

# Terminology Guide for Courts and Tribunals



MINISTRY OF  
**JUSTICE**  
*Tāhū o te Ture*

# Terminology Guide for Courts and Tribunals

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Many of the words and terms used to describe processes within the courts are not commonly used elsewhere, or may have different meanings in a courtroom context.

Court jargon may be confusing if you are not trained in the law or aren't yet familiar with the court environment.

Some terms are derived from the names of cases from which judgments have established a precedent, or model, for other similar cases.

A lot of court terms and phrases also stem from the Latin language as historically courts were conducted in Latin. Where old terms persist it is often because they best describe processes unique to the courts.

We have set out a range of terms frequently used in today's courtrooms.

absolute	Final and unconditional. An order or rule 'absolute' takes effect immediately, as opposed to an order or rule 'nisi', which comes into effect only if certain conditions are met.
accused	The term used for a defendant in a criminal jury trial in the High Court or District Court. 'Defendant' is the term used in a 'summary' case dealt with by a judge alone.
acquitted	When a defendant in a criminal jury trial is found not guilty.
Act (statute)	Acts are the laws, passed by Parliament, that govern our country. Any reference to a particular Act also includes all the regulations and rules made under that Act.
action	An older term for a court proceeding or lawsuit – for example, 'a civil action'.
address (to the court)	A speech by a lawyer to the judge.
address for service	A nominated street address where documents about a court proceeding can be delivered to someone who is involved in the proceeding.
adjourn / adjournment	If a court proceeding is 'adjourned', it's postponed, or put off, until a later date. For example, a judge may postpone a proceeding for one month to give the people involved time to try to negotiate a settlement or to discuss the written evidence presented in the case.
administer	To 'administer' a deceased person's estate involves managing their money and property. This includes identifying any debts owed and paying those debts, and distributing the estate to those who are legally entitled to it. An estate is administered either by the 'executor' appointed by the deceased person under their will or, if there is no will or the will didn't name an executor, by an 'administrator' appointed by the High Court.
administrator	A person appointed by the High Court to administer (deal with) the estate (money and property) of a person who died without making a valid will, or without naming an executor in their will. Usually the court appoints a close relative.
admit	Used in the Youth Court to refer to where a young person agrees to having committed the crime they're charged with.  In the adult courts, the equivalent term is to 'plead guilty'.
admonish	To formally reprimand – or tell off – a person. For example, a Youth Court judge can do this when it's proven that a young person committed a criminal offence or if they admit that they did. Being admonished will typically involve a warning that you'll be dealt with more severely if you have to appear in court again.

ADR	Abbreviation for 'Alternative Dispute Resolution', which refers to methods of resolving disputes other than through a court hearing and a decision by a judge. Mediation in the Family Court, for example, is a form of ADR.
affidavit	A written statement sworn or affirmed before a person who has authority to administer an oath. Some of the evidence in a court case may be presented by affidavit.
affirmation	A promise, written or spoken, that the statement the person is making is true and correct, but without any reference to the Bible or to religious beliefs. An affirmation has the same legal effect as an oath.
aggregation order	Aggregation of titles occurs when two or more separate blocks of land share a common ownership list. The titles remain separate, but there is only one common ownership list for all the aggregated land.
alienation	When landowners grant certain rights of their land to another person. For example: <ul style="list-style-type: none"> <li>• Selling land gives the new owner the ownership rights</li> <li>• Leases give the lessee a limited right to occupy land in return for payment of rent (and other conditions)</li> <li>• Mortgages give the mortgagee the right to sell the land if the mortgage is not repaid.</li> </ul>
amalgamation	
<i>amicus curiae</i>	A person appearing in court who doesn't represent any of the parties to the case, but who instead assists the court by pointing out matters of law or fact that have been overlooked, or who presents opposing arguments so that both sides of a case can be heard. Literally the term means a 'friend of the court'.
Anton Piller order	A court order made in a civil case to prevent the defendant from destroying or hiding evidence before the trial. The order allows the plaintiff (the person who began the case) to enter and search the defendant's premises for the relevant evidence.
appeal	Where a higher court reconsiders the decision of a lower court or tribunal, due to formal request by one of the parties involved in the lower court proceeding.
appeal against conviction	An appeal by a criminal defendant against a finding that the defendant is guilty. Often there will be an appeal against sentence at the same time, which is called an 'appeal against conviction and sentence'.
appeal against sentence	An appeal to a higher court against the sentence imposed by a lower court, usually on the ground that the sentence was too severe or inappropriate. Often there will be an appeal against conviction as well, called an 'appeal against conviction and sentence'.
appellant	A person who appeals the decision of a lower court to a higher court.
applicant	A person who applies to a court for an order, direction or decision. Many civil and family cases are begun by an 'application' – for example, an application for a protection order under the Domestic Violence Act 1995. However in some civil cases the person who begins the case is called the 'plaintiff', and they begin it by filing a 'statement of claim' with the court (for example, if suing a person for breach of contract).
application	A formal request to a court for an order, direction, or decision under a particular Act. Many civil and family cases are begun in this way – for example, an application for a parenting order under the Care of Children Act 2004. Other civil cases – for example, suing a person for breaching a contract – are begun by the plaintiff filing a statement of claim with the court.

application for direction	An application made to the court for instructions on how to progress the case. For example, one party might apply for directions about exactly who must be served with copies of relevant documents.
arbitration	A method of resolving a dispute where the parties agree to be bound by the decision of an independent person (the 'arbitrator'), rather than going to court. The arbitrator's decision is usually called an 'award'.  The Arbitration Act 1996 sets out a general framework for arbitration.
arbitrator	An independent person who settles a dispute by hearing from each side and then making a decision. The arbitrator is like a judge for the purposes of the arbitration.
Arraign (verb) / arraignment (noun)	An 'arraignment' is where a defendant in a criminal jury trial is brought before the court to answer a charge. It consists of three steps: <ul style="list-style-type: none"> <li>• the defendant is called by name</li> <li>• the charges (the 'indictment') are read to the defendant</li> <li>• the defendant is asked whether he or she pleads guilty or not guilty.</li> </ul>
assignment	The transfer of legal rights from one person to another – for example, the right to the time left on a lease of a property, or the right to the proceeds of an insurance policy.
associated respondent	When the Family Court makes a protection order against a person (the 'respondent') under the Domestic Violence Act 1995, it can decide that the order will also apply to other people who the respondent has encouraged to be violent towards the person protected by the order. Those other people are then called 'associated respondents'.
attachment order	A court order requiring the employer of a person who owes money to deduct a certain amount from the employee's earnings and to pay it directly to the employee's creditors.
attestation clause	The words that come immediately before a signature to a document – for example, 'In witness whereof'. Also known as a 'testimonium clause'.
bad faith	Dishonesty or fraud in a transaction – for example, entering into an agreement with no intention of ever carrying out its terms, or knowingly misrepresenting the quality of something when offering it for sale.
bail	This is where the Police or the courts release someone on the condition that they show up in court on a later date. Usually there are other conditions as well – for example, that the person lives at a particular address, that they obey a curfew, or that they report to the Police as required.  There are two kinds of bail; Police bail and court bail: <ul style="list-style-type: none"> <li>• Police bail is when the Police hold or detain a person and then release them before they go to court for the first time. The Police can do this if the person has been arrested without a warrant and they're charged with a summary offence (a less serious offence that's dealt with by a judge alone rather than by a jury trial).</li> <li>• Court bail is when the defendant's case is not decided in court on the first time they appear, and the court decides to release them until their next court appearance.</li> </ul> The Police can require the bailed person to deposit an amount of money with them, as a condition of granting bail. The courts can't require this as a condition of court bail.
bail appeal	This is where a person who has been refused bail by the court, or who is unhappy with the conditions the court has imposed on their bail, appeals the judge's decision to a higher court.
bail application	An application to the court by the defendant in a criminal case for the court to grant the defendant bail.

bailiff	A bailiff manages and enforces fines and serves some court documents. Their powers include, for example, seizing property under a court warrant of seizure. Bailiffs work in the Collections Units attached to District Courts.
bankrupt / bankruptcy	A person who is unable to pay their debts can apply to the Official Assignee to be declared bankrupt. Most of their debts will then be cancelled, but their property (assets) will be transferred to the Official Assignee, and the person's creditors then must deal with the Official Assignee. A bankrupt person can keep only a limited amount of their property, and can't operate a business until they're discharged from bankruptcy, which is usually after three years. (The Official Assignee is a government official who works for the Insolvency and Trustee Service at the Ministry of Economic Development.)  If the person doesn't apply for bankruptcy himself or herself, their creditors can apply to the High Court for it to declare the person bankrupt.
barrister	A lawyer who can appear in court but who can't do the work that solicitors do – that is, barristers can't be approached directly by clients for legal help, can't carry out legal transactions such as conveyancing, and usually can't operate a trust account for clients. Most New Zealand lawyers, however, are both barristers and solicitors, and can therefore do all those tasks. Those lawyers who hold practising certificates as barristers only are often called 'barristers sole'.
bench warrant	Written authority from a High Court or District Court Judge for the Police to arrest someone for a criminal offence.
beneficiary	A person named in a will or insurance policy to receive money or property.  Also a person who receives benefits from a trust.
beyond reasonable doubt	The standard of proof that applies to a criminal case.  The prosecution must prove important facts about the criminal offence in a way that doesn't leave a judge (summary) or a jury (indictable) in much doubt that they are true. An accused person can't be found guilty unless the jury believes beyond reasonable doubt that the prosecution is right about what happened.  The standard in a civil case or family case, by contrast, is only on 'the balance of probabilities' (sometimes also called 'the preponderance of the evidence'), which means that it's more likely than not that the claim against the defendant is true.
bond	A document with which one person promises or is required to pay another person or the court a specified amount of money within a certain time. Bonds are used for many things, including borrowing money or guaranteeing payment of money. The courts may require a bond in some cases – for example, under the Care of Children Act 2004 if a person breaches a parenting order.
brief	In the Family Court this is the set of instructions the court gives a specialist report writer (for example, a psychologist) or to a lawyer appointed by the court (for example, the lawyer for the child or 'counsel to assist').  In other contexts, the term is also used where a lawyer engages a 'barrister sole' to represent the lawyer's client in court: the 'brief' is a written statement of the client's case, prepared by the lawyer for the barrister sole.
burden of proof	The prosecution in a criminal case and the applicant / plaintiff in a civil or family case bear the 'burden of proof' – in other words, it's up to them to prove their case, and not for the other side to disprove it.  Different levels of proof (or 'standards of proof') are required depending on the type of case. In a criminal case, the prosecution must prove the defendant's guilt beyond a reasonable doubt; in a civil or family case, the applicant / plaintiff must prove their case on 'the balance of probabilities' (sometimes called 'the preponderance of the evidence').
bylaws	Laws made by local councils, under the law-making power that Parliament has delegated to them for certain purposes under the Local Government Act 2002.  The word 'bylaws' is also sometimes used to refer to the rules and regulations of an incorporated society.

