



ANALYSIS

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1955, No. 99

Title.

AN ACT to amend the Judicature Act 1908.

[27 October 1955]

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

Short Title.
See Reprint
of Statutes,
Vol. II, p. 60

1. This Act may be cited as the Judicature Amendment Act (No. 2) 1955, and shall be read together with and deemed part of the Judicature Act 1908 (hereinafter referred to as the principal Act).

Certain actions
may be tried
by jury.

2. (1) This section applies to actions in which the only relief claimed is payment of a debt or pecuniary damages or the recovery of chattels.

(2) If the debt or damages or the value of the chattels claimed in any action to which this section applies exceeds fifty pounds, either party may have the action tried before a Judge and a jury on delivering to the proper officer of the Court, at least eight days before the commencement of the sittings at which the action is to be tried, a notice that he requires the action to be tried before a jury. A copy of the notice shall be served on the

other party at least four days before the commencement of the sittings.

(3) Where any notice is delivered and served pursuant to subsection two of this section, the action shall be tried—

- (a) Before a Judge and a jury of four persons if the debt or damages or the value of the chattels claimed does not exceed five hundred pounds:
- (b) Before a Judge and a jury of twelve persons if the debt or damages or the value of the chattels claimed exceeds five hundred pounds, unless both parties consent in writing to trial before a Judge with a jury of four.

(4) If in any action to which this section applies the defendant sets up a counterclaim, then, unless pursuant to this section the action and the counterclaim are to be tried before a Judge without a jury or with a jury of the same number, the following provisions shall apply:

- (a) On the application of either party made with the consent in writing of the other party, both the action and the counterclaim shall be tried before a Judge without a jury or with a jury of such number, to be specified in the application, as could otherwise be required for the action or for the counterclaim:
- (b) If no such application is made, the action and the counterclaim shall, subject to any direction of the Court or a Judge under section three of this Act, be tried in accordance with the foregoing provisions of this section:

Provided that if the Court or a Judge orders that the action and the counterclaim be tried together, they shall be tried before a Judge with a jury of twelve if the debt or the amount of the damages or the value of the chattels claimed in either the action or the counterclaim exceeds five hundred pounds, or with a jury of four if it does not exceed five hundred pounds.

3. Except as provided in section two of this Act, every action shall be tried before a Judge without a jury:

Provided that if it appears to the Court at the trial, or to a Judge before the trial, that the action or any issue therein can be more conveniently tried before a Judge with a jury of four or with a jury of twelve the Court or Judge may direct that the action or issue be so tried.

All other actions to be tried by a Judge alone, unless Court orders trial by jury.

Repeal.
1936, No. 22

4. The Judicature Amendment Act 1936 is hereby repealed.

Application of
sections 2 to 4
of this Act.

5. Sections two to four of this Act shall apply with respect to actions that are set down for trial at any sitting of the Supreme Court that commences on or after the first day of February, nineteen hundred and fifty-six. All other actions shall be tried as if this Act had not been passed.

Extension of
term of office
of Mr Justice
Stanton.

6. Notwithstanding the provisions of section thirteen of the principal Act, the Honourable Joseph Stanton may continue to hold office as a Judge of the Supreme Court for a period expiring not later than the thirty-first day of October, nineteen hundred and fifty-seven.
