



District Court Amendment Rules 2019

Patsy Reddy, Governor-General

Order in Council

At Wellington this 1st day of July 2019

Present:

The Right Hon Jacinda Ardern presiding in Council

These rules are made under section 228 of the District Court Act 2016—

- (a) on the advice and with the consent of the Executive Council; and
- (b) with the concurrence of the Chief District Court Judge and at least 2 other members of the Rules Committee continued under section 155 of the Senior Courts Act 2016 (of whom at least 1 was a District Court Judge).

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Rules

1 Title

These rules are the District Court Amendment Rules 2019.

2 Commencement

These rules come into force on 1 August 2019.

3 Principal rules

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

4 Rule 20.88 amended (Opposition to application for adjudicator's determination to be enforced)

In rule 20.88(1), replace "15" with "5".

5 Schedule 2 amended

In Schedule 2, replace form 18 with the form 18 set out in Schedule 1 of these rules.

6 Schedule 5 replaced

Replace Schedule 5 with the Schedule 5 set out in Schedule 2 of these rules.

Schedule 1
Form 18 of Schedule 2 replaced

r 5

Form 18
Interlocutory application without notice

rr 7.12(4), 7.16(1)

To the Registrar of the District Court at *[place]*

This document notifies you that—

1 The applicant, *[name, place of residence, occupation]*, applies for an order/orders* *[specify orders sought, numbering them if more than 1]*.

*Select one.

2 The grounds on which each order is sought are as follows: *[specify concisely the grounds on which each order is sought]*/set out in the accompanying memorandum*.

*Select one.

3 The application is made in reliance on *[specify any particular provision of an enactment, principle of law, or judicial decision relied on]*.

4 The application is made without notice to any other party on the following ground(s):*

(a) that requiring the applicant to proceed on notice would cause undue delay or prejudice to the applicant:

(b) that the application affects only the applicant:

(c) that the application relates to a routine matter:

(d) that an enactment expressly permits the application to be made without serving notice of the application:

(e) that the interests of justice require the application to be determined without serving notice of the application.

*Select the ground or grounds that are applicable. At least one of the grounds must apply.

5 I certify that—

(a) the grounds set out in paragraph 4 on which the application relies are made out; and

(b) all reasonable inquiries and all reasonable steps have been made or taken to ensure that the application contains all relevant information, including any opposition or defence that might be relied on by any other party, or any facts that would support the position of any other party.

Date:

Signature:

(applicant *or* solicitor/counsel* for applicant)

Phone number:

(applicant *or* solicitor/counsel* for applicant)

*Select one.

Schedule 2 Schedule 5 replaced

r 6

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	\$1,270 per day
Category 2 proceedings	\$1,910 per day
Category 3 proceedings	\$2,820 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 August 2019, amend the District Court Rules 2014 (the **principal rules**) as follows:

- rule 20.88 is amended to reduce the period within which a defendant opposing enforcement of an adjudicator's determination under section 74 of the Construction Contracts Act 2002 must file an application. The period is reduced from 15 working days to 5 working days. The amendment is consequential on the same amendment to section 74(1) of the Construction Contracts Act 2002. That amendment was made by section 51(1) of the Construction Contracts Amendment Act 2015:
- Schedule 2, form 18 (interlocutory application without notice) is replaced to reflect amendments to rule 7.16 made by rule 9 of the District Court Amend-

ment Rules 2017. The new form 18 aligns with the equivalent form G 32 of Schedule 1 of the High Court Rules 2016:

- Schedule 5 is amended to provide for new daily recovery rates. The daily recovery rate for category 1 proceedings is increased from \$1,180 to \$1,270. The daily recovery rate for category 2 proceedings is increased from \$1,780 to \$1,910. The daily recovery rate for category 3 proceedings is increased from \$2,640 to \$2,820.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 4 July 2019.

These rules are administered by the Ministry of Justice.