callover	A case-scheduling meeting held with a judge to discuss procedural and administrative matters for a civil case or criminal case after committal - for example this could include readiness for trial.
case law	The law created by judges when deciding individual disputes or cases. It includes the common law (areas of law that rest mainly or entirely on court decisions) and also decisions interpreting and applying statutes (Acts).
case management / caseflow management	The action taken by court staff to progress a civil or family case to a conclusion. The terms are also used for the systems and guidelines the courts put in place for achieving this – for example, the Family Court issues Case Flow Management Practice Notes.
case to answer	<p>If a defendant is charged with a criminal offence that must (or may) be dealt with by a jury trial, the case will not proceed to a trial unless the prosecution first presents sufficient evidence to show the court that there's a case for the defendant to answer (sometimes called a '<i>prima facie</i> case'). This is done at a 'preliminary hearing' (or 'depositions'), which is usually presided over by two Justices of the Peace.</p> <p>If the court decides there is a case for the defendant to answer, a trial will be held where the defendant will need to provide evidence to answer the prosecution's case. At the trial the prosecution will be required to prove its case beyond a reasonable doubt.</p>
cause of action	<p>A term used in civil cases that has two meanings:</p> <ul style="list-style-type: none"> <li>• Specifically, it means the reason for the legal action that the applicant / plaintiff is taking – for example, the breach of a particular contract.</li> <li>• More generally, 'cause of action' refers to the type of law that relates to the dispute – such as negligence, defamation, or breach of contract.</li> </ul>
caveat	A notice lodged in a court or other appropriate office (such as Land Information NZ) to prevent certain things being done. Caveats may be brought under a number of different statutes, but they usually relate to land, marriage or estates (the property of a deceased person). For example, a caveat lodged with Land Information NZ against a house title means that the house can't be bought or sold until the caveat is removed. Literally the term means 'let him / her beware'.
certified copy	A copy of a document that had been signed and certified as a true and correct copy by someone who has the legal authority to do so.
challenge	The process by which lawyers can exclude some people from the final selection of a jury. See below 'challenge for cause' and 'challenge without cause'.
challenge for cause	When a jury is being selected, the lawyer for either side can ask the judge to reject a potential juror on the ground that the person isn't impartial or isn't able, because of a disability of some kind, to act effectively as a juror. The judge will consider the lawyer's arguments and evidence and make a decision.
challenge without cause	When a jury is being selected, each side can reject up to four potential jurors, with a maximum of eight for the Crown, without having to provide any reason. Also called a 'peremptory challenge'.
chambers	A judge's office. However, the term can also refer to the courtroom when the judge is dealing with procedural issues, in which case those matters are said to be dealt with 'in chambers'.
charge / to charge	A formal accusation brought in the courts that a person has committed a criminal offence / To accuse someone of committing a crime.
charge sheet	If a person has been arrested but no information has been laid beginning court proceedings against the person, details of the charges for which the person was arrested must be set out in a 'charge sheet'.
chattel real	A leasehold interest in land or buildings (that is, an interest that comes to an end after a certain time) or that is otherwise less than freehold (full ownership).

chattel personal	An item of physically movable property. This includes not just goods but also, for example, money, cheques, and documents of title (ownership) to property.
child	A person under a certain age. The upper age limit depends on the particular context and the relevant Act: <ul style="list-style-type: none"> <li>• In the Care of Children Act 2004, 'child' means a person under the age of 18.</li> <li>• In the Children, Young Persons, and Their Families Act 1989, it means a boy or girl under 14 (by contrast, a 'young person' is someone aged 14, 15 or 16).</li> <li>• In the Domestic Violence Act, it means someone under 17 (but doesn't include a 16-year-old who is, or has been, married or in a civil union or de facto relationship with their parents' formal permission).</li> </ul>
chose	An item of personal property (that is, property other than land and buildings, which is called 'real' property). From the French word meaning simply 'thing'. There are two kinds of 'chose': <ul style="list-style-type: none"> <li>• A 'chose in action' is something that a person doesn't currently have in their possession but that they have a right to recover through taking court action if the thing is withheld from them (such as money in a bank, or money owed to them under a loan contract).</li> <li>• A 'chose in possession' is something tangible that a person has a legal right to and currently has in their possession (money in the person's pocket, for example).</li> </ul>
circumstantial evidence	Indirect evidence that implies that a particular thing happened but doesn't directly prove it. For example, if a man accused of stealing money from his company had made several big purchases with cash around the time of the alleged theft, that would be circumstantial evidence that he had stolen the money.
civil action	A lawsuit brought under the civil law (for example, one person suing another person for defamation), as opposed to a criminal prosecution.
civil jurisdiction	The division of District Courts that administers civil law.  In the civil jurisdiction, the District Courts can determine claims involving up to \$200,000 or \$500,000 if recovery of land is claimed. It encompasses all disputes between parties which do not include family matters or criminal prosecutions. Civil claims involve arguments over money and property and can include complex commercial transactions.  There are also tribunals that have been established to deal with civil claims. The larger ones of these are Disputes Tribunal and Tenancy Tribunal.
civil law	Civil law means the legal rules and processes that apply to disputes between individuals or organisations that society has determined are essentially private matters. Examples are the laws dealing with breach of contract, defamation and the recovering of debts. The state provides a framework for resolving these matters and for enforcing the outcome. The civil law is developed from the common law and is also found in statutes (Acts).
closed court	A court hearing that is closed to the general public and that only certain people are allowed to attend. Most hearings in the Family Court, for example, are held in closed court.
codicil	An addition or alteration to a will, made after the will has been signed. A codicil must be signed and witnessed in the same way as a will.
collateral	Property that a borrower (debtor) puts forward as security for the debt.
committal	The outcome of any committal proceedings where a defendant is sent for trial (in either the High or District Court).
committal hearings	A hearing where the oral evidence of witnesses will be heard to establish if there is sufficient evidence to commit a defendant for trial.

common law	<p>Areas of the law that have been built up over time by decisions of the courts, rather than Acts of Parliament (statutes) – sometimes also referred to as ‘judge-made law’. The common law is developed through the doctrine of ‘precedent’, which requires lower courts to apply the law developed by higher courts. In the New Zealand legal system the common law can be overridden by statutes.</p> <p>The term ‘case law’, by contrast, includes not just the common law but also decisions by the courts about how to apply or interpret statutes.</p>
community magistrate	<p>The jurisdiction of community magistrates extends to hearing applications for bail and remand and to conducting the preliminary hearings of more serious charges.</p> <p>Community magistrates are empowered, amongst other things, to impose sentences on people who have pleaded guilty to some summary offences.</p> <p>Although community magistrates do not have the power to sentence offenders to prison they may impose various other sentences including community-based sentences such as periodic detention.</p>
community work sentence	<p>Work that a criminal defendant can be sentenced to do to compensate the community for his or her offending, usually done at a place such as a church or hospital or an institution for the elderly or sick. A community work sentence will be for at least 40 hours, and not more than 400.</p>
compensatory damages	<p>Money awarded in a civil case to compensate the plaintiff (the person who brought the case) for the loss they’ve suffered, which can be actual monetary costs (such as medical bills and lost wages) and also losses that are less easily measured (such as pain and suffering).</p> <p>‘Exemplary’ (or ‘punitive’) damages, by contrast, are damages awarded in addition to compensatory damages. They’re awarded not to compensate the injured person but to punish the other person if they’ve acted in a particularly outrageous way.</p>
complainant	<p>A person who lays a complaint against a person or organisation under an official complaint process (for example, under the Health and Disability Commissioner Act 1994), or a person who complains to the Police that a person has, or may have, committed a criminal offence.</p>
complaint	<p>In a criminal case, a complaint is the preliminary charge filed by the complaining party (an assault victim for example), usually with the Police or the court directly.</p> <p>A variety of New Zealand statutes provide formal complaint processes for their specific areas – for example, the Health and Disability Commissioner Act 1994, the Independent Police Conduct Authority Act 1988, and the Human Rights Act 1993.</p>
compulsory treatment order	<p>A Family Court order made under the Mental Health (Compulsory Assessment and Treatment) Act 1992, requiring a person to have treatment for a mental illness or disorder. A compulsory treatment order can be one of two types:</p> <ul style="list-style-type: none"> <li>• An inpatient order requires the patient to stay in hospital for their treatment (although they can be given leave).</li> <li>• A community treatment order allows the patient to live in the community (for example, at home or in supported accommodation) and to be treated in the community (for example, at a community mental health service).</li> </ul>
conciliation	<p>A process aimed at ending or reducing conflict between the parties to a dispute. For example, the Family Proceedings Act 1980 uses the term to refer to the counselling and mediation processes available to spouses and partners.</p>
concurrent sentences	<p>Criminal sentences that can be served at the same time (as opposed to ‘consecutive sentences’, which must be served one after the other).</p>
condition	<p>A restriction included in a court order or judgment – for example, a bail condition (such as a curfew) or a condition of a domestic violence protection order (such as surrendering a firearms licence).</p>

