



Senior Courts (High Court Commercial Panel) Order 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 7th day of August 2017

Present:

Her Excellency the Governor-General in Council

This order is made under section 19(2) of the Senior Courts Act 2016—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Attorney-General after consultation with the Chief Justice and the Chief High Court Judge.

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Order

1 Title

This order is the Senior Courts (High Court Commercial Panel) Order 2017.

2 Commencement

This order comes into force on 1 September 2017.

3 Interpretation

In this order, unless the context otherwise requires,—

commercial panel means the commercial panel of the High Court established by section 19(1) of the Senior Courts Act 2016

panel Judge means a Judge assigned to the commercial panel by the Chief High Court Judge in accordance with section 19(4) of the Senior Courts Act 2016.

4 Operation of commercial panel commenced

The commencement date for the operation of the commercial panel is 1 September 2017.

5 Types of commercial proceeding to which panel Judge assignable

- (1) The Chief High Court Judge may assign a panel Judge to deal with the following types of commercial proceedings:
 - (a) a commercial dispute between parties engaged in trade or commerce where the value of the claim, counterclaim, or transaction in dispute or at issue is not less than \$2 million;
 - (b) applications under the Arbitration Act 1996 where the sum at issue is not less than \$2 million;
 - (c) appeals from or applications for judicial review of regulatory decisions affecting domestic or international commerce;
 - (d) proceedings brought by public authorities to enforce regulatory standards of commercial behaviour;
 - (e) proceedings involving the amalgamation of companies, mergers, takeovers, or corporate insolvency where the public interest or complexity warrants determination by a panel Judge;
 - (f) claims or disputes arising out of or relating to intellectual property rights;
 - (g) other proceedings of a commercial character that are of sufficient private or public importance to justify consideration by a panel Judge.
- (2) A proceeding that is one of the types of proceedings described in subclause (1) but that does not exhibit a significant commercial element or in which there is no real dispute does not qualify for the assignment of a panel Judge.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 September 2017,—

- commences the operation of the commercial panel of the High Court (the **commercial panel**) on 1 September 2017:
- sets out the types of commercial proceedings that qualify for the Chief High Court Judge to assign, at the Judge’s discretion, a High Court Judge to the commercial panel to deal with the proceeding.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 10 August 2017.

This order is administered by the Ministry of Justice.