



High Court Amendment Rules 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 19th day of April 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 51C of the Judicature Act 1908, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice 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 Judge of the High Court), makes the following rules.

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Schedule 2

3

Dates on which steps taken for purposes of rule 5(3)

Rules**1 Title**

These rules are the High Court Amendment Rules 2010.

2 Commencement

These rules come into force on 24 May 2010.

3 Principal rules amended

These rules amend the High Court Rules set out in Schedule 2 of the Judicature Act 1908.

4 New Schedule 2 substituted

Schedule 2 of the High Court Rules is revoked and the Schedule 2 set out in Schedule 1 of these rules substituted.

5 Transitional provision

- (1) Costs in a proceeding commenced after the coming into force of these rules must be determined in accordance with the High Court Rules as amended by these rules.
 - (2) Costs in a proceeding commenced before the coming into force of these rules must be determined,—
 - (a) in the case of a step in the proceeding taken before the coming into force of these rules, in accordance with the High Court Rules as in force immediately before the coming into force of these rules;
 - (b) in the case of a step in the proceeding taken after the coming into force of these rules, in accordance with the High Court Rules as amended by these rules.
 - (3) For the purposes of subclause (2), a step in a proceeding described in the first column of Schedule 2 of these rules is taken on the date appearing opposite that step in the second column of that schedule.
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Schedule 1

r 4

New Schedule 2 substituted**Schedule 2**

r 14.4

Appropriate daily recovery rates

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

| Category of proceedings referred to in rule 14.3 | Appropriate daily recovery rate |
|---|--|
| Category 1 proceedings | \$1,250 per day |
| Category 2 proceedings | \$1,880 per day |
| Category 3 proceedings | \$2,780 per day |

Schedule 2

r 5

Dates on which steps taken for purposes of rule 5(3)

| Step in proceeding | Date on which step taken |
|--|--|
| 1 A step that requires the filing of a document or a number of documents | The date on which the document or the first of the documents is filed |
| 2 Appearance in court or in chambers for each day or part of a day | The date of the actual appearance |
| 3 Production of documents for inspection | The date on which the affidavit listing those documents is filed |
| 4 Inspection of documents | The date on which the affidavit listing those documents is filed |
| 5 Preparation for hearing | The first day of the hearing or, if the hearing does not eventuate, the hearing date allocated |

Rebecca Kitteridge,
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 24 May 2010, amend the High Court Rules.

Rule 4 replaces Schedule 2 of the High Court Rules with a new schedule. Schedule 2 facilitates the making of costs awards by setting daily recovery rates for different categories of proceedings. Under the High Court Rules, awards of costs are determined on the basis of applying the appropriate daily recovery rate for the particular category of proceeding to the time allocated by Schedule 3 for each step in the proceeding. There are 3 categories. The *new Schedule 2* increases the daily recovery rate for Category 1 proceedings from \$1,070 to \$1,250, for Category 2 proceedings from \$1,600 to \$1,880, and for Category 3 proceedings from \$2,370 to \$2,780.

Rule 5 is a transitional rule relating to the recovery of costs. The rule provides that the changes to costs made by these rules apply to proceedings commenced after these rules take effect. In the case of proceedings commenced before these rules take effect,—

- the previous provisions will apply to steps taken in the proceedings before these rules take effect;
 - the new provisions will apply to steps taken in the proceedings after these rules take effect.
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 22 April 2010.

These rules are administered by the Ministry of Justice.
