



## District Court Amendment Rules 2021

Patsy Reddy, Governor-General

### Order in Council

At Wellington this 19th day of April 2021

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).

### Contents

	Page
1 Title	2
2 Commencement	2
3 Principal rules	2
4 Rule 5.14 amended (Heading on statement of claim and counterclaim)	2
5 Rule 12.2 amended (Judgment when there is no defence or when no cause of action can succeed)	2
6 Rule 19.67 amended (Application for warrant of committal, order imposing fine, or order imposing community work)	2
7 Schedule 2, form 1 amended	3
8 Schedule 2, form 2 amended	3
9 Schedule 2, form 66 amended	4
10 Schedule 2, form 67 amended	5
11 Schedule 2, form 68 amended	6

12	Schedule 2, form 68A amended	6
13	Schedule 2, form 68B amended	6
14	Schedule 4 amended	6

## Rules

### 1 Title

These rules are the District Court Amendment Rules 2021.

### 2 Commencement

- (1) Except for rule 4, these rules come into force on 20 May 2021.
- (2) Rule 4 comes into force on 1 April 2022.

### 3 Principal rules

These rules amend the District Court Rules 2014.

### 4 Rule 5.14 amended (Heading on statement of claim and counterclaim)

In rule 5.14(1)(b), replace “filed:” with “filed, in both English and te reo Māori (*see* forms 1 and 2 in Schedule 2, which set out the name, in both languages, of each registry of the court):”.

### 5 Rule 12.2 amended (Judgment when there is no defence or when no cause of action can succeed)

In rule 12.2(1), replace “a particular cause of action” with “a particular part of any such cause of action”.

### 6 Rule 19.67 amended (Application for warrant of committal, order imposing fine, or order imposing community work)

Replace rule 19.67(1) with:

- (1) This rule applies to a court order (as defined in subpart 4 of Part 2 of the Contempt of Court Act 2019) or an undertaking given to the court that is enforceable under subpart 4 of Part 2 of that Act by a warrant for committal, an order imposing a fine, or an order imposing community work.
- (1A) If the respondent fails to comply with a court order,—
  - (a) a Registrar, at the request of the applicant, must issue a notice in form 66 not less than 2 working days after the date of service of the endorsed copy of the order, unless the Judge gives leave for the notice to be issued sooner; and
  - (b) the notice must be served on the respondent in the manner required under rule 6.11 (personal service).
- (1B) If the respondent fails to comply with an undertaking given to the court,—

- (a) a Registrar, at the request of the applicant, must issue a notice in form 66; and
- (b) the notice must be served on the respondent in the manner required under rule 6.11 (personal service).

## 7 Schedule 2, form 1 amended

In Schedule 2, form 1, before “*Information for defendant(s)*”, insert:

### Note

#### *Names of registries*

#### **Name of registry in English/Name of registry in te reo Māori**

Alexandra/Manuherekia	North Shore/Ōkahukura
Ashburton/Hakatere	Oamaru/Te Oha-a-Maru
Auckland/Tāmaki Makaurau	Ohakune/Ōhakune
Blenheim/Te Waiharakeke	Ōpōtiki/Ōpōtiki
Chatham Islands/Wharekauri	Palmerston North/Te Papaioea
Christchurch/Ōtautahi	Papakura/Papakura
Dannevirke/Tāmaki-nui-a-Rua	Porirua/Porirua
Dargaville/Tākiwira	Pukekohe/Pukekohe
Dunedin/Ōtepoti	Queenstown/Tāhuna
Gisborne/Tūranganui-a-Kiwa	Rotorua/Te Rotorua-nui-a-Kahumatamomoe
Gore/Maruawai	Ruatoria/Ruatōrea
Greymouth/Māwhera	Taihape/Taihape
Hamilton/Kirikiri	Taumarunui/Taumarunui
Hastings/Heretaunga	Taupō/Taupō-nui-a-Tia
Hāwera/Hāwera	Tauranga/Tauranga Moana
Huntly/Rāhui Pōkeka	Te Awamutu/Te Awamutu
Hutt Valley/Te Awakairangi	Te Kuiti/Te Kūiti
Invercargill/Waihōpai	Thames/Pārāwai
Kaikohe/Kaikohe	Timaru/Te Tihi-o-Maru
Kaikōura/Kaikōura	Tokoroa/Tokoroa
Kaitaia/Kaitaia	Waihi/Waihi
Levin/Taitoko	Waipukurau/Waipukurau
Manukau/Manukau	Wairoa/Te Wairoa
Marton/Tūtaenui	Waitākere/Waitākere
Masterton/Whakaoriori	Wellington/Te Whanganui-a-Tara
Morrinsville/Morenawhira	Westport/Kawatiri
Napier/Ahuriri	Whakatāne/Whakatāne
Nelson/Whakatū	Whanganui/Whanganui
New Plymouth/Ngāmotu	Whangārei/Whangārei-terenga-parāoa

