



1 February 2016

**Revised advisory from the Honourable Justice Venning, Chief Judge of the High Court, and Judge Jan-Marie Doogue, Chief District Court Judge.**

### **2016 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<sup>1</sup>.

The Protocol lists the classes of offence for which a High Court decision is required as to the court in which the defendant will be tried.

The second revision of the Court of Trial Protocol has been gazetted and will come into force today, 1 February 2016.

The 2016 Protocol makes four changes to the 2015 Protocol:

- three new offences are listed in class 1. These deal with some offences regarding objectionable materials and arise from increased penalties in the Customs and Excise Act 1996 and the Films, Videos and Publications Classification Act 1993
- one offence has been removed from class 1: section 176 Crimes Act 1961.<sup>2</sup>

The 2016 Court of Trial Protocol can be found at [https://www.gazette.govt.nz/assets/pdf-cache/2016/final/2016-01-29\\_Gazette\\_8.pdf](https://www.gazette.govt.nz/assets/pdf-cache/2016/final/2016-01-29_Gazette_8.pdf)

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<sup>1</sup> S 66 Criminal Procedure Act 2011

<sup>2</sup> Section 176 is a category 4 offence by operation of law – see s 6(2) Criminal Procedure Act 2011