



THE HIGH COURT OF NEW ZEALAND TE KŌTI MATUA O AOTEAROA

Advisory from the Honourable Justice Thomas, Chief High Court Judge, and Judge Heemi Taumaunu, Chief District Court Judge.

2021 Court of Trial Protocol

The Chief Judges of the High and District Courts of New Zealand have a statutory obligation to establish a Court of Trial Protocol. [S 66 Criminal Procedure Act 2011](#) refers.

The Protocol process is a procedure by which cases involving serious and/or complex offending may be routinely considered for hearing in the High Court. **Class 1 offences** are specific offences for which a High Court decision is required as to the court in which the defendant will be tried. **Class 2 offences** only require a High Court decision where certain circumstances are present (for example, offending that involves more than one defendant).

The latest revision of the Court of Trial Protocol has been gazetted and will come into force on 1 December 2021.

The 2021 Protocol:

- Removes s 209 of the Crimes Act 1961 from the list of Class 1 offences and moves it to the list of Class 2 offences. Kidnapping where:
 - a. there is kidnapping for ransom; or
 - b. the complainant is under 16 at the time of the offending.
- Adds a new Class 1 offence: - s 82B(1) of the Commerce Act 1986, *Offence relating to cartel prohibition*.
- Adds a new Class 1 offence: - s 105 of the Overseas Investment Act 2005. Referring only to offences relating to the Application of Corporations (Investigations and Management Act) 1989:
 - S 43 Prohibition against removal of assets
 - S 67 Duty to deliver books and property to statutory manager
 - S 68 Offence to destroy, alter, or conceal records.

The 2021 Court of Trial Protocol can be found at <http://www.courtsofnz.govt.nz/the-courts/high-court/legislation>

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