



District Courts Amendment Rules 2005

Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 9th day of May 2005

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 122 of the District Courts Act 1947, Her Excellency the Administrator of the Government, 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 is a District Court Judge), makes the following rules.

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Rules

1 Title

- (1) These rules are the District Courts Amendment Rules 2005.
- (2) In these rules, the District Courts Rules 1992¹ are called “the principal rules”.

¹ SR 1992/109

2 Commencement

These rules come into force on 23 May 2005.

3 Liquidated demand

- (1) Rule 463 of