments:

- open cases
- urgent matters
- client subject to Mental Health Act or the Intellectual Disability Compulsory Care (and Rehabilitation) Act
- holding charges.

Cases assigned under the following exceptions **will be in addition to** any rotational assignments:



- PDLA outside usual working hours
- Court of Appeal or Supreme Court
- parole applications – preferred provider.

This page was last updated: 03rd March 2025

Print

