

1982/70



**THE QUEEN'S COUNSEL REGULATIONS 1955,
AMENDMENT NO. 1**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 29th day of March 1982

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING 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. Title and commencement—(1) These regulations may be cited as the Queen's Counsel Regulations 1955, Amendment No. 1, and shall be read together with and deemed part of the Queen's Counsel Regulations 1955* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by revoking the definition of the term "proceedings", and substituting the following definition:

" 'Proceedings' means any civil or criminal proceedings in any Court; and includes any proceedings before a Royal Commission, a commission of inquiry, or a tribunal."

3. Appointment—The principal Act is hereby amended by revoking regulation 3, and substituting the following regulation:

"3. Every appointment of a Queen's Counsel shall be made by the Governor-General, on the recommendation of the Attorney-General and with the concurrence of the Chief Justice of New Zealand."

4. Revocation—The principal regulations are hereby further amended by revoking regulation 5.

5. Consequential amendment—Regulation 6 of the principal regulations is hereby consequentially amended by omitting the words “subject to regulation 5 hereof”.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations amend the Queen's Counsel Regulations 1955.

Regulation 2 widens the classes of proceedings in which, by virtue of the general licence given by regulation 6, a Queen's Counsel may be a counsel for any person against the Crown.

Regulation 3 changes the method of appointment of a Queen's Counsel. Such an appointment (instead of being made by the Governor-General by Order in Council, with the concurrence of the Chief Justice) is to be made by the Governor-General, on the recommendation of the Attorney-General and with the concurrence of the Chief Justice.

Regulation 4 does away for the need for a Queen's Counsel to appear with a junior counsel. The restriction on the appearance of a Queen's Counsel in an inferior Court is removed.

Regulation 5 effects a consequential amendment.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 April 1982.

These regulations are administered in the Department of Justice.