



High Court Amendment Rules (No 2) 2014

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 17th day of November 2014

Present:

The Right Hon John Key presiding in Council

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

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Rules

- 1 Title**
These rules are the High Court Amendment Rules (No 2) 2014.
- 2 Commencement**
These rules come into force on 1 January 2015.
- 3 Principal rules**
These rules amend the High Court Rules set out in Schedule 2 of the Judicature Act 1908 (the **principal rules**).
- 4 Rule 7.1AA amended (Outline of case management procedures for different types of proceedings)**
Replace rule 7.1AA(5) with:
“(5) A proceeding under Part 30 may be subject to case management under rule 7.17.”
- 5 Rule 7.1 amended (Proceedings subject of case management)**
- (1) After rule 7.1(1)(b), insert:
“(c) a proceeding under Part 30.”
 - (2) In rule 7.1(5)(g), after “list”, insert “; or”.
 - (3) After rule 7.1(5)(g), insert:
“(h) a proceeding under Part 30.”

6 Rule 7.2 amended (Case management conferences generally)

In rule 7.2(2), replace “convened” with “held”.

7 New rule 7.17 inserted (Case management conferences for proceedings under Part 30)

After rule 7.16, insert:

“7.17 Case management conferences for proceedings under Part 30

- “(1) A Registrar must convene a case management conference for a proceeding under Part 30 if a Judge makes a direction that a case management conference be held.
- “(2) The Registrar must arrange for the conference management conference to be held as soon as practicable after the direction is made.
- “(3) The plaintiff must, as soon as practicable after being notified of the date of the case management conference, give notice of that date to everyone who has been, or is to be, served with a copy of the notice of proceeding and statement of claim.
- “(4) The parties must, not later than 2 working days before the case management conference,—
- “(a) file a joint memorandum; or
- “(b) each file a memorandum.
- “(5) A memorandum must address the issues set out in Schedule 10.
- “(6) At a case management conference, the Judge holding the conference will make orders and give directions relating to the proceeding.”

8 Rule 19.2 amended (Applications under certain enactments)

After rule 19.2(x), insert:

“(xa) section 14 or 31 of the Wills Act 2007:”.

9 Schedule 1 amended

- (1) In Schedule 1, form B 1, paragraph 2, replace “within the district of this court” with “, which is nearest by the most practicable route to the registry of this court”.

- (2) In Schedule 1, form B 14, paragraph 8(b), replace “Part 18” with “Part 19”.

10 New Schedule 10 inserted

After Schedule 9, insert the Schedule 10 set out in the Schedule of these rules.

Schedule

r 10

New Schedule 10 inserted

Schedule 10

r 7.17

Issues to be addressed at case management conference in proceedings under Part 30

- 1 The date for filing the statement of defence.
- 2 Any orders necessary relating to the production of the relevant records of the decision maker.
- 3 Categorisation of the proceeding for the purposes of rule 14.3.
- 4 Whether the Attorney-General or any other parties should be served.
- 5 Whether any application for interim relief is to be made.
- 6 Whether any other interlocutory applications are contemplated.
- 7 The estimated duration of the hearing.
- 8 Any dates on which the parties are unavailable for a fixture.
- 9 Proposed dates for filing and serving evidence.
- 10 Proposed date for filing and serving common bundle of documents.
- 11 Proposed dates for filing and serving submissions.
- 12 Any other matters relevant to the proceeding.

Michael Webster,
Clerk of the Executive Council.

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 2015, amend the High Court Rules (the **principal rules**) by inserting a new procedure that provides for case management of proceedings under Part 30 of the principal rules (an application for judicial review and an application for an extraordinary remedy) if a Judge directs. This procedure is intended to supplement the procedure for case management set out in section 10 of the Judicature Amendment Act 1972. *Clause 8* amends rule 19.2 of the principal rules by including applications to the High Court under section 14 or 31 of the Wills Act 2007 to the list of applications to be made by originating application. *Clause 9* corrects errors in 2 forms in Schedule 1 of the principal rules.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 20 November 2014.

These rules are administered by the Ministry of Justice.