## 8 Schedule 2, form 2 amended

In Schedule 2, form 2, after “(counterclaim defendant)”, insert:

**Note***Names of registries***Name of registry in English/Name of registry in te reo Māori**

Alexandra/Manuherehia	North Shore/Ōkahukura
Ashburton/Hakatere	Oamaru/Te Oha-a-Maru
Auckland/Tāmaki Makaurau	Ohakune/Ōhakune
Blenheim/Te Waiharakeke	Ōpōtiki/Ōpōtiki
Chatham Islands/Wharekauri	Palmerston North/Te Papaioea
Christchurch/Ōtautahi	Papakura/Papakura
Dannevirke/Tāmaki-nui-a-Rua	Porirua/Porirua
Dargaville/Tākiwira	Pukekohe/Pukekohe
Dunedin/Ōtepoti	Queenstown/Tāhuna
Gisborne/Tūranganui-a-Kiwa	Rotorua/Te Rotorua-nui-a-Kahumatamomoe
Gore/Maruawai	Ruatoria/Ruatōrea
Greymouth/Māwhera	Taihape/Taihape
Hamilton/Kirikiri	Taumarunui/Taumarunui
Hastings/Heretaunga	Taupō/Taupō-nui-a-Tia
Hāwera/Hāwera	Tauranga/Tauranga Moana
Huntly/Rāhui Pōkeka	Te Awamutu/Te Awamutu
Hutt Valley/Te Awakairangi	Te Kuiti/Te Kūiti
Invercargill/Waihōpai	Thames/Pārāwai
Kaikohe/Kaikohe	Timaru/Te Tihi-o-Maru
Kaikōura/Kaikōura	Tokoroa/Tokoroa
Kaitaia/Kaitaia	Waihi/Waihī
Levin/Taitoko	Waipukurau/Waipukurau
Manukau/Manukau	Wairoa/Te Wairoa
Marton/Tūtaenui	Waitākere/Waitākere
Masterton/Whakaoriori	Wellington/Te Whanganui-a-Tara
Morrinsville/Morenawhira	Westport/Kawatiri
Napier/Ahuriri	Whakatāne/Whakatāne
Nelson/Whakatū	Whanganui/Whanganui
New Plymouth/Ngāmotu	Whangārei/Whangārei-terenga-parāoa

**9 Schedule 2, form 66 amended**

- (1) In Schedule 2, form 66,—
  - (a) in the form heading, replace “r 19.67(1)” with “r 19.67(1A), (1B)”; and
  - (b) in Statement A, replace “having disobeyed” with “failing to comply with”; and
  - (c) in Statement B, replace “not obeying” with “failing to comply with”.
- (2) In Schedule 2, form 66, after Statement B, insert:

*Statement C*

The plaintiff/defendant\* will on *[date, time]* apply to this court for an order under subpart 4 of Part 2 of the Contempt of Court Act 2019 for you to be fined, ordered to do community work, or committed to prison for failing to comply with an undertaking given on *[date]* under which you undertook to *[specify terms of undertaking]*.

\*Select one.

**10 Schedule 2, form 67 amended**

(1) In Schedule 2, form 67, in the form heading, after “court order”, insert “or undertaking”.

(2) In Schedule 2, form 67, replace paragraph 1 with:

1 *For this paragraph, select the statement that applies.*

On *[date]*, this court ordered that *[specify order]*.

**or**

On *[date]*, the respondent undertook to the court *[specify terms of undertaking]*.

(3) In Schedule 2, form 67, replace paragraph 2 with:

2 *For this paragraph, select the statement that applies.*

On the application of *[name of applicant]*, and on hearing *[specify]*/on reading the affidavit of *[name]* showing that a copy of the order endorsed with a notice in form 65 and notice of this application have been severally served on *[persons served]\**, and on *[specify any evidence given]*, the court, on consideration of the facts disclosed by the evidence, has found that *[name]* has failed to comply with the order by *[specify particular matter of non-compliance]* and—

(a) orders that *[name]* be committed to the prison at *[place]* for *[period of time]* for failing to comply with an order of this court; and

(b) orders that a warrant of committal for the arrest of *[name]* be issued immediately.

\*Select one.

**or**

On the application of *[name of applicant]*, and on hearing *[specify]*/on reading the affidavit of *[name]* showing that a copy of this application has been served on the *[persons served]\**, and that *[persons served]* had knowledge or proper notice of the terms of the undertaking, and on *[specify any evidence given]*, the court, on consideration of the facts disclosed by the evidence, has found that *[name]* has failed to comply with an undertaking by *[specify particular matter of non-compliance]* and—

(a) orders that *[name]* be committed to the prison at *[place]* for *[period of time]* for failing to comply with an undertaking; and

- (b) orders that a warrant of committal for the arrest of [name] be issued immediately.

\*Select one.

#### **11 Schedule 2, form 68 amended**

In Schedule 2, form 68, paragraph 1, replace “order of this court” with “order of this court/undertaking\*”.

#### **12 Schedule 2, form 68A amended**

(1) In Schedule 2, form 68A,—

- (a) in the form heading, after “court order”, insert “or undertaking”; and  
(b) in paragraph 1, replace “order of that court” with “order of that court/undertaking\*”.

(2) In Schedule 2, form 68A, after paragraph 1, insert:

\*Select one.

#### **13 Schedule 2, form 68B amended**

(1) In Schedule 2, form 68B,—

- (a) in the form heading, after “court order”, insert “or undertaking”; and  
(b) in paragraph 1, replace “order of the court” with “order of that court/undertaking\*”.

(2) In Schedule 2, form 68B, after paragraph 1, insert:

\*Select one.

#### **14 Schedule 4 amended**

In Schedule 4, table, replace item 23 with:

23 Case management (as for ordinary 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 20 May 2021 (except rule 4, which comes into force on 1 April 2022), amend the District Court Rules 2014 as follows:

- rule 5.14 is amended to require that documents filed in proceedings include the registry name in both English and te reo Māori:

- rule 12.2(1) is amended to allow summary judgment to be granted on part of a claim. This aligns with the position in rule 12.2 of the High Court Rules 2016:
- rule 19.67 is amended to enable a warrant for committal, an order imposing a fine, or an order imposing community work to be made for breach of an undertaking as well as a judgment or an order. Provision for enforcement of an undertaking given to the court was inadvertently omitted when the rule was amended to give effect to the Contempt of Court Act 2019. While a person must have knowledge or proper notice of the terms of the undertaking being enforced, prior service of an endorsed copy of an undertaking is not required, as it is for a judgment or an order:
- forms 1 and 2 in Schedule 2 are amended to include the names of the District Court registries in both English and te reo Māori:
- various forms in Schedule 2 are amended to provide for the enforcement of undertakings as well as court orders under section 16 of the Contempt of Court Act 2019:
- Schedule 4 is amended to provide for awards of costs for case management on appeals to the District Court as for ordinary proceedings. This aligns with the position for awards of costs for case management on appeals to the High Court.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 22 April 2021.

These rules are administered by the Ministry of Justice.