

GOING TO COURT

Home (<http://www.justice.govt.nz/>) > Courts (<http://www.justice.govt.nz/courts/>) >

Going to court (<http://www.justice.govt.nz/courts/going-to-court/>) >

Going to court without a lawyer (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/>) >

Representing yourself in a civil case in the High Court (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/>) >

Starting a proceeding

Starting a proceeding in the High Court

On this page:

- [General civil proceeding](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#general-civil-proceeding) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#general-civil-proceeding>) - recovering money or settling a dispute
- [Judicial review](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#judicial-review) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#judicial-review>) - asking a judge to review the actions or decisions of a public or private administrative body
- [Originating application](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#originating-application) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#originating-application>)
- [Civil appeal](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#Civil-appeal) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#Civil-appeal>) - asking a higher court to reconsider a judge's decision
- [Habeas corpus application](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#Habeas-corpus) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#Habeas-corpus>) - applying to have your imprisonment declared unlawful
- [Bankruptcy application](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#Bankruptcy) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#Bankruptcy>) - applying to have someone declared insolvent or unable to pay their debts

- [Company liquidation \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#company-liquidation\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#company-liquidation) - applying to have a company's assets given to its creditors
- [Probate and letters of administration \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#probate-letters\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#probate-letters) - applying to administer a deceased person's estate
- [Interlocutory application \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#Interlocutory-application\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#Interlocutory-application) - applying for directions or orders secondary to the main claim

If you want to start a proceeding not on this list, please contact your nearest High Court

() General civil proceeding

If you want to recover money or settle a dispute with another person or an organisation, you can file a statement of claim in the High Court.

If you start a proceeding you are the **plaintiff** and the person or organisation you are making the claim against is the **defendant**.

Time limit

You must file your claim within 6 years of the event the claim relates to. This is set out in the [Limitation Act 2010 \(http://www.legislation.govt.nz/act/public/2010/0110/latest/DLM2033120.htm#\)](http://www.legislation.govt.nz/act/public/2010/0110/latest/DLM2033120.htm#)

Documents

You need to file the following documents for this type of application:

- [Statement of claim \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#Statement-claim\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#Statement-claim)
- [Notice of proceeding \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#Notice-proceeding\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#Notice-proceeding)

You can also choose to file one of the following documents if you want to speed up the process:

- [Interlocutory application \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#interlocutory-application\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#interlocutory-application) for summary judgment **or**

- [Interlocutory application \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#interlocutory-application\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#interlocutory-application) for an interim injunction **or**
- [Interlocutory application \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#interlocutory-application\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#interlocutory-application) for a different order.

Fees

You will need to pay fees for certain steps in the proceedings.

- You can find [general information about filing fees on this website \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/)
- The fees you will need to pay are listed on the New Zealand Legislation website under [High Court Fees Regulations 2013 \(http://www.legislation.govt.nz/regulation/public/2013/0226/latest/DLM5196101.htm#\)](http://www.legislation.govt.nz/regulation/public/2013/0226/latest/DLM5196101.htm#)

Also see

- [Documents you need to file \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-you-need-to-file/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-you-need-to-file/)
- [Fees for High Court proceedings \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/)
- [Where to file documents \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/where-to-file-documents/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/where-to-file-documents/)
- [Serving documents \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/serving-documents/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/serving-documents/)
- [Documents - prescribed forms and useful templates \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/)

()_Judicial review

In a judicial review proceeding a judge is asked to review the actions or decisions of a **public or private administrative body** (including the Executive branch of Government) to see whether they acted within the powers given to them by the law.

If you bring a judicial review proceeding you are the **applicant**, and the administrative body whose actions are being reviewed is called the **respondent**.

Only a person affected by a decision can apply for a judicial review. You can ask for a review of the process used to reach the decision, or because you think the decision-maker did not act within the law or the decision was unreasonable.

If your application is successful the body that made the decision will be asked to reconsider their decision.

Time limit

There may be a time limit for applying for a judicial review. For more information, you should check the legislation governing the public or private administrative body being reviewed.

