



The Right Honourable Dame Helen Winkelmann

CHIEF JUSTICE OF NEW ZEALAND | TE TUMU WHAKAWĀ O AOTEAROA

9 September 2022

HER MAJESTY QUEEN ELIZABETH II

Operation of Courts following the death of Her Majesty Queen Elizabeth II

It was with sadness that I woke to the news that Her Majesty Queen Elizabeth II has died. On behalf of the judiciary I have issued a statement of condolence recognising her life of extraordinary commitment to duty and unprecedented service as Sovereign.

The judiciary has a plan in place for this day, and I write to advise you of it now. We have made the decision that courthouses will remain open today. Courthouse flags will fly at half-mast.

Judges have been invited to mark the event in court in a manner of their own choosing – for example with a short statement of condolence, a karakia that has been prepared to mark this event, or two minutes silence.

Constitutional matters

As a matter of law and constitutional practice, the Crown is never vacant. The new monarch accedes to the throne immediately upon the death of his or her predecessor.¹

With regard to this, there are a number of changes that flow from the Queen's death:

- Queen's Counsel becomes King's Counsel
- Criminal cases become "The King v X"
- Senior Court announcements change to refer to "the King's Judge(s)".²

All of this is effective today – however changes in documentation and processes may take a little longer to implement.

¹ See: Halsbury's Laws of England, Crown and Crown Proceedings (Volume 29 (2019)) at [14] (Accession principles and practice); "The King is Dead: Long Live the Queen" (1952) 28 NZLJ 33

² See s 5, Constitution Act 1986; s 100(1) of the Senior Courts Act 2016; s 119B of the Lawyers and Conveyancers Act 2006