



## **District Courts 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 122 of the District Courts Act 1947, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and with the concurrence of the Chief District Court Judge and at least 2 members of the Rules Committee established under section 51B of the Judicature Act 1908 (of whom at least 1 was a District Court Judge), makes the following rules.

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**Schedule 2**

3

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

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**Rules****1 Title**

These rules are the District Courts Amendment Rules 2010.

**2 Commencement**

These rules come into force on 24 May 2010.

**3 Principal rules amended**

These rules amend the District Courts Rules 2009.

**4 New Schedule 2 substituted**

Schedule 2 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 principal 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 principal 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 principal 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.
- (4) For the purposes of rule 17.2.2 of the principal rules, these rules apply to proceedings commenced before the commence-

ment of the principal rules and pending or in progress on the commencement of these rules as if—

- (a) the references to Schedule 2 in rule 4 and in Schedule 1 of these rules referred to Schedule 2 of the District Courts Rules 1992 (as in force immediately before their revocation); and
- (b) the references in subclause (2) of this rule to the principal rules referred to the District Courts Rules 1992; and
- (c) the references in Schedule 1 of these rules to rule 4.3 referred to rule 47 of the District Courts Rules 1992.

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### Schedule 1

r 4

#### New Schedule 2 substituted

### Schedule 2

r 4.4

#### Appropriate daily recovery rates

**Note:** The following are the appropriate daily recovery rates for the categories of proceedings referred to in rule 4.3.

<b>Category of proceedings referred to in rule 4.3</b>	<b>Appropriate daily recovery rate</b>
Category 1 proceedings	\$1,000 per day
Category 2 proceedings	\$1,500 per day
Category 3 proceedings	\$2,220 per day

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### Schedule 2

r 5

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

<b>Step in proceeding</b>	<b>Date on which step taken</b>
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

<b>Step in proceeding</b>	<b>Date on which step taken</b>
3 Production of documents for inspection	The date on which the list of those documents is filed
4 Inspection of documents	The date on which the list of those documents is filed
5 Preparation for hearing	The first day of the hearing or, if the hearing does not eventuate, the date set down for hearing

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### **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 District Courts Rules 2009.

*Rule 4* replaces Schedule 2 of the District Courts Rules 2009 with a new schedule. Schedule 2 facilitates the making of costs awards by setting daily recovery rates for different categories of proceeding. Under the District Courts Rules 2009, 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 \$860 to \$1,000, for Category 2 proceedings from \$1,280 to \$1,500, and for Category 3 proceedings from \$1,900 to \$2,220.

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2010/89

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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.

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