Documents

You need to file the following documents to apply for a judicial review:

- [Statement of claim](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#Statement-claim) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#Statement-claim>)
- [Notice of proceeding](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#Notice-proceeding) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#Notice-proceeding>)

Fees

You will need to pay a fee when you apply for a judicial review.

- You can find [general information about filing fees on this website](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/>)
- The fees you will need to pay are listed on the New Zealand Legislation website under [High Court Fees Regulations 2013](http://www.legislation.govt.nz/regulation/public/2013/0226/latest/DLM5196101.htm#) (<http://www.legislation.govt.nz/regulation/public/2013/0226/latest/DLM5196101.htm#>)

Also see

- [Documents you need to file](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-you-need-to-file/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-you-need-to-file/>)
- [Fees for High Court proceedings](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/>)

[lawyer/representing-yourself-civil-high-court/fees/](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/))

- [Where to file documents \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/where-to-file-documents/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/where-to-file-documents/)
- [Serving documents \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/serving-documents/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/serving-documents/)
- [Documents - prescribed forms and useful templates \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/)

()_Originating application

Certain applications to the court are made by an originating application. Applications are made by originating application if one of the following statements applies:

- They are made under one of the Acts listed under [rule 19.2 of the High Court Rules](http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1819489.html?search=ts_act%40bill%40regulation%40deemedreg_judicature_rese1_25_h&p=1) (http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1819489.html?search=ts_act%40bill%40regulation%40deemedreg_judicature_rese1_25_h&p=1)
- They are one of the types of proceeding listed under [rule 19.3 of the High Court Rules](http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1819490.html?search=ts_act%40bill%40regulation%40deemedreg_judicature_rese1_25_h&p=1) (http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1819490.html?search=ts_act%40bill%40regulation%40deemedreg_judicature_rese1_25_h&p=1)
- A direction is sought by one of the office holders listed under [rule 19.4 of the High Court Rules](http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1819491.html?search=ts_act%40bill%40regulation%40deemedreg_judicature_rese1_25_h&p=1) (http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1819491.html?search=ts_act%40bill%40regulation%40deemedreg_judicature_rese1_25_h&p=1)
- The court allows the proceeding to be filed by originating application under [rule 19.5 of the High Court Rules](http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1819492.html?search=ts_act%40bill%40regulation%40deemedreg_judicature_rese1_25_h&p=1) (http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1819492.html?search=ts_act%40bill%40regulation%40deemedreg_judicature_rese1_25_h&p=1)

If you make an originating application you are the **applicant** and the person or organisation you are seeking orders against is called the **respondent**.

Time limit

There may be a time limit for making an originating application. Find more information in the legislation relevant to what you are seeking.

Documents

You need to file the following documents to make an originating application:

- [Originating application \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#Originating-application\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#Originating-application)
- [Affidavit \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#Affidavit\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#Affidavit) in support of the application (unless the court directs that evidence will be taken orally on oath, following an interlocutory application)

Fees

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- You can find [general information about filing fees on this website \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/)
- The fees you will need to pay are listed on the New Zealand Legislation website under [High Court Fees Regulations 2013 \(http://www.legislation.govt.nz/regulation/public/2013/0226/latest/DLM5196101.htm#\)](http://www.legislation.govt.nz/regulation/public/2013/0226/latest/DLM5196101.htm#)

Also see

- [Documents you need to file \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-you-need-to-file/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-you-need-to-file/)
- [Fees for High Court proceedings \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/)
- [Where to file documents \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/where-to-file-documents/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/where-to-file-documents/)
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- [Documents - prescribed forms and useful templates \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/)

()_Civil appeal

Note: This section only covers civil appeals. If you want to appeal a criminal conviction or sentence, or any other order made in the criminal jurisdiction, please contact a lawyer.

If you are unhappy with a decision made by a judge or other judicial authority, you may be able to ask a higher court to reconsider that decision. It depends on the laws that are relevant to your particular case.

Matters from the District Court, the Family Court and various tribunals can usually be appealed to the High Court.

If you file for an appeal you are called the **appellant** and the other party in the case is called the **respondent**.

