



## ANALYSIS

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1. Short Title  
2. New heading and sections inserted  
in principal Act

ADMINISTRATIVE DIVISION OF THE  
COURT

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Supreme Court  
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certain cases  
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1968, No. 18

**An Act to amend the Judicature Act 1908**

[31 October 1968]

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

**1. Short Title**—This Act may be cited as the Judicature Amendment Act 1968, and shall be read together with and deemed part of the Judicature Act 1908 (hereinafter referred to as the principal Act).

**2. New heading and sections inserted in principal Act**—The principal Act is hereby amended by repealing sections 25 and 26, and substituting the following heading and sections:

## “ADMINISTRATIVE DIVISION OF THE COURT

“25. **Administrative Division of the Supreme Court**—  
(1) There shall be in the Supreme Court an Administrative Division.

“(2) The Division shall consist of not more than four Judges of the Supreme Court, being Judges assigned to the Division from time to time by the Chief Justice.

“(3) Nothing in this section shall prevent any Judge of the Administrative Division from exercising any of the powers of a Judge of the Supreme Court, whether or not in his capacity as a Judge of the Division.

“26. **Jurisdiction of Administrative Division**—(1) Notwithstanding anything in section 19 of this Act, the Administrative Division shall hear and determine—

“(a) Such appeals as are, under or by virtue of any enactment for the time being in force, to be heard and determined by the Division:

“(b) Such proceedings, other than appeals, as are, under or by virtue of any enactment for the time being in force, to be heard and determined by the Division:

“(c) Such applications or classes of applications to the Supreme Court for writs of certiorari, prohibition, or mandamus, and such applications or classes of applications to the Court for declaratory judgments or orders or injunctions, as may from time to time be referred to the Division by the Chief Justice.

“(2) Any one or more of the Judges of the Division may exercise all the powers of the Division, except such powers as may by any enactment be required to be exercised by any specified number of Judges of the Division.

“(3) Notwithstanding anything in paragraphs (a) and (b) of subsection (1) of this section, the Chief Justice may in his discretion direct that any particular appeal or proceeding, not being one that is required by any enactment to be heard by a specified number of Judges of the Division, be heard and determined by a Judge who is not a member of the Administrative Division if in the Chief Justice’s opinion, having regard to the special nature of the subject-matter of the appeal or proceeding and the circumstances of the case, it is one that would more appropriately be dealt with by that Judge.

“(4) Except as otherwise expressly provided in any enactment, nothing in sections 64 to 66 of this Act shall apply in respect of any proceedings required by paragraphs (a) and (b) of subsection (1) of this section to be heard by the Administrative Division, whether or not they are heard by the Division.

“26A. **Lay members or assessors in certain cases**—Sections 25 and 26 of this Act shall be read subject to the provisions of any enactment that provides for the appointment of persons other than Judges to sit as members of or assessors with the Administrative Division in respect of any specified proceedings or class of proceedings.

“26B. **Rules relating to Administrative Division**—(1) Rules may from time to time be made, in the manner prescribed by this Act,—

“(a) Regulating the practice and procedure of the Administrative Division:

“(b) Prescribing the form and manner in which appeals, applications, and other proceedings shall be made to or brought before the Division:

“(c) Fixing scales of costs in respect of matters within the jurisdiction of the Division.

(2) Any such rules may modify the provisions of any enactment relating to any matters to which subsection (1) of this section applies; and so far as any such enactment is inconsistent with or repugnant to the rules it shall be read subject to the rules.”

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This Act is administered in the Department of Justice.

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