conflict of interest	Refers to where a person, such as a public official or lawyer, has personal or financial interests that compete with their professional obligations.
consecutive sentences	Criminal sentences that must be served one after the other (as opposed to 'concurrent sentences', which are served at the same time).
consent order	A court order in a civil or family case that is made with the agreement of all the parties involved in the case.
contact (with a child)	Where a parent or other adult who is important in a child's life doesn't have day-to-day care of the child but gets to spend time with them.  Disputes over contact (typically when parents separate) are dealt with by the Family Court under the Care of Children Act 2004, which can make a parenting order to deal with this issue.
contempt of court	Something said or done that interferes with a judge's ability to administer justice or that insults the dignity of the court. Disrespectful comments to the judge or a failure to follow a judge's orders could be a contempt of court. A person found in contempt of court can face financial penalties and, in some cases, prison.
to contest (a will)	To dispute or challenge the contents of a will in the High Court.
contingency fee	A lawyer's fee for a civil case where, as agreed with the client, the client only has to pay the fee if the case is won.
contract	An agreement between two or more parties that they intend to be legally enforceable. Contracts are usually written, but an oral (spoken) agreement can also be a contract. Some contracts (for the sale and purchase of land, for example) must be in writing in order to be legally binding.  To be legally binding, a contract must also satisfy a number of other requirements – for example, each side must provide something of value ('consideration') to the other.
copyright	A person's right to prevent others from copying original works that he or she has written or otherwise created. New Zealand's Copyright Act 1994 protects, for example, literature, music, artistic works, films and sound recordings.
Coroners Court	Investigates the cause of death where the death appears to have been violent, unnatural, without known cause, or suicide, or where it appears to have happened while the deceased was in prison or otherwise in the custody of the state. Hearings in the Coroners Court are called 'inquests'.
corporation	A body or organisation that is formally incorporated and that therefore has a separate legal existence from its members or shareholders, such as a company registered under the Companies Act 1993 or a sports club incorporated under the Incorporated Societies Act 1908. Because it has a separate legal personality, a corporation can sue and be sued in the courts in its own name, whereas an unincorporated body can only sue or be sued in the names of its individual members.
counsel	A lawyer who represents one of the parties in a court case.
counsel for child	A lawyer appointed by the court to represent a child involved in, or affected by proceedings in the Family Court. This term is no longer used, and such counsel is now referred to as 'lawyer for the child'.
counsel for the subject person	A lawyer appointed by the Family Court to represent a person about whom an application has been made under the Protection of Personal and Property Rights Act 1988 (if the person doesn't already have their own lawyer). Applications under this Act deal with people who may have become mentally incapable and therefore unable to manage their own affairs – for example, because of dementia or mental illness. (The Act is sometimes called 'the Triple PR Act'.)
counsel to assist	A lawyer appointed by the court to assist with a case, usually in complicated cases or where one or all of the parties do not have a lawyer representing them.

count	The word for each specific charge contained in the list of charges (the 'indictment') presented against a criminal defendant in a jury trial.
court	This can have different meanings depending on the context. It may mean the judge or a registrar who makes a decision. It may also mean the place where applications and other documents must be filed for court proceedings and where court hearings take place (that is, the courthouse or courtroom itself).
court attendant	A court staff member who assists the court, jurors and members of the public.
Court of Appeal	The second highest court in New Zealand. The Court of Appeal deals with appeals from civil and criminal cases heard in the High Court, and appeals from criminal jury trials in District Courts.  Decisions appealed to the High Court from a District Court can be taken to a second appeal to the Court of Appeal in some cases.  The Court of Appeal can also hear appeals against pre-trial rulings in criminal cases, and appeals on questions of law from the Employment Court.
court order	A formal direction from the court requiring a person to do or not do certain things. Failing to comply with a court order can be a contempt of court, and it could also be a criminal offence.  In the Youth Court, the term 'order' is used rather than 'sentence' to refer to the various punishments that the judge can impose on a young person.
court reporter or associate	The member of the court staff whose job it is to record the evidence given in a trial. They also record the judge's summing-up.
court taker	The member of the court staff who makes sure that the formal processes of the court are followed and that records of hearing are accurately kept, and who gives effect to any direction from the judge. This person is sometimes referred to as the 'registrar'.  The court taker / registrar can also exercise some of the court's powers, including making decisions about some matters (for example, timetabling decisions about when certain steps in a court case will take place). See also 'registrar's list'.
covenant	An agreement or promise that binds a person to do or not do something.
creditor	A person (or institution) to whom money is owed. (The borrower is called the 'debtor'.)
criminal law	The criminal law involves conduct that society has outlawed as a threat to the safety or welfare of the public, and that is therefore investigated, prosecuted and punished by the state (through the police and the courts). Criminal offences are all contained in Acts of Parliament, not the common law (law developed by the courts).
criminal jurisdiction	The division of District Courts that administers criminal law.  In the criminal jurisdiction, the District Courts can hear offences ranging from minor offences through to conducting jury trials for some serious offences, such as rape, sexual violation and aggravated robbery. The only charges that cannot be heard by the District Court are murder, manslaughter and a small number of other very serious crimes that are specified in the District Courts Act. Cases in the criminal jurisdiction can be dealt with in a list court if a defendant pleads guilty or if the defendant pleads not guilty by way of a defended hearing before a judge. For more serious offences, or if a defendant chooses, a case can be heard before a judge and jury.
criminal offence	An act or omission that society has outlawed as a threat to the safety or welfare of the public, and that will therefore be prosecuted and punished by the state.

cross application	<p>This is where the respondent / defendant in a civil or family case files an application against the applicant / plaintiff who began the case.</p> <p>An example is where a parent makes an application for a parenting order giving them the primary day-to-day care of a child, and then the other parent (the original respondent) makes a parenting order application asking for them to get the day-to-day care instead.</p>
cross-examination	<p>Where a witness who was called by one side in a court case is questioned by the lawyer for the other side about the evidence the witness gave during 'direct examination' (that is, during the initial questioning by the side that called the witness). The purpose of cross-examination is usually to challenge the accuracy of the witness's evidence.</p>
the Crown	<p>The prosecution in a criminal jury trial is also referred to as 'the Crown'. Also referred to as Regina when citing cases eg <i>R v Smith</i></p>
Cur Ad Vult (CAV)	<p>When this abbreviation appears on a written court judgment, it indicates that it's a 'reserved decision', which means that it was given some time after the judge finished hearing the case. The full term is 'Curia Advisari Vult', which means literally, 'the court desires to consider'.</p>
curfew	<p>A requirement that a person must stay indoors at a particular address during certain hours of the day or night. For example, a person charged with a criminal offence may have a curfew as one of their bail conditions.</p>
custody	<p>In the Family Court, this term is the old term for 'day-to-day care' of a child, before the Care of Children Act 2004. If you have 'day-to-day care' of a child, the child lives with you (whether some or all of the time), and you're responsible for everyday matters such as making sure that they're safe, that they get to school, and that they're warm and properly fed.</p> <p>In the criminal courts, this term refers to those defends held in prison.</p>
custody order	<p>The old term for a parenting order made by the Family Court to deal with the day-to-day care of a child, usually when a marriage or relationship has broken down. The term 'parenting order' was introduced by the Care of Children Act 2004.</p> <p>The term 'custody order' is still used, however, in relation to care and protection proceedings under the Children, Young Persons, and Their Families Act 1989. When the Family Court has declared that a child needs care or protection, it can order the child to be placed in the 'custody' of Child, Youth and Family or some other organisation or person chosen by the court. The Act says that the custody order has the same effect as a parenting order under the Care of Children Act.</p>
damages	<p>Money ordered to be paid to a person in a civil case to compensate them for loss or harm that they've suffered as a result of the other person's wrongful actions.</p> <p>Additional damages – called 'exemplary' or 'punitive' damages – may be awarded to punish a wrongdoer who acted in a particularly outrageous way, if the compensatory damages aren't sufficient punishment.</p>
day-to-day care (of a child)	<p>To provide 'day-to-day care' for a child means that the child lives with a person (whether some or all of the time), and that person is responsible for everyday matters such as making sure that the child is safe, that he/she gets to school, and that he/she is warm and properly fed. Day-to-day care may be provided by parents, guardians or others involved in the care of the child.</p> <p>Disputes over who should provide day-to-day care (typically when parents separate) are dealt with by the Family Court under the Care of Children Act 2004. The court can make a parenting order to deal with this issue.</p> <p>Day-to-day care used to be called 'custody'.</p>

de facto relationship	<p>A relationship where two people live as a couple in a relationship in the nature of a marriage or civil union, but without being legally married or in a civil union. It therefore excludes people in casual relationships.</p> <p>The Interpretation Act 1999 specifies that where 'de facto relationship' is used in a statute (Act), it doesn't include anyone under 16, and only includes 16 and 17-year-olds if their parents have given formal permission for the relationship. For example, the Wills Act 2007 specifies that while ordinarily only someone 18 or older can make a will, a 16 or 17-year-old in a de facto relationship can make a will. The 16 or 17-year-old must therefore have their parents' permission for their relationship in order to be able to make a will.</p> <p>The Property (Relationships) Act 1976, which deals with the division of property when a couple separates, includes its own definition of 'de facto relationship'. It specifies a list of factors that the court must consider when deciding whether a couple have been in a de facto relationship.</p>
debtor	A person who owes money. (The person to whom they owe the money is the 'creditor'.)
declaration	A court order stating that a certain situation or fact exists, rather than requiring that something must be done or not done. For example, the Family Court or High Court can make a 'declaration of paternity', declaring that a particular man is or is not the father of a particular child.
deed	<p>A formal legal document that is signed and witnessed. Deeds are used for a variety of purposes – for example, to deal in some way with an item of property (such as a deed of gift) or to acknowledge that a particular state of affairs exists (such as a deed of acknowledgement of paternity, or a deed of acknowledgement of debt).</p> <p>A deed is different from a contract. A contract doesn't have to be witnessed and usually doesn't even have to be in writing, but both parties to a contract must each provide something of value ('consideration') to the other. By contrast, a deed can give legal effect to a transaction, such as a gift, where only one party provides something of value to the other. The deed will be legally enforceable so long as it's in writing, it's witnessed by someone who records his or her address and occupation on the deed, and the parties to the deed intend it to take effect as a deed.</p>
defamation	Publishing statements or other material that injure a person's reputation. 'Libel' is defamation through written words or images; 'slander' is spoken defamation.
default	A failure to fulfil a legal obligation – for example, not repaying a fine when it's due.
defence counsel	The lawyer representing the defendant in a criminal case.
defend	To oppose an application, claim or charge that's been brought to the courts.
defendant	<p>In criminal law 'defendant' is used generally to mean someone charged with a criminal offence. Officially, however, the term is used only for people appearing in 'summary' cases (less serious cases heard before a judge alone), while 'the accused' is the term used for a person appearing in a jury trial.</p> <p>'Defendant' is also used for a person who is sued or who has an application for an order brought against them in a civil case. (If they have an application brought against them, they're also called the 'respondent'.)</p>

