

K Roe
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Ref: OIA 93760

Dear K Roe

Official Information Act 1982 request

I am responding to your Official Information Act 1982 (OIA) request of 21 February 2022 regarding the number of cases in the Court of Appeal that have been deemed abandoned. You requested the following information:

- 1. I want to know how many cases have been deemed abandoned by the court of appeal in 2021 and 2022.*
- 2. I want to know if it is just me that the Court of Appeal is refusing to process / progress or if the Court of Appeal... Well..*
- 3. I am wondering if NZ actually has a judiciary.*
- 4. I understand that England withdrew offering the Highest Level Court of Appeal.*
- 5. I understand that Australia does not honor it's constitution by refusing to regard NZ as a State so as to withhold federal funding from NZ hospitals and schools etc... To withhold the Federal Court as a point of appeal...*
- 6. But NZ does not seem to have a functioning judiciary.*

Parts two through six are not requests for information that fall under the Official Information Act.

In response to the first part of your request, please see attached Table 1. These provide the number of criminal and civil appeals abandoned. Civil appeals are abandoned under rules 43 or 44 of the Court of Appeal (Civil) Rules 2005. Criminal appeals are abandoned under rule 35 of the Court of Appeal (Criminal) Rules 2001.

An appeal abandoned under Rule 43 of the Court of Appeal (Civil) Rules 2005 is an appeal that is treated as abandoned if the appellant does not apply for the allocation of a hearing date and file the case on appeal within 3 months after the appeal is brought.

A civil appeal abandoned under Rule 44 of the Court of Appeal (Civil) Rules 2005, or a criminal appeal abandoned under rule 35 of the Court of Appeal (Criminal) Rules is an appeal that is abandoned by the party by way of filing a notice of abandonment.

Yours sincerely



Andrea King
Group Manager, Senior Courts

Table 1: Number of appeals in the Court of Appeal that were disposed with outcome of "Abandoned" in 2021 and 2022

Application type	2021				2022			
	Abandoned under R43	Abandoned under R44	Other	Total	Abandoned under R43	Abandoned under R44	Other	Total
Civil Appeal	40	39	12	91	4	2	0	6
Criminal Appeal	0	0	58	58	0	0	8	8
Grand Total	40	39	70	149	4	2	8	14

Notes for Tables 1:

- 2022 covers the data from 1 January 2022 to 28 February 2022
- Appeals that were disposed with outcome of "Abandoned" were used
- The notes associated to the status "Determined" were searched
 - if the notes have "Rule 43", abandonment is under rule 43
 - if the notes have "Rule 44", abandonment is under rule 44
- This data does not include applications for leave to appeal
- Appeals abandoned under "Other" are either appeals that are not specified or appeals abandoned under the Court of Appeal Criminal Rules 2001
- This data was extracted from the Court of Appeal's Appeal Management System in March 2022.