



District Courts Amendment Rules 2015

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 25th day of May 2015

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 122 of the District Courts Act 1947, Her Excellency the Administrator of the Government, 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 other 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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Schedule
Schedule 5 replaced

3

Rules

1 Title

These rules are the District Courts Amendment Rules 2015.

2 Commencement

These rules come into force on 1 July 2015.

3 Principal rules

These rules amend the District Courts Rules 2014 (the **principal rules**).

4 Rule 6.6 amended (Service by means of post office box, document exchange, fax, or email)

- (1) In rule 6.6(1)(a)(i), replace “third” with “fifth”.
- (2) In rule 6.6(7)(a), replace “sixth” with “eighth”.

5 Rule 7.2 amended (First case management conference)

After rule 7.2(6), insert:

- (7) Any memorandum under this subpart may be filed by fax or email transmission.

6 Rule 9.54 amended (Service of documents on applicant)

In rule 9.54(2)(a), replace “sixth” with “eighth”.

7 Rule 9.75 amended (Authority to take affidavits in New Zealand)

In rule 9.75(4), definition of **Registrar**, insert before paragraph (a):

- (aa) a Registrar of the High Court:

8 Rule 15.7 amended (Liquidated demand)

After rule 15.7(5)(a), insert:

- (ab) is quantified in, or can be precisely calculated on the basis of, or by reference to, an enactment relied on by the plaintiff; or

9 Rule 16.6 amended (Account-taker)

In rule 16.6(2), replace “chartered accountant in public practice who is a member of the New Zealand Institute of Chartered Accountants” with “qualified statutory accountant (within the meaning of section 5(1) of the Financial Reporting Act 2013)”.

10 Schedule 2 amended

- (1) In Schedule 2, form 96, replace “*form 19*” with “*form 91*”.
- (2) In Schedule 2, form 97, replace “*form 19*” with “*form 91*”.
- (3) In Schedule 2, form 106, replace “15 working days” with “10 working days” in each place.

11 Schedule 4 amended

In Schedule 4, replace item 24A with:

24A	Preparation of written submissions	0.5	1.5	3.0
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12 Schedule 5 replaced

Replace Schedule 5 with the Schedule 5 set out in the Schedule.

Schedule Schedule 5 replaced

r 12

Schedule 5 Appropriate daily recovery rates

r 14.4

Note: The following are the appropriate daily recovery rates for the categories of the proceedings referred to in rule 14.3.

Category of proceedings referred to in rule 14.3	Appropriate daily recovery rate
Category 1 proceedings	\$1,180 per day
Category 2 proceedings	\$1,780 per day
Category 3 proceedings	\$2,640 per day

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 July 2015, amend the District Courts Rules 2014 (the **principal rules**). Rules 6.6 and 9.54 of the principal rules are amended to add an additional 2 days to the periods after which certain documents served by ordinary post are treated as having been served. The amendment to rule 7.2 of the principal rules clarifies that memoranda related to case management may be filed by fax or email transmission. Rule 9.75 is amended to enable an affidavit to be sworn before a Registrar of the High Court.

The rules also amend rule 15.7 of the principal rules to include in the definition of liquidated demand a demand that is quantified in, or can be precisely calculated on the basis of, or by reference to, an enactment relied on by the plaintiff. This change will enable plaintiffs to obtain a judgment by default for such claims, if those claims are not defended (which was the position under the District Courts Rules 2009), rather than having to proceed by way of formal proof.

The reference in rule 16.6 of the principal rules to a chartered accountant who is a member of the New Zealand Institute of Chartered Accountants is replaced with a reference to a qualified statutory accountant (within the meaning of section 5(1) of the Financial Reporting Act 2013).

These rules also correct errors in 3 forms in Schedule 2 of the principal rules and an error in the time allocations provided in item 24A of Schedule 4 of the principal rules (which relates to costs).

Finally, these rules replace Schedule 5 of the principal rules (which relate to appropriate daily rates of recovery) to increase those rates to take account of changes in the New Zealand Producers Price Index since those rates were last adjusted in 2012.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 28 May 2015.

These rules are administered by the Ministry of Justice.