defended hearing	<p>This term is used in criminal, civil and family cases to describe a hearing where a judge alone hears from both sides and makes a decision:</p> <ul style="list-style-type: none"> <li>• In criminal law it applies to ‘summary’ cases (usually less serious offences) where the defendant has pleaded not guilty to the charge. The prosecution must give evidence that proves the person committed the offence. The defendant gets a chance to argue their side of the story. After hearing all the evidence, the judge decides whether the prosecution has proved beyond reasonable doubt that the defendant committed the offence.</li> <li>• In civil or family law it applies to a hearing where the defendant / respondent opposes the application or claim brought by the applicant / plaintiff (for example, an application for a parenting order under the Care of Children Act).</li> </ul>
deliberations	The jury’s discussions when deciding on a verdict.
to deny (a charge)	<p>This word is used in the Youth Court when a young person says they didn’t commit the criminal offence they’ve been charged with.</p> <p>By contrast, in the adult courts (the District Court and High Court) the defendant ‘pleads not guilty’.</p>
deponent	A person who makes an affidavit (a written statement, sworn or affirmed before a person who has authority to administer an oath).
deposition	<p>This is where a witness’s evidence is taken down before a judge or officer of the court in a special hearing, usually because the witness is unable to attend the main hearing. These hearings are called ‘deposition hearings’, and they occur in both civil and criminal cases.</p> <p>The term ‘depositions’ is also specifically used for the prosecution evidence given at the preliminary hearing before a criminal jury trial. The function of this preliminary hearing, usually held before two Justices of the Peace, is to establish whether the prosecution have enough evidence to justify making the defendant stand trial (a ‘case to answer’). Each witness’s evidence is written down and read back to the witness while the defendant is there, and the witness and judge then sign the copy of the evidence. These are called the witnesses’ ‘depositions’. (The preliminary hearing is itself sometimes referred to as ‘depositions’.)</p>
deposition hearing	A special hearing where a witness’s evidence is taken down before a judge or other officer of the court, usually because the witness is unable to attend the main hearing. Depositions can be taken both in civil and in criminal cases.
direct examination	The initial questioning of a witness by the lawyer for the side that called the witness. (The subsequent questioning by the lawyer for the other side is called ‘cross-examination’.)
direction	A formal instruction given by the court about a case, which the parties have to carry out to prepare the case for a hearing or trial – for example, a direction about who must be served with copies of the court documents.
disbursements	Legal expenses that a lawyer passes on to a client – for example, for photocopying, courier charges and toll calls.
to discharge (a court order)	To cancel the order. For example, under the Domestic Violence Act 1995, a respondent may apply to the court for it to discharge a protection order.
disclosure	<p>Where the prosecution in a criminal case gives the defendant access to the information the prosecution holds about the case. In civil cases the equivalent term for one party providing information to the other is ‘discovery’.</p> <p>More generally, it means making information available to the public or to certain classes of people.</p>
discontinue	To stop a civil court case. This can only be done by the person who began the case (the applicant or plaintiff). They will usually file a written notice of discontinuance.

discovery	After a statement of defence has been filed in a civil or family case, the parties can ask other parties (or non-parties) questions ('interrogatories') relating to issues in the case that require answers ('discovery of facts'), or they can ask to see copies of documents relating to the issues in the case ('discovery of documents'). Having access to the documents is then called 'inspection'.
dissolution	An order formally ending ('dissolving') a marriage or civil union.
District Court	The lowest level of court that can deal with criminal and civil cases. Most criminal and civil cases begin here. District Courts have a limited jurisdiction: <ul style="list-style-type: none"> <li>• They can hear civil claims involving amounts up to \$200,000 (unless the case involves the recovery of land, in which case the limit is \$500,000).</li> <li>• District Courts generally hear minor criminal offences, but can also hear criminal trials for some serious offences, such as rape and aggravated robbery.</li> </ul> District Courts are below the High Court in the hierarchy of courts.
dock	A place where the defendant stands or sits during a criminal case.
domicile	The country that is considered by law to be someone's permanent home.
double jeopardy	To be tried or punished twice for the same criminal offence. The New Zealand Bill of Rights Act 1990 protects against double jeopardy.
<i>duces tecum</i>	A summons to appear in court as a witness and to bring certain documents with you. It means literally 'bring with you'. The court may penalise a person who doesn't appear with the documents after having been summoned in this way. (See 'summons'.)
due process	The idea, particularly relevant in criminal law, that a person should not be imprisoned or otherwise punished without all proper legal processes being followed.
duty to warn	The legal obligation to warn people of a danger. The Health and Safety in Employment Act 1992, for example, requires a person in control of a workplace to warn people who come onto that workplace about any hazards that are there.
easement	Gives one person the right to go onto or make some use of another person's property (usually neighbouring property). Examples are a 'right of way' (which gives a right to pass over the other property – a driveway for instance), a right to lay water or sewerage pipes or phone lines underneath the property, and a right of access to light or air.
electable offence	If charged with an 'electable offence', a criminal defendant has the right to choose to be tried by a judge alone ('summarily') or by a judge and jury (on 'indictment'). Other offences are either 'purely indictable', which means they must be tried with a jury, or they are offences that must be tried before a judge alone ('summarily').
to empanel (a jury)	A term used for the final selection of a jury.
Employment Court	The Employment Court hears cases relating to employment disputes. This includes appeals from decisions of the Employment Relations Authority, decisions on questions about the interpretation of the law that are referred to it by the Authority, and cases that the court hears at 'first instance' about matters such as strikes and lockouts.
enactment	Any Act (statute) or provision in an Act, and any rule or regulation made under the authority of an Act.
encumbrance	Any claim or restriction on the title to (ownership of) an item of property. Examples are a mortgage or an easement over the property that allows a neighbour to have a driveway over the property (a 'right of way'). Encumbrances might be imposed by the local council, or they can be based on a private agreement.

enduring power of attorney	An authority given by one person (the 'donor') to another person (the 'attorney') to act and make legally binding decisions on their behalf (either for personal or property matters or both), and which can remain in force even if the donor loses mental capacity (for example, if they develop dementia or suffer a serious head injury). Compare with an 'ordinary power of attorney'.
to enlarge	Where the court puts off or extends the time for parties to do a particular step in a court case.
Environment Court	<p>The Environment Court's work involves public interest questions relating to New Zealand's environmental matters, and other issues arising under the Resource Management Act 1991. Usually the Court deals with appeals about the contents of regional and district statements and plans, or appeals arising out of applications for resource consents (for a subdivision or a discharge permit for example).</p> <p>The Court consists of Environment Judges (who are also District Court judges) and Environment Commissioners. People and organisations appearing before the court are usually represented by lawyers, but they're entitled to represent themselves, or to be represented by an advocate other than a lawyer. The Environment Court isn't bound by the rules of evidence and its processes are often less formal than in the general courts. The Court was established in 1996, replacing the Planning Tribunal.</p>
equity	<p>Often used as a vague synonym for 'justice'.</p> <p>'Equity' also refers to a specific branch of the law that in England before 1873 was administered by separate courts. In New Zealand there have never been separate equity courts, but today the New Zealand courts still recognise a distinction between 'equitable' interests and remedies on the one hand, and 'legal' interests and remedies on the other. For example, the concept of a trust rests on equity: while the trustees are the 'legal' owners of the trust property, they have an 'equitable' duty to manage the property in the interests of the beneficiaries of the trust. The beneficiaries are said to have an 'equitable' (or 'beneficial') interest in the trust property, in contrast to the trustees' 'legal' interest.</p>
estate	The money and property of a deceased person.
evidence	The various things presented in court to prove an alleged fact, including written or spoken testimony from witnesses, and other material such as documents, photographs, maps and videotapes.
<i>ex parte</i>	<p>An <i>ex parte</i> application to the court is one that is made 'without notice', meaning that the application documents are not 'served' on (given personally to) the person who the application is made against or who is to be affected by it (the 'respondent'). The respondent is therefore unaware of the application and does not take part when the court hears and decides the application. '<i>Ex parte</i>' is Latin for 'by (or for) one party'.</p> <p>The opposite of an <i>ex parte</i> application is an 'on notice' – or '<i>inter partes</i>' – application.</p>
executor	A person appointed by the maker of a will (the 'testator') to administer the will.
exhibits	Items of evidence used during a trial. These can be photos, statements, diagrams, weapons, or any relevant object or material.
expert evidence	Evidence given by a skilled witness on issues that relate to their profession – for example, evidence from a child psychologist.

Family Court	<p>Each Family Court is a division of the District Court for a particular town or area, and deals with a wide range of family matters, including:</p> <ul style="list-style-type: none"> <li>• disputes about care arrangements for children</li> <li>• how relationship property should be divided when couples separate</li> <li>• abuse and neglect of children (care and protection declarations)</li> <li>• applications for the compulsory assessment and treatment of people with mental illnesses.</li> </ul>
family group conference (FGC)	<p>Family group conferences were introduced by the Children, Young Persons, and Their Families Act 1989. There are two kinds:</p> <ul style="list-style-type: none"> <li>• A family group conference held under the care and protection parts of the Act is a formal meeting where the child or young person's family / whānau discuss with social workers and others what needs to be done to make sure the child or young person is safe and well cared for. The family takes a central role in coming up with recommendations and plans for dealing with the problem, without the issues having to go to the Family Court. The conference is arranged and run by a Care and Protection Coordinator from Child, Youth and Family.</li> <li>• Family group conferences are also held under the youth justice parts of the Act. These are formal meetings, convened by a youth justice co-ordinator from Child, Youth and Family, where the young person, their family / whānau, the Police, social workers, any victims, and others discuss how the young person can be held responsible for what they've done and how the risk of further offending can be reduced.</li> </ul>
family jurisdiction	The division of District Courts that administers family law (see also Family Court).
filing	Formally lodging an application or other document at a court. This can be done in person or by mail, or by email in some courts (eg the Supreme Court).
final order	The decision of a court that ends a court case.
fine	An amount of money a defendant is sentenced to pay as a penalty in a criminal case. Fines can be imposed for a range of offences, including, for example, drink-driving, disorderly behaviour and theft. The fine can be the whole sentence or just part of it.
first instance	When a court hears a case at 'first instance', this means it's the court in which the case was initially tried or dealt with.
fixture	The time set down for a court hearing.
foreseeability	Often a key issue in determining whether a defendant in a civil case is liable (responsible) for the damage or loss in question. If the defendant couldn't reasonably have foreseen that someone might suffer harm or loss by his or her actions, then the defendant might not be liable.
forfeiture	Taking property away from someone. A judge can order an offender to give up something as a penalty in a criminal case – for example, a vehicle under the Sentencing Act 2002 (which uses the word 'confiscation') or objectionable publications under the Films, Videos, and Publications Classification Act 1993.
foreperson (of a jury)	The jury's representative who speaks in court on the jury's behalf and chairs the jury's discussion.
garnishee	When someone (person C) has successfully brought a civil case against person B, a person (often an employer or bank) who owes money to person B (for example, wages due to an employee) and who is required by a court order to pay this money, not to person B, but instead to person C, who has successfully brought a civil case against person B. These orders are called 'garnishee orders'.
garnishee summons	A summons issued to the third party (sub-debtor) who holds money belonging to a defendant to withhold it and to appear in court to answer inquiries.

