



## **District Courts (Limitation Act 2010) Amendment Rules 2010**

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 1st day of November 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 122 of the District Courts Act 1947, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and with the concurrence of the Chief District Court Judge and at least 2 members of the Rules Committee established under section 51B of the Judicature Act 1908 (of whom at least 1 was a District Court Judge), makes the following rules.

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## Rules

### 1 Title

These rules are the District Courts (Limitation Act 2010) Amendment Rules 2010.

### 2 Commencement

These rules come into force on 1 January 2011.

### 3 Principal rules amended

These rules amend the District Courts Rules 2009.

### 4 Calculating periods of time

Rule 1.16.3 is amended by omitting “1950” wherever it appears and substituting in each case “2010”.

### 5 Form 9 amended

Form 9 of Schedule 1 (which is the form for a plaintiff’s or other party’s reply) is amended—

- (a) by inserting “*relief in respect of*” before “*the plaintiff’s claim is statute-barred*”; and
- (b) by inserting “*relief in respect of*” before “*the plaintiff’s claim is not statute-barred*”.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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## Explanatory note

*This note is not part of the rules, but is intended to indicate their general effect.*

These rules, which come into force on 1 January 2011, amend the District Courts Rules 2009 in the light of the Limitation Act 2010. Rule 1.16.3 (which relates to calculating periods of time fixed by the rules or by a judgment, order, or direction or by a document in a proceeding) is amended to replace references to the Limitation Act 1950 with references to the Limitation Act 2010. Form 9 of Schedule 1

(which is the form for a plaintiff's or other party's reply to a defendant's response to a plaintiff's claim) is amended so that it recognises clearly that the effect of a limitation defence is to bar by statute not a plaintiff's claim, but relief in respect of one.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 4 November 2010.  
These rules are administered by the Ministry of Justice.

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