Time limit

There is always a time limit for bringing an appeal. You must check the Act under which you make the appeal to see what the time limit is. If there is no time limit set in the Act, the default time limit is 20 working days after the decision is given (see rule 20.4(2) High Court Rules).

Rule 20.4(2) High Court Rules

([http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1819523.htm#r20.4\(2\)](http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1819523.htm#r20.4(2)))

If you are outside that time limit and you have good reason for the delay, you may be able to bring an appeal but you will have to apply for an extension to the time limit. You need to refer to the Act under which you are bringing your appeal to see if this is possible. To apply for an extension to the time limit, you need to file an [interlocutory application](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#Interlocutory-application) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/starting-a-proceeding-in-the-high-court/#Interlocutory-application>)

Documents

You need to file the following documents to bring a civil appeal:

- [Notice of appeal](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#notice-appeal) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#notice-appeal>)
- Copy of the decision you are appealing against
- [Interlocutory application](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#interlocutory-application) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#interlocutory-application>) (accompanied by an affidavit in support) if you are applying for:
 - leave to appeal out of time
 - leave to appeal

- a stay of execution (which stops the decision under appeal from being enforced until the appeal has been concluded).

Fees

You will need to pay fees for certain steps in the proceedings.

- You can find [general information about filing fees on this website](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/>).
- The fees you will need to pay are listed on the New Zealand Legislation website under [High Court Fees Regulations 2013](http://www.legislation.govt.nz/regulation/public/2013/0226/latest/DLM5196101.htm#) (<http://www.legislation.govt.nz/regulation/public/2013/0226/latest/DLM5196101.htm#>).

At the first case management conference, the judge may fix security for costs to ensure that, if a person is unsuccessful, they will be able to pay the costs. The judge may decide it is not needed in the interests of justice, or if the person is legally aided. You can find general information about [security for costs](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/costs-and-disbursements/#security-for-costs) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/costs-and-disbursements/#security-for-costs>) on this website. More detail is available the New Zealand Legislation website under the [Judicature Act 1908](http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1818755.html?search=sw_096be8ed808c4209_security+for+costs_25&p=4) (http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1818755.html?search=sw_096be8ed808c4209_security+for+costs_25&p=4).

Also see

- [Documents you need to file](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-you-need-to-file/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-you-need-to-file/>).
- [Fees for High Court proceedings](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/>).
- [Where to file documents](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/where-to-file-documents/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/where-to-file-documents/>).
- [Serving documents](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/serving-documents/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/serving-documents/>).
- [Documents - prescribed forms and useful templates](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/>).

()_Habeas corpus application

If you believe you are being imprisoned unlawfully you may apply to the High Court for a writ of habeas corpus. You will be brought before the court so a judge can decide whether or not your imprisonment is lawful.

In a habeas corpus hearing, the person or organisation detaining you must prove they have the lawful authority to do so. If they do not prove that they have that authority, the court will order that you be released, subject to an exception provided by s14(1A) Habeas Corpus Act 2001

([http://www.legislation.govt.nz/act/public/2001/0031/latest/DLM91792.html?search=sw_096be8ed80a6147f_s14\(1A\)_25_se&p=1&sr=0](http://www.legislation.govt.nz/act/public/2001/0031/latest/DLM91792.html?search=sw_096be8ed80a6147f_s14(1A)_25_se&p=1&sr=0))

Time limit

There is no time limit for applying for a writ of habeas corpus. After you file the application the court must set a hearing date that is within 3 working days of the date it is filed and must give it priority over all other matters before the court (unless a judge considers that the circumstances of the case require otherwise): see s9 Habeas Corpus Act 2001

(<http://www.legislation.govt.nz/act/public/2001/0031/latest/DLM91784.htm#s9>)

Documents

You need to file the following documents to apply for a writ of habeas corpus:

- [Application for a writ of habeas corpus \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#application-corpus\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#application-corpus)
- [Affidavit \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#Affidavit\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#Affidavit) in support of the application (unless the court directs that evidence will be taken orally on oath, following an interlocutory application).