good faith	Honestly and without deception. An agreement might be declared invalid if one of the parties entered into it with the intention of defrauding the other – that is, if they entered into it in ‘bad faith’.
gross negligence	Failure to use even the slightest amount of care, showing recklessness or wilful disregard for the safety of others.
guardian / guardianship	<p>Being a guardian means you have all the rights and responsibilities that a parent has in bringing up a child. Usually the parents are joint guardians of the child. The responsibilities of guardianship include –</p> <ul style="list-style-type: none"> <li>• day-to-day care of the child</li> <li>• contributing to the child's personal development</li> <li>• making important decisions (or helping the child to make them), such as where the child lives, where they go to school, decisions about major medical treatment, and what the child’s culture, language and religion will be.</li> </ul> <p>A ‘welfare guardian’ is someone appointed by the Family Court to look after the personal care and welfare of a person who has lost mental capacity and is now unable to look after their own affairs – for example, an elderly person who has developed dementia.</p>
guardian <i>ad litem</i>	A person appointed by the court to look out for the best interests of a person who is unable to manage their own affairs (usually a child) during the course of a court case. The term ‘litigation guardian’ is often used instead. Guardian <i>ad litem</i> is Latin for ‘guardian at law’.
habeas corpus (writ of)	Prison inmates can challenge the legality of their detention by applying to the High Court for a writ of habeas corpus (Latin for ‘You have the body’). The writ orders the relevant prison officials to bring the person to the court so the court can determine whether or not the person is imprisoned lawfully. Applications are made under the Habeas Corpus Act 2001.
hearing	<p>A meeting in the courtroom where a judge hears from the parties to the case, hears their evidence, and decides what should be done about the case. The word ‘hearing’ is usually used for where a judge hears the case without a jury. When there is a jury as well, it's called a ‘trial’.</p> <p>There may also be other hearings for particular purposes – for example, to record the evidence (‘deposition’) of a witness who is unable to attend the main hearing or to hear specific applications before a case can proceed.</p> <p>Justices of the peace and community magistrates can also conduct hearings.</p>
hearsay	Second-hand information presented by a witness who didn’t directly see or hear the events in question. Hearsay is seen as being particularly unreliable and is generally not admitted as evidence in court. This is because the person who did witness the events directly is not available to be cross-examined about this. There are, however, some exceptions that allow hearsay to be admitted as evidence in certain cases.
heirs	People who are legally entitled to inherit the property of a deceased person who has not made a valid will to specifying how their property is to be distributed. The rules governing this (called ‘the rules of intestacy’) are contained in the Administration Act 1969.

High Court	<p>The highest court in New Zealand that is able to hear cases at ‘first instance’ (that is, where cases are first tried, before any appeals). The High Court is above the District Court in the court hierarchy, and hears appeals from the District Court. Above the High Court is the Court of Appeal and then the Supreme Court.</p> <p>The High Court is New Zealand’s only court of ‘general jurisdiction’, which means that there are no limits on the kinds of cases it can deal with – for example, no limits on the kinds of criminal offences it can hear or on the amount of money that it can deal with in a civil case. The District Court, by contrast, has a limited jurisdiction, while the Court of Appeal and Supreme Court have specialist appeal jurisdictions.</p>
home detention	Is a sentence that requires an offender to remain at an approved residence at all times under electronic monitoring and close supervision by a probation officer. It can help offenders to maintain family relationships, keep working or actively seek work, attend training or rehabilitative programmes. Sentences may range in length from 14 days to 12 months.
hung jury	A jury that is unable to reach a verdict.
immunity	Being exempted from a legal duty, penalty or prosecution.
impairment	Sometimes used in relation to drug- or alcohol-related traffic offences to mean where a person’s ability to see, hear, walk and so on is difficult.
imprisonment	To be held in custody, usually in a prison, or to be sentenced to imprisonment.
<i>in camera</i>	When a court hearing is held <i>in camera</i> it is held in private, either in the judge’s chambers (office) or in a closed courtroom, rather than in open court.
in court for chambers	When a judge is sitting ‘in court for chambers’, this means the judge is in court hearing interlocutory applications (that is, applications dealing with procedural issues).
indemnity	Compensation for a loss or wrong. It can also mean protection or insurance against penalties that might be imposed on you because of something you’ve done.
indict	To formally accuse a person of a crime. In New Zealand the word is used only in relation to jury trials.
indictable offence	A criminal offence that is usually dealt with by a jury trial, and that requires a preliminary hearing before the trial. Indictable offences are the more serious offences, such as rape, murder, arson, and supplying Class A drugs. (Compare with ‘summary offences’, which are dealt with by a judge sitting without a jury.)
indictment	<p>A written statement of criminal charges that is presented when a defendant appears in a jury trial in the High Court or District Court.</p> <p>By contrast, in a ‘summary’ case (a less serious offence heard by a judge without a jury), the case begins by the Police laying an ‘information’ against the defendant.</p>
informant	<p>The person or organisation – usually the police – who brings criminal charges against a person in a ‘summary’ case (cases involving a less serious offence dealt with by a judge alone, rather than by a jury trial).</p> <p>The word is also used more generally to mean a person who provides information, usually to the police.</p>
information	This has a technical meaning in criminal cases: an ‘information’ is a sworn document lodged by the prosecution (usually the Police) in a ‘summary’ case alleging a criminal offence by the defendant (‘summary’ cases involve less serious offences and are dealt with by a judge alone, rather than with a jury). Often called a ‘CR Sheet’.
informed consent	To consent to something after being given full or adequate information about it.

infringement	Used in relation to minor offences such as speeding and parking offences (see 'infringement offence'). The term is also used in relation to copyright, patents and trade marks.
infringement fine	If a person fails to pay an infringement fee (such as a parking ticket) when it is due, the fee is transferred to the courts so that it can be enforced. It's then referred to as an 'infringement fine'.
infringement notice	The notice issued by a prosecuting authority for an infringement offence – for example, a speeding ticket issued by the Police or a parking ticket issued by a local council.
infringement offence	A minor offence for which an infringement notice (a speeding or parking ticket for example) can be issued. There is usually a fixed penalty for the offence. An infringement offence differs from other offences in that no criminal conviction is entered against the person.
initial conference	A conference with a judge in a civil case, attended by the parties or their lawyers, to discuss whether the case is ready to go forward to the main hearing.
injunction	A court order saying that a particular thing must not be done. Injunctions can be temporary ('interim injunctions') or permanent.
inquest	A formal court hearing conducted by a coroner, inquiring into the cause of a death.
insolvent / insolvency	When a person has more debts and liabilities than assets.
inspection (of documents)	Any party to a civil or family case can require any of the other parties to provide documents for inspection, or the court can order that any document be produced for inspection.  The process of requesting access to documents or obtaining answers to questions ('interrogatories') from other parties to the case is called 'discovery'.
<i>inter alia</i>	Latin for 'among other things'.
<i>inter partes</i>	An <i>inter partes</i> application to the court is one that is made 'on notice', which means that the application documents are 'served' on (given personally to) the person who the application is made against or who is to be affected by it (the 'respondent'). <i>Inter partes</i> is Latin for 'between the parts'.  By contrast, an <i>ex parte</i> – or 'without notice' – application is made without the respondent being notified about the application.
interim order	A temporary court order. It lasts for a limited period or until the court makes a further or final order.
interlocutory application	An application to the court in a civil case for an order or direction relating to a procedural issue – for example, an order for one side to provide documents to the other.  The term also applies to applications for temporary orders about the substance of the case – for example, a temporary (or 'interim') parenting order.
interlocutory order	A temporary order issued during the course of a civil or family case dealing with a procedural issue (or a temporary order about the substance of the case – for example, a temporary parenting order). Because it's not final, the order usually can't be appealed.
interpleader	Where a third person who is lawfully holding property on behalf of another (for example, holding seized property) asks the court to order the person claiming a right to the property to take court action to decide the claim. For example, a court bailiff who has seized property under a court warrant can ask the court registrar to summon the relevant person to court.
interrogatory	A written question that one party to a civil or family case asks another party, and that must be answered by affidavit.

intestate	When a person dies 'intestate', it means they die without having made a valid will. The rules governing what happens to their property ('the rules of intestacy') are contained in the Administration Act 1969.
joinder	There are two kinds of joinder: <ul style="list-style-type: none"> <li>• Joinder of causes of action is where a plaintiff in a civil lawsuit includes more than one cause of action in his or her statement of claim (for example, both negligence and nuisance)</li> <li>• Joinder of parties is where two or more plaintiffs who have claims against the same defendant are joined in the same civil lawsuit against that defendant, or where more than one defendant is joined in the same lawsuit.</li> </ul>
judge's list	During the life of a case the judge or, in some civil or family cases, the court registrar will give a variety of directions to keep the case progressing towards a final decision. The registrar can deal with more straightforward issues (the 'registrar's list'), such as timetabling decisions. But more complicated issues are usually dealt with by the judge, and are set down on a 'judge's list' of such matters to be dealt with on that day.  For example, if one side wants the other side to give them certain documents ('discovery') but the other side refuses, the side that wants the documents may ask for the matter to be set down on a judge's list.
judgment	The order of the court in relation to an application or statement of claim in a civil or family case. It also includes the reasons the judge gives for his or her decision.
judgment creditor	A person who is owed money and who has obtained a court decision ('judgment') stating that they are owed the money. The creditor can then have the court decision enforced.
judgment debtor	A person who owes money and who has had a court decision ('judgment') made against them stating that they owe the money.
judicial conference	A hearing before a judge to discuss the issues in a civil or family case and what needs to be done to resolve the case.
judicial	Describes a legal decision-making process or decision where a court, tribunal or other official adjudicating body hears from the two sides to a dispute, including any evidence they put forward, and makes a decision by applying the law to the facts.  'Judicial' decisions can be contrasted with 'administrative' decisions – where, for example, Work and Income processes and decides an application for a welfare benefit.
judiciary	The judges of courts of law.
jurat	A short statement on the bottom of an affidavit (which is a sworn written statement) saying when and where the affidavit was sworn and before whom.
jurisdiction	Generally means the extent of a person's or body's powers or authority. It is usually used in the following specific ways to mean: <ul style="list-style-type: none"> <li>• the limit of a court's or judge's power or authority</li> <li>• the distinction between broad subject areas of law (for example, between the criminal, civil, family and youth jurisdictions)</li> <li>• the distinction between the different levels of courts (such as between the High Court and the District Court)</li> <li>• the boundaries of any domestic court's influence overseas.</li> </ul>
jury	A group of (usually 12) people whose role in a criminal or civil trial is to decide matters of fact and then apply the law, as explained to them by the trial judge, to those facts to reach a decision ('verdict') as to whether the defendant is guilty or not guilty (in a criminal case) or liable or not liable (in a civil case).

