

**1955/215**

## THE QUEEN'S COUNSEL REGULATIONS 1955

C. W. M. NORRIE, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 21st day of December 1955

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Law Practitioners Act 1955, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

1. (1) These regulations may be cited as the Queen's Counsel Regulations 1955.

(2) These regulations shall come into force on the 1st day of January 1956.

2. In these regulations, unless the context otherwise requires,—

“The Crown” means Her Majesty in right of her Government in New Zealand; and, in relation to any proceedings, includes any Government Department, Minister, or officer who is party to the proceedings on behalf of the Crown:

“Proceedings” means any civil or criminal proceedings in any Court.

3. Every appointment of a Queen's Counsel shall be made by the Governor-General by Order in Council, with the concurrence of the Chief Justice of New Zealand.

4. (1) On every appointment of a Queen's Counsel a fee of five guineas shall be paid for the patent.

(2) All such fees shall be paid into the Public Account and form part of the Consolidated Fund.

5. Except when acting for the Crown, a Queen's Counsel shall not (except in Chambers) appear—

(a) In the Supreme Court or the Court of Appeal or any other Court that is not an inferior Court unless junior counsel appears with him; nor

(b) In any inferior Court except upon special retainer and for a fee of at least ten guineas:

Provided that this regulation shall not apply to an appearance for a person who is party to the proceedings as a poor person or as a person to whom legal aid is granted under any Act.

6. While this regulation is in force it shall take effect as a general licence to Queen's Counsel, subject to regulation 5 hereof, to be of counsel for any person against the Crown in any proceedings as often as there may be occasion, except—

- (a) In any proceedings in respect of which a retainer, whether general or special, is delivered to the Queen's Counsel for or on behalf of the Crown:
- (b) So far as by express notice given to the Queen's Counsel the Attorney-General directs that the general licence conferred by this regulation shall not apply.

7. (1) The King's Counsel Regulations 1948\* are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

T. J. SHERRARD,  
Clerk of the Executive Council.

\*S.R. 1948/40.

#### EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations re-enact the King's Counsel Regulations 1948 without substantial alteration.

They provide for the appointment of Queen's Counsel by the Governor-General in Council with the concurrence of the Chief Justice, prescribe a fee of £5 5s. for each appointment, and set out the cases where a Queen's Counsel may appear without junior counsel, or in an inferior Court, or against the Crown.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1955.

These regulations are administered in the Department of Justice.