In circumstances of unusual urgency the court may accept an oral application made by telephoning the High Court registry closest to where you are being detained: see s7(2) Habeas Corpus Act 2001 ([http://www.legislation.govt.nz/act/public/2001/0031/latest/DLM91781.htm#s7\(2\)](http://www.legislation.govt.nz/act/public/2001/0031/latest/DLM91781.htm#s7(2)))

Fees

You do not have to pay a filing fee for a habeas corpus proceeding.

Also see

- [Documents you need to file \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-you-need-to-file/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-you-need-to-file/)

- [Where to file documents \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/where-to-file-documents/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/where-to-file-documents/)
- [Serving documents \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/serving-documents/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/serving-documents/)
- [Documents - prescribed forms and useful templates \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/)

()_Bankruptcy application

Before you apply to make someone bankrupt you need to have obtained a judgment (decision) in a court or tribunal against them for the amount of money they owe to you. Once you have obtained a judgment, you are referred to as the **judgment creditor** and the person who owes you money is referred to as the **judgment debtor**. You must be a judgment creditor to apply to make someone bankrupt. You may want to talk to a lawyer about this.

In bankruptcy proceedings you ask the High Court to declare that the judgment debtor is insolvent – that is, unable to pay their debts. If you are successful, the judgment debtor's property is transferred to the custody of the Official Assignee and given to their creditors. After this happens, the judgment debtor does not need to pay any remaining debts (except for court-ordered fines). For further information on the effect of bankruptcy, see [the Insolvency & Trustee Service website](http://www.insolvency.govt.nz/) (<http://www.insolvency.govt.nz/>)

A bankruptcy notice must be served within 6 months of being issued by the court. The bankruptcy notice tells the judgment debtor how much money they owe you. It gives them 10 working days (or longer if they reside outside New Zealand) to do any one of the following:

1. Pay the debt **or**
2. Secure or enter into a new formal agreement with you or get the High Court's approval of terms of payment **or**
3. Satisfy the High Court that they have a counterclaim, set-off or cross-demand against you that equals or exceeds the amount you are claiming from them and that they were not able to put forward in the proceeding in which the judgment against them was obtained.

If the judgment debtor does not do any of these things within the specified time after receiving the bankruptcy notice they have committed an act of bankruptcy. Other acts of bankruptcy are set out in [ss18–28 Insolvency Act 2006](http://www.legislation.govt.nz/act/public/2006/0055/latest/DLM385299.htm#)

(<http://www.legislation.govt.nz/act/public/2006/0055/latest/DLM385299.htm#>)

Once an act of bankruptcy has been committed, and provided the debt is over \$1000 and it is either immediately payable or payable at a certain date in the future, you can make a **creditor's application for adjudication**. This is also known as a creditor's petition. In this application, you ask the court to declare the judgment debtor bankrupt.

Note: If you want to declare yourself bankrupt, you need to apply to the Official Assignee. For more information see [the Insolvency & Trustee Service website \(http://www.insolvency.govt.nz\)](http://www.insolvency.govt.nz)

Time limit

There is no time limit for starting bankruptcy proceedings. However if a judgment debtor fails to comply with a bankruptcy notice or commits another act of bankruptcy, an application to have them declared bankrupt must be filed within 3 months.

Documents

To apply to make someone bankrupt, you need to file the following documents:

- [Request to issue a bankruptcy notice \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#issue-bankruptcy-notice\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#issue-bankruptcy-notice)
- [Bankruptcy notice \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#bankrupt-notice\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#bankrupt-notice) for the Deputy Registrar to sign, accompanied by a certified copy of the judgment or order on which the bankruptcy notice is based (with copies to be served on the judgment debtor).

To apply for adjudication, you will need to file:

- [Originating application for adjudication \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#originating-application\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#originating-application)
- [Summons to debtor \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#summon-debtor\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#summon-debtor)
- [Affidavit in support of a creditor's application for adjudication \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#affidavit-creditor-application\)](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/#affidavit-creditor-application)

If the judgment debtor is declared bankrupt, you will need to bring an order to the court for sealing as soon as possible. See the section on this website about an [order adjudicating debtor bankrupt \(http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-)

Fees

You will need to pay fees for certain steps in the proceedings.

- You can find [general information about filing fees on this website](#) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/>)
- The fees you will need to pay are listed on the New Zealand Legislation website under [High Court Fees Regulations 2013](#) (<http://www.legislation.govt.nz/regulation/public/2013/0226/latest/DLM5196101.htm#>)

Also see

- [Documents you need to file](#) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-you-need-to-file/>)
- [Fees for High Court proceedings](#) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/>)
- [Where to file documents](#) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/where-to-file-documents/>)
- [Serving documents](#) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/serving-documents/>)
- [Documents - prescribed forms and useful templates](#) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/>)

()_Company liquidation

Liquidation is similar to bankruptcy but applies to a company rather than an individual. When a company is put into liquidation, the assets of the company are placed into the care of an appointed person (a liquidator) and distributed to the company's creditors.

If you want to apply to put a company into liquidation you are encouraged to seek legal advice.

Note: if a company wants to place another company into liquidation it can only do so through a lawyer.

You can find more information on company liquidation on the [Insolvency & Trustee Service website \(http://www.insolvency.govt.nz/cms/\)](http://www.insolvency.govt.nz/cms/)

()_Probate and letters of administration

When a person dies leaving an estate worth more than \$15,000 the person or organisation who is named in their will to oversee and manage their estate, known as the executor, must apply to the High Court for authority to carry out their duties as executor. This is called 'granting the probate'.

If a person dies leaving a will that cannot be carried out for some reason or dies without leaving a will, their estate is distributed in accordance with the [Administration Act 1969 \(http://www.legislation.govt.nz/act/public/1969/0052/latest/DLM392630.htm\)](http://www.legislation.govt.nz/act/public/1969/0052/latest/DLM392630.htm)

[In those circumstances \(http://www.legislation.govt.nz/act/public/1969/0052/latest/DLM392630.htm\)](http://www.legislation.govt.nz/act/public/1969/0052/latest/DLM392630.htm) certain people can apply to the court for what is called a 'letter of administration' so they can administer the deceased person's estate.

If you wish to apply for probate or a letter of administration, you are strongly encouraged to seek legal advice.

You can find more information about probate and letters of administration on the [Public Trust website \(http://www.publictrust.co.nz/\)](http://www.publictrust.co.nz/)

()_Interlocutory application

An interlocutory application is an application for directions or orders that are secondary to the main claim, and usually relate to the procedure of the case. It must be accompanied by an affidavit supporting the application.

You can file an interlocutory application **on notice** (where you have to give a copy of the application to the other party and give them an opportunity to oppose it) or **without notice** (where you do not give the other party a copy of the application and they do not have an opportunity to oppose it).

Time limit

An interlocutory application must be filed before the close of pleadings date (the date by which a hearing must be scheduled) unless the judge says you can file the application after that time: see [rule 7.7 of the High Court Rules](http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1818864.htm)

[\(http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1818864.htm\)](http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1818864.htm)

(<http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM1818864.htm>) In order to apply for leave to file an interlocutory application after the close of pleadings date you must file an interlocutory application.

Fees

You will need to pay a fee to file most interlocutory applications.

- You can find [general information about filing fees on this website](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/>).
- The fees you will need to pay are listed on the New Zealand Legislation website under [High Court Fees Regulations 2013](http://www.legislation.govt.nz/regulation/public/2013/0226/latest/DLM5196101.htm) (<http://www.legislation.govt.nz/regulation/public/2013/0226/latest/DLM5196101.htm>).

You will not have to pay a fee for filing an interlocutory application for summary judgment.

Also see

- [Documents you need to file](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-you-need-to-file/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-you-need-to-file/>).
- [Fees for High Court proceedings](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/fees/>).
- [Where to file documents](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/where-to-file-documents/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/where-to-file-documents/>).
- [Serving documents](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/serving-documents/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/serving-documents/>).
- [Documents - prescribed forms and useful templates](http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/) (<http://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/documents-prescribed-forms-and-useful-templates/>).

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