jury ballot	The process of randomly drawing names of jurors at court in order to select a panel of 12.
jury charge	The judge's instructions to the jury on the law that applies in a case and an explanation of the relevant legal concepts.
jury officer	A member of the court staff who looks after the jury once they've retired to consider their verdict.
jury trial	A court case that is heard by both a judge and jury, rather than by a judge alone.
just cause	A legitimate reason. Often used in the employment context to refer to the reasons why someone was fired.
Justice of the peace (JP)	An official who can exercise some judicial powers. JPs can witness signatures on documents, take oaths and affirmations, and issue search warrants. They also usually preside over preliminary hearings in criminal cases, and they hear and decide some minor traffic cases.
law	A collection of enforceable rules, creating rights and obligations for citizens.
lawyer for the child (counsel for the child)	A lawyer appointed by the Family Court to represent a child when, for example, there is a dispute about which parent should have day-to-day care of the child. The High Court can also appoint a lawyer for the child when it hears an appeal from a Family Court decision.  Before the Care of the Children Act 2004, the 'lawyer for the child' was called 'counsel for the child'.
lay advocate	Lay advocates are involved both in care and protection proceedings in the Family Court and in youth justice proceedings in the Youth Court. They are non-lawyers, appointed by the court to support the child or young person, and to ensure that the court is made aware of all cultural matters that are relevant to the case, and to represent the interests of the child's or young person's whānau, hapū, iwi, or other family group. A lay advocate might be, for example, a kaumātua or kuia.
leave (of the court)	Permission given by the court to do something.
legal advice	When a legal adviser, usually a lawyer, provides a client with a legal opinion or advises them about the appropriate course of action for their particular situation. It is often contrasted with legal 'information', which is general information about legal rights, obligations and processes that is not directed at any particular person's situation.
legal aid	Under the legal aid scheme, the government provides legal help to people who can't afford to hire a lawyer. The scheme is administered by the Legal Services Agency (LSA).
legal information	This term is used to mean general information about legal rights, obligations and processes that is not directed at any particular person's situation – in contrast to legal 'advice', which does address a particular person's rights, obligations and options. Government agencies, community groups and other organisations provide legal information through written publications such as pamphlets and leaflets and through websites, and also in person in some cases.
legatee	A person who receives property under a will. Also known as a 'beneficiary'.
legislature	House of Parliament. The legislative arm of government incorporating the parliamentary and executive arms of government.
liability	Any legal responsibility, duty or obligation.
libel	'Libel' is defamation (injury to a person's reputation) through written words, or through images such as movies or photographs. By contrast, 'slander' is spoken defamation.
lien	A claim against someone's property – for example, a mortgage. The lien is established to secure payment of a debt by the property owner if the property is sold.

liquidated demand	A claim where the amount in question is a specific amount that is set by a specific document (such as a contract). (Compare with 'unliquidated demand'.)
litigant	Someone who is a party to a civil or family court case (that is, the plaintiff / applicant or the defendant / respondent).
litigate	To engage in civil or family legal proceedings, whether as the plaintiff / applicant or the defendant / respondent.
local Acts	These affect only particular areas of the country (the Masterton Trust Lands Act 2003, for example), unlike public Acts (such as the Crimes Act 1961), which apply to the whole of New Zealand.
maintenance	Financial support that the Family Court may require one spouse or partner (or ex-spouse or ex-partner) to pay to the other in certain cases. Generally maintenance is temporary only, and when a marriage or civil union ends or a de facto couple separates, they should each become self-supporting within a reasonable time.
malpractice	Improper or negligent behaviour by a professional, such as a doctor or a lawyer, falling short of the accepted standards of practice of that profession.
mandatory sentence	A criminal sentence set by Parliament that establishes the minimum length of prison time for specified crimes. This limits the amount of discretion a judge has when sentencing the defendant.
Māori Land Court	The Māori Land Court (Te Kooti Whenua Māori) is the New Zealand court that hears matters relating to Māori land. The special bond between Māori people and land is recognised by the Māori Land Court, and the records held by this court form an invaluable part of the whakapapa of all Māori.
Mareva injunction	A court order preventing a party to a civil case from disposing of assets so that those assets can't be dealt with as part of the case. In effect the order freezes a party's assets until the case is concluded.
McKenzie friend	A person who is given approval by the judge to assist a party in a court case. A McKenzie friend can give advice to the party and take notes, but they cannot ask questions in court or talk about the case with anyone else.
mediation	A method of alternative dispute resolution in which a neutral third party, a mediator, helps the parties involved in a dispute come to an agreed settlement. The mediator does not impose a decision on the parties.
memorandum of issues	A document setting out the issues that need to be resolved by the court in a civil or family case. Sometimes the court will require the parties to the case to prepare a memorandum of issues.
minor	Generally this means a person under the age of 20 (see the Age of Majority Act 1970).
mitigating factors	Factors relating to the circumstances of a crime that might justify the person being charged with a less serious offence than would otherwise apply or, if they're convicted, might justify them receiving a lighter sentence.
negligence	A failure to use the degree of care that a reasonable person would use in the same situation. 'Negligence' is a specific tort (or 'civil wrong') for which a person can be sued, but the term also features regularly in many different statutes and legal contexts.
next friend	A person appointed by the court to represent someone under 18. The next friend must file an affidavit to show that they're not under a disability (that is, they have full mental capacity) and do not have interests in conflict with those of the child. They must also agree to be responsible for any court costs the child is required to pay.
<i>nisi</i> (order <i>nisi</i> )	An order <i>nisi</i> is an order that takes effect only under certain conditions. For example, an order may be made subject to one of the parties to the case coming to court and showing why the order shouldn't be made. An order <i>nisi</i> becomes unconditional (an 'order absolute') only if the relevant conditions aren't met. <i>Nisi</i> literally means 'unless'.

not denied	<p>This term is used in the Youth Court where a young person doesn't deny, but also doesn't admit, the criminal offence they're charged with. The case will then usually go to a family group conference, where the young person will have the chance to admit the charge.</p> <p>In the adult courts, if a defendant hasn't decided whether they wish to admit or deny the charge, they can 'enter no plea'. Their case will then be remanded (put off) for a time (perhaps one to two weeks) so that they can decide whether to plead guilty or not guilty.</p>
not proven	<p>This term is used in the Youth Court where a judge decides the prosecution has not shown beyond reasonable doubt that the young person committed the criminal offence they were charged with.</p> <p>In the case of an adult defendant in a jury trial, the person is 'acquitted', while in a judge-alone ('summary') trial, the person is 'found not guilty'.</p>
notary public	A person authorised to witness the signing of documents eg justice of the peace
notice of appeal	A person who wishes to appeal the decision of a court must file a 'notice of appeal' with the court that made the decision.
oath	A declaration before a person who has authority to administer an oath, which invokes some religious belief and says that a thing is true or right. For example, a Christian would swear an oath on the Bible.
offence	An act or omission that society has outlawed as a threat to the safety or welfare of the public, and that will therefore be prosecuted and punished by the state.
offender	<p>This term (along with 'defendant') is used specifically to refer to a person convicted with a 'summary' offence (a less serious offence that is heard by a judge without a jury).</p> <p>The 'accused' is the term used for the defendant in a criminal jury trial.</p>
'on notice' application	<p>An application to the court (also called an 'inter partes' application) where the application documents are 'served' on (given personally to) the person who the application is made against or who is to be affected by it (the 'respondent').</p> <p>By contrast, a 'without notice' – or '<i>ex parte</i>' – application is made without the respondent being notified about the application.</p>
order	<p>A court order is a formal direction from the court requiring a person to do or not do certain things. Failing to comply with a court order can be a contempt of court, and it could also be a criminal offence.</p> <p>In the Youth Court, the term 'order' is used rather than 'sentence' to refer to the various punishments that a Youth Court judge can impose on a young person.</p> <p>'Order' is also used in the title of some regulations – for example, a 'commencement order' bringing an Act into force on a particular date.</p>
Order in Council	A notice of an administrative decision issued by the Governor-General.
ordinary power of attorney	An authority given by one person (the 'donor') to another person (the 'attorney') to make decisions and act on their behalf, particularly in business or legal matters, but which comes to an end if the donor loses mental capacity (for example, if they develop dementia or suffer a serious head injury). Compare with an 'enduring power of attorney'.
parenting order	An order made by the Family Court that says who is responsible for day-to-day care of a child, and when and how someone else important in the child's life can have contact with them. Parenting orders can be enforced just like any other order of the court. 'Parenting order' is the new name for a 'custody order' or 'access order'.
parole	A system for the supervised release of prison inmates before their prison terms are completed.

parole board	<p>The New Zealand Parole Board makes decisions on the release of convicted offenders from prison on parole and home detention (for transitional cases only, from 1 October 2007).</p> <p>It also sets conditions for offenders when they are released, and can recall offenders to prison if they do not follow the conditions set for them.</p>
partition	A court action to divide property. Typically taken when a property is jointly owned and a dispute arises about how to divide it.
partnership	An association of two or more people who agree to share in the profits and losses of a business venture. Unlike a company, a partnership is not a separate legal entity. A partnership is sometimes informally referred to as a 'firm'.
party	A person who begins court proceedings or a person who proceedings are brought against.
patent	An exclusive right granted by the government for a new invention. The owner of the patent (the 'patentee') can exclude others from making commercial use of the patented invention for a certain number of years.
peremptory challenge	Another term for a 'challenge without cause' – a challenge that one side in a criminal or civil jury trial can make against a potential juror, without having to state a reason. (See also 'challenge for cause'.)
perjury	A crime in which a person knowingly makes a false statement while under oath in court.
petition	An old term for a written application to a court asking for specific action to be taken. The term 'creditor's petition' is still sometimes used for where a creditor applies for a debtor to be declared bankrupt under the Insolvency Act.
petition for probate	An old term for an application to the court for probate for a will.
plaintiff	<p>The party making a claim in a civil case, such as for breach of contract, defamation or negligence.</p> <p>If a civil case involves an application for a court order the person who brings the case is called the 'applicant'.</p>
plea	A criminal defendant's answer to a charge, namely 'guilty' or 'not guilty'.
power of attorney	<p>An authority given by one person (the 'donor') to another person (the 'attorney') to act and make legally binding decisions on their behalf.</p> <p>There are two kinds of power of attorney: an 'ordinary power of attorney' comes to an end if the donor loses mental capacity (for example, if they develop dementia or suffer a serious head injury), while an 'enduring power of attorney' can remain in force even if the donor loses mental capacity.</p>
post committal conference	An event where a defendant who is on bail returns to court to get their new bail bond. The defendant will also be told of the jury trial callover venue, date and time. This could occur at the court's counter.
Practice Note	Guidelines issued by courts for the procedures that must be followed in court – for example, the time limits for filing evidence with the court.
<i>praecipe</i>	A document that a party to a case files with the court, asking the court to issue a writ (instruction), such as a summons (subpoena) to a witness, or a writ of sale to enforce a court judgment. Literally, the term means 'to admonish or command'.
preamble	The beginning of a document indicating what it is. For example, in an affidavit the preamble may be 'I ..... swear'. Preambles are also included in some statutes – for example, the Maori Language Act 1987.
precedents	A decision in a previous case that is used to support a decision in a later, similar case.

preliminary hearing (depositions)	When a criminal defendant is to be tried before a jury (usually for more serious offences), a preliminary hearing must first be held, where the prosecution's evidence will be presented. The purpose of the preliminary hearing is to establish whether the prosecution have enough evidence (a 'case to answer') to justify making the defendant stand trial. These hearings are usually presided over by two justices of the peace. The written evidence of each prosecution witness is called a 'deposition', and the preliminary hearing itself is sometimes informally referred to simply as 'depositions'.
preponderance of the evidence	The level of proof required for the plaintiff / applicant in a civil or family case to succeed, often also referred to as 'the balance of probabilities'. The judge or jury must be satisfied on the basis of the evidence that it's more probable than not that the plaintiff / applicant's claim is true.
pre-sentence report	A report prepared by a probation officer for a judge in a criminal case, to help the judge decide on a sentence. The report typically contains information about the defendant's prior convictions and arrests, work history and family situation and assesses the risk of re-offending and motivation to change. It may also recommend a suitable sentence.  Some pre-sentencing reports are prepared on the same day as sentencing takes place, if the defendant has pleaded guilty to a less serious offence. These are called 'stand-down reports'.
<i>prima facie</i>	The prosecution in a criminal case have established a <i>prima facie</i> case when they have enough evidence to suggest that there is a case for the defendant to answer and that therefore the charges should proceed to a hearing or trial. <i>Prima facie</i> is Latin for 'on first face', or 'on the face of it'.
<i>prima facie</i> evidence	Evidence used to establish a <i>prima facie</i> case against a criminal defendant – that is, sufficient evidence to justify the defendant standing trial.
private Acts	These are Acts that affect only particular private organisations – such as the Southland Pastoral and Agricultural Association Empowering Act 2006.
privileged (document or information)	A document or information that a party cannot be made to disclose in court.
<i>pro se</i>	If a person appears in court ' <i>pro se</i> ', it means that the person represents himself or herself without the help of a lawyer. <i>Pro se</i> is Latin for 'for himself / herself'.
probable cause	A reasonable belief that a person has committed a crime.
probate	A High Court order declaring that a will is valid and that the person named in the will as executor has the legal authority to deal with the deceased person's assets. Obtaining probate is a necessary early step in the executor's administering of the will.
probation	Historically used to refer to the sentence of supervision which is a community-based sentence. Also, judges may use it to refer to the Community Probation Service.
probation officer	Provides the judge, when requested, with as much information as possible about a person who has been convicted of an offence punishable by imprisonment. Probation Officers interview and assess offenders and write pre-sentence reports, which can include reparation reports.
proceeding	A case being considered by a court. It is started ('commenced') by an information (in criminal cases), or by an application or statement of claim being filed with the court (in civil or family cases).
promissory note	A written document in which a borrower agrees (promises) to pay back money to a lender according to specified terms.
prosecuting authority	An organisation authorised by a statute to issue infringement notices (for example, a city council issuing parking tickets).

prosecutor	The person who appears in court and presents the case against a criminal defendant. Often this will be the Police, but other government agencies, lawyers or private individuals may do so as well.
proven	In the Youth Court, the charge against the young person is said to be 'proven' if the judge decides the prosecution has shown beyond reasonable doubt that the young person committed the offence.  In the adult courts, by contrast, the defendant is 'found guilty'.
public Acts	Acts of Parliament that affect the whole of New Zealand, like the Crimes Act 1961, the Care of Children Act 2004, and the Sale of Liquor Act 1989 – as opposed to 'private Acts', which affect only particular private organisations, and 'local Acts', which affect only particular parts of the country.
quash	Where a court cancels something or declares it invalid – For example, where a criminal court cancels the charges against a defendant, or where an appeal court cancels a conviction entered in a lower court.
<i>quid pro quo</i>	Latin phrase that means 'something for something'. The concept of getting something of value in return for giving something of value. For a contract to be binding, it usually must involve the exchange of things of value (called 'consideration').
reasonable doubt	If a judge (or the jurors in a jury trial) are not satisfied beyond a reasonable doubt of a criminal defendant's guilt, they must find the defendant not guilty.
recognisance	A promise made in a court to do a particular thing – for example, to appear again in court or pay a debt.
refugee	A person can apply to the New Zealand government for refugee status if they have a well-founded fear that, if they return to their own country, they'll be persecuted because of their race, religion, nationality, social group or political views.
registrar	A court official who makes sure that the formal processes of the court are followed and that accurate records of hearings are kept, and who gives effect to any direction from the judge. Sometimes referred to as the 'court taker'. The registrar can also exercise some of the court's powers, including making decisions about some matters (for example, timetabling decisions about when certain steps in a court case will take place).
registrar's list	During the life of a case the court will give a variety of directions to keep the case progressing towards a final decision. Some of these issues will be dealt with by a judge (see 'judge's list'), but many issues can be dealt with by the court registrar. These are set down on a 'registrar's list' of matters to be dealt with on that day. The registrar can, for example, make timetabling decisions (such as when the next step must be completed by or when the next hearing date will be), or check that a copy of an application has been served on the other side.
remand	When people are charged with criminal offences they're often 'remanded' to a later date, which means their case is put off for a certain period, allowing them to prepare or think further about their case (for example, to decide whether to plead guilty or not guilty to the charge).  While on remand, the defendant can be: <ul style="list-style-type: none"> <li>• 'at large', which means they're free to leave the court without signing any paperwork or other order, on the basis that they attend court when required</li> <li>• on bail, which means that they're also free to leave but that they must sign an order or form agreeing to return to court at a certain time and date. There may be bail conditions, such as living at a certain address, not contacting the victim, or reporting to the police each day.</li> <li>• in custody, which means they're held in prison.</li> </ul>
reparation	Money that a defendant in a criminal case can be sentenced to pay to the victim as compensation for financial costs or emotional harm.

representative	This is a person appointed by the court as either a guardian <i>ad litem</i> (litigation guardian) or 'next friend' to represent a child or an incapacitated person (for example, someone with an intellectual disability). The difference between the two mainly relates to how they're appointed.
reserved decision	After hearing a case the judge may reserve his or her decision, which means to put off giving the decision to a later date or time, often in writing. The abbreviation 'Cur Ad Vult' will often appear on the written judgment when it is given to indicate this.
respondent	The person against whom an application to the court is made (for example, a protection order under the Domestic Violence Act 1995 or a parenting order under the Care of Children Act 2004), or the opposing party to an appeal.
restitution	Returning someone's property to them. A judge in a criminal case can make an order for restitution. A person can also bring a civil action under the law of 'restitution' to restore them to the position they were in before they suffered some loss or injury, if the defendant has received some benefit at the other person's expense.
restorative justice	The main goals of restorative justice are to provide opportunities for both victims and offenders to be involved in finding ways to hold the offender accountable for their offending and, as far as possible, repair the harm caused to the victim and community. This usually involves a restorative justice conference which must involve the victim (if they consent) and the offender (if they consent). The outcome of the conference is reported back to the court.
rule	A procedural law relating to the way cases are dealt with in court.
search warrant	A written order issued by a judge (or justice of the peace or community magistrate) that directs and authorises a police officer or other enforcement agent to search a specific place or area for a particular piece of evidence.
secured debt	In bankruptcy proceedings, a debt is secured if the debtor put up property as security (or 'collateral') for the debt, so that the creditor would have the right to take possession of the property if the debtor fails to repay the debt.
security	A sum of money provided by one of the parties to a case and held by the court until it gives its decision.
self-defence	Where an act that would otherwise be criminal was legally justified because it was necessary to protect a person or property from another person's actions or threats.
self-represented litigant (litigant in person)	A party to a civil or family court case who is not represented by a lawyer. Also known as a 'lay litigant'.
sentence	The punishment ordered by a court for a defendant convicted of a crime. 'Concurrent' sentences means that two or more sentences run at the same time. By contrast, 'consecutive' sentences run one after another.
to sequester / sequestration (of a jury)	The practice of keeping the jury together and apart from other people until it has made a decision. The jury can be sequestered when it begins its deliberations (discussions), after all the evidence and arguments have been heard. If the jury's deliberations continue for a long time, they may be sequestered overnight.
to serve / service of documents	The formal delivery of a legal document (for example, an application to a court) to a person who will be affected by it. There are rules about service of documents (for example, service may have to be in person rather than by post or fax).
setting down	Where the court decides the date on which a case will have a court hearing.
settlement	Where the parties to a dispute reach an agreement without having a defended hearing or trial, or before a defended hearing or trial has ended. This disposes of the case.
settlor	The person who sets up a trust.

