



## Residential Tenancies Amendment Rules 2016

Jerry Mateparae, Governor-General

### Order in Council

At Wellington this 20th day of June 2016

Present:

His Excellency the Governor-General in Council

These rules are made under section 116 of the Residential Tenancies Act 1986 on the advice and with the consent of the Executive Council.

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## Rules

### 1 Title

These rules are the Residential Tenancies Amendment Rules 2016.

### 2 Commencement

These rules come into force on 1 July 2016.

### 3 Principal rules

These rules amend the Residential Tenancies Rules 2010 (the **principal rules**).

### 4 Rule 3 amended (Interpretation)

In rule 3, replace the definition of **authorised delegate** with:

**authorised delegate** means a delegate of the chief executive who is authorised to act for the chief executive in respect of proceedings before the Tribunal

### 5 New rule 3A inserted (Transitional, savings, and related provisions)

After rule 3, insert:

#### 3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

### 6 Rule 5 replaced (Records in office of Tribunal)

Replace rule 5 with:

#### 5 Chief executive's duty to keep records of applications, etc

- (1) The chief executive must keep a record of all applications filed in an office of the Tribunal, or by electronic means, under section 86(1) of the Act.
- (2) All applications and related papers and other related documents must be kept in the way (including by electronic means) approved by the chief executive, who is to be responsible for ensuring their safe custody.
- (3) Subclause (2) does not apply to any records or papers to which section 74(1) of the Act applies.

### 7 Rule 6 replaced (Keeping and transmission of documents)

Replace rule 6 with:

#### 6 Electronic documents

- (1) Any electronic means approved by the chief executive, or by the chief executive of the Ministry of Justice, for the keeping of documents must, subject to any appropriate restrictions on access, permit the documents to be readily—
  - (a) inspected or reproduced in usable form; and

- (b) accessed by electronic means.
- (2) Sealed orders and other sealed documents may be created, and made available, by any electronic means approved by the chief executive or by the chief executive of the Ministry of Justice.
- (3) An electronic document that falls within 1 or more of the following paragraphs is to be regarded as an original document:
  - (a) a document that is, or is included with, an application filed or made by electronic means:
  - (b) a document kept by any electronic means approved by the chief executive or by the chief executive of the Ministry of Justice:
  - (c) a document that is transmitted electronically to or from, or that is otherwise made available electronically to or by, an authorised delegate, an office of the Tribunal, or a Registrar:
  - (d) a sealed order or other sealed document created or made available under subclause (2).
- (4) A printed version of an electronic document that falls within any of paragraphs (a) to (d) of subclause (3) is to be regarded as an original document if the printed version is produced directly from the electronic document.
- (5) The Tribunal or a court may rule that subclause (3) or (4) is not to apply to a particular document.

## **8 Rule 7 amended (Sealing of Tenancy Mediator's order)**

- (1) Revoke rule 7(1).
- (2) In rule 7(2), after “sealed”, insert “under section 88 of the Act”.
- (3) Revoke rule 7(2)(c).
- (4) Revoke rule 7(4).
- (5) Replace rule 7(5) to (7) with:
  - (5) If a Tenancy Adjudicator seals an order of a Tenancy Mediator under section 88 of the Act, an authorised delegate must arrange for a sealed copy of the order to be made available to each party.
  - (6) If a Tenancy Adjudicator declines to seal an order of a Tenancy Mediator under section 88 of the Act, an authorised delegate must arrange for each party to be informed of that decision and the reasons for it (including whether the Tenancy Adjudicator has directed that the matter be reconsidered and determined by the Tribunal).

## **9 New Schedule 1 inserted**

Insert the Schedule 1 set out in the Schedule of these rules as the first schedule after the last rule of the principal rules.

**Schedule**  
**New Schedule 1 inserted**

r 9

**Schedule 1**  
**Transitional, savings, and related provisions**

r 3A

**Part 1**  
**Provision relating to Residential Tenancies Amendment Rules 2016**

- 1 Transitional provision relating to revocation of rule 7(1) (time limit for filing of Tenancy Mediator's order for sealing)**
- (1) Subclause (2) applies to a settlement order if the relevant date falls before 1 January 2016.
- (2) No application may be made by the Tenancy Mediator or a party under any arrangements made by the chief executives for the purposes of section 88(5) of the Act.
- (3) Subclause (4) applies to a settlement order if the relevant date falls on or after 1 January 2016 but before 1 July 2016.
- (4) Any application by the Tenancy Mediator or a party under any arrangements made by the chief executives for the purposes of section 88(5) of the Act must be made within 6 months from the relevant date.
- (5) In this clause,—
- chief executives** means the chief executive and the chief executive of the Ministry of Justice
- relevant date**, in relation to a settlement order, means—
- (a) the date on which the order is made; or
- (b) if the order is a conditional order, the date on which the order becomes a final order
- settlement order** means an order of a Tenancy Mediator to give effect to an agreed settlement.

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 2016, amend the Residential Tenancies Rules 2010 (the **principal rules**). The principal rules are made under the Residential Tenancies Act 1986 and apply in relation to proceedings before the Tenancy Tribunal under that Act.

*Rule 4* replaces the definition of authorised delegate in rule 3 of the principal rules.

*Rule 5* inserts *new rule 3A* into the principal rules. *New rule 3A* introduces *new Schedule 1* of the principal rules, which contains a transitional provision (see the note on *rule 9* and the *Schedule* below).

*Rule 6* replaces rule 5 of the principal rules. *New rule 5* relates to the keeping of records.

*Rule 7* replaces rule 6 of the principal rules. *New rule 6* relates to electronic documents.

*Rule 8* amends rule 7 of the principal rules, which relates to the sealing of orders of Tenancy Mediators under section 88 of the Residential Tenancies Act 1986.

*Rule 9* and the *Schedule* insert *new Schedule 1* into the principal rules. *New Schedule 1* contains a transitional provision relating to the revocation of rule 7(1) of the principal rules by *rule 8(1)*.

Issued under the authority of the Legislation Act 2012.

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These rules are administered by the Ministry of Business, Innovation, and Employment.