shareholder	One of the owners of a limited liability company. Their name is entered in the share register of the company.
<i>sine die</i>	If a court hearing is adjourned ' <i>sine die</i> ', it is adjourned without setting a date for the hearing to resume. It means literally 'without day'.
slander	False and defamatory spoken words that harm another person's reputation, business or means of livelihood. Slander is spoken defamation; 'libel' is defamation through written words or images.
solicitor	There is a traditional distinction between 1) a 'solicitor', a lawyer who can be approached for legal help by members of the public and who can handle clients' money through a trust account, but who cannot appear in court, and 2) a 'barrister', a lawyer who can appear in court but cannot do the work that solicitors do. In New Zealand, most lawyers are both barristers and solicitors, and can therefore perform all forms of legal work, while the remainder are barristers only (called a 'barrister sole'). In New Zealand, there are no lawyers who are solicitors only.
specialist report	A report requested by the Family Court from a psychiatrist, psychologist or other medical professional, or from a cultural expert, in a case involving a child.
standard committal	This process is not a hearing and the defendant does not appear in court. A registrar commits a defendant for trial based upon written statements.
stand-down report	This is a type of pre-sentencing report. Pre-sentencing reports are prepared by a probation officer for a judge in a criminal case, to assist in sentencing. They typically contain information about the defendant's prior convictions and arrests, work history and family situation. A 'stand-down report' is usually prepared when a defendant has pleaded guilty to a less serious offence, and the report is prepared on the same day as sentencing takes place. When the judge asks for a full pre-sentencing report, by contrast, the defendant will usually be remanded for one to two weeks.
statement of claim	The document filed with the court by the plaintiff to begin a civil or family case.
status hearing	A kind of pre-trial conference between the judge, the prosecution (usually the Police) and the defendant in a criminal case. They happen only in 'summary' cases – that is, less serious cases dealt with in the District Court by a judge alone, rather than by a jury trial. A status hearing involves a relatively informal discussion about the strengths and weaknesses of the defendant's case. The judge may give an indication of what a likely sentence would be if the defendant were to be found guilty. One outcome of a status hearing might be that the defendant decides to change his or her plea to guilty, in which case there is no trial and the case will proceed to sentencing.
statutes	Laws made by Parliament, also known as 'Acts'.
statutory law	Law enacted by the legislative branch of government, as distinguished from case law or common law (judge-made law).
submission	An argument that is presented to the court in support of an application. It can be written or oral (spoken).
subpoena	An old term meaning 'summons'. Latin for 'under penalty'. (See also 'summons' and ' <i>duces tecum</i> ').
summary offence	A less serious offence that is dealt with by a District Court judge, justice of the peace or community magistrate, sitting without a jury and without a preliminary hearing. Summary offences include, for example, common assault, wilful damage, and some traffic offences.
summing up	The judge's final instruction and advice to the jury after the lawyers for the two sides have made their final addresses.
summons	A notice to a defendant, witness or juror, requiring them to appear in court. The court may penalise a person who fails to appear after being summoned. ('Subpoena' is an old term for a summons.)

supervision	<p>This is a criminal sentence (formerly called ‘probation’) which is community based. This sentence may have conditions attached, such as completion of drug and alcohol programme. If an offender breaches any condition of their supervision sentence it is an offence which can result in another penalty.</p> <p>There are also specific supervision sentences that the Youth Court can impose on a young person. A ‘supervision’ order will involve the young person being visited by or reporting to a social worker or other person. The Youth Court can also order ‘supervision with activity’ (involving a programme or other activity) or ‘supervision with residence’ (where the young person must live in a Child, Youth and Family home for a period specified by the court).</p>
Supreme Court	The highest court in New Zealand and the country’s final appeal court. Only New Zealand judges sit on the Supreme Court.
swearing in (of jury)	The stage at which jurors swear an oath or make an affirmation.
surety	A person who takes responsibility for another person fulfilling some obligation. For example: Bob borrows money from Anna, with the agreement that he will pay it back. Kate agrees with Bob and Anna to act as Bob’s surety. If Bob fails to repay the money as agreed with Anna, Anna is entitled to seek repayment from Kate, as if it were Kate, and not Bob, who borrowed the money.
testator	A person who makes a will.
testimonium clause	The words that come immediately before a signature to a document – for example, ‘In witness whereof’. Also known as an ‘attestation clause’.
timetable	A list of dates given by a court for when the court’s directions about the progress of a case must be carried out – for example, when the parties have to file evidence with the court.
title (to property)	Legal ownership of property.
tort	An injury or wrong committed against another person, and which can be the basis of a civil lawsuit. Sometimes called a ‘civil wrong’. It may be a wrong against the other person’s property (for example, where a neighbour causes damage to land or buildings) or against the other person personally (for example, damage to their reputation, which is called ‘defamation’).
tortfeasor	A person who commits a tort (a civil wrong).
transcript	A written, word-for-word record of what was said in a trial or other court proceeding.
trial	Usually refers to cases heard in court by both a judge and a jury (whether civil or criminal), although it may also be used more generally to also include a hearing before a judge alone.
tribunal	A board or panel appointed, usually by the government, to consider and made decisions about specific matters – for example, the Waitangi Tribunal and the Weathertight Homes Tribunal.
trust	A legal device used to manage real estate or personal property for the benefit of another person (the ‘beneficiary’). The person who establishes the trust is called the ‘settlor’. The trust property is managed by one or more ‘trustees’, who are the legal owners of the property but who have a legally binding obligation to manage the property for the benefit of the trust’s beneficiaries. The settlor may also be one of the trustees.
trust agreement (trust declaration, trust deed)	<p>The legal document that sets up a trust.</p> <p>If the trust is set up through a will, it’s called a ‘testamentary’ trust.</p>
trustee	A person or institution that manages the property put in trust. The trustees are the legal owners of the trust property, but they are under a duty to manage it for the benefit of the people who are the beneficiaries of the trust.

<i>ultra vires</i>	If a person or body acts <i>ultra vires</i> , they act outside the legal limits of their powers. Latin for 'beyond the powers'.
unanimous decision	A decision agreed to by all of those involved – for example, a jury.
unliquidated demand	A claim brought in a court that requires the court to decide the amount of loss suffered (such as a claim for damages resulting from negligence), because the amount of the claim can't be worked out from some specific contract or other document. (Compare with 'liquidated demand'.)
unsecured (debt or claim)	In bankruptcy proceedings, a claim against the debtor is unsecured if the debtor had not put up property as security ('collateral') for the debt, or to the extent that the value of collateral is less than the amount of the debt.
verdict	The conclusion reached by a jury in a criminal or civil trial.  A 'general verdict' is where the jury finds the defendant guilty or not guilty (in criminal cases) or liable or not liable (in civil cases). A 'special verdict' is where the jury makes a finding about the facts of the case, but leaves it to the judge to decide the legal consequences of this.
vexatious	Describes a court proceeding brought without any real merit, the purpose of which is to annoy or oppress the other party.
victim adviser	District Court staff member who helps victims through the court process. Since the 1990s, victim advisers have operated as an information service for victims involved in the court process, helping victims to understand the court system and their role in it.
view	An inspection by the court and jury of a crime scene or the scene of an aspect of a case.
void	If a transaction or document is void, it has no legal effect.
voidable	A 'voidable' transaction or document is one that either or both of the parties involved can declare as having no legal effect, but that continues to have legal effect until they do this.
<i>voir dire</i>	A special hearing where the court examines whether particular evidence should be admitted in a criminal trial or whether a witness or juror is competent. <i>Voir dire</i> s are common in criminal trials if the accused claims that a confession was given under duress. A <i>voir dire</i> is always heard in the absence of the jury.
waiver	This is where a person deliberately gives up (or 'waives') a right.
waiver of immunity	Where a witness, before testifying or producing evidence, gives up the right to refuse to testify against himself or herself, making it possible for this testimony to be used against him or her in future legal proceedings.
warrant to arrest	Most commonly, a court order authorising police to make an arrest or carry out a search.
warrant to seize	A warrant issued by a court authorising the police or some other person to seize property. The District Court issues warrants authorising the police or a bailiff to seize property as a means of enforcing unpaid fines. Warrants to seize property can also be issued in some other situations – for example, under the Local Government Act 2002 if property is relevant to an offence committed against that Act.
will	A legal document expressing a person's wishes about how they would like their property and other matters to be dealt with after they die.  The will-maker's directions about the distribution of their property will be legally binding on their executor (the person appointed to administer the will). Some other instructions – about funeral arrangements for example – are not legally binding on the executor, although the executor is usually expected to follow them.

with prejudice	When a court dismisses a civil case (after the parties have negotiated a settlement for example), the court order is made 'with prejudice', which means that the plaintiff is forever barred from bringing another lawsuit based on the same claim or cause.
without notice	Applications to the court that are made 'without notice' are not 'served' on (given personally to) the person whom the application is made against or who is to be affected by it (the 'respondent'). The respondent is therefore unaware of the application and doesn't take part when the court hears and decides on the application. 'Without notice' applications are also called ' <i>ex parte</i> ' applications, <i>ex parte</i> being Latin for 'by or for one party'. The opposite of a 'without notice' application is an 'on notice' – or ' <i>inter partes</i> ' – application.
without prejudice	When the parties involved in a dispute have discussions or exchange documents in a genuine attempt to resolve the dispute, they often specify that the process is 'without prejudice', which means that it can't be referred to in any legal action that follows.
witness	A person who gives evidence in court about what they've seen, heard or otherwise experienced. Also a person who observes the signing of a will or some other document.
young person	In Youth Court and Family Court cases under the Children, Young Persons, and Their Families Act, 'young person' means a boy or girl aged 14, 15 or 16, but doesn't include anyone who is or has been married or in a civil union.
youth advocate	A lawyer appointed by the Youth Court to represent a young person charged with a criminal offence in the Youth Court.
Youth Court	The Youth Court has jurisdiction under the Children, Young Persons, and Their Families Act 1989 to deal with young people charged with criminal offences, excluding murder, manslaughter and some minor traffic offences. 'Purely indictable' charges or cases where a young person chooses to have a jury trial are not within the jurisdiction of the Youth Court.
youth jurisdiction	The division of District Courts that administers youth law (see also Youth Court).
youth justice Co-ordinator	An employee of Child, Youth and Family who organises and runs youth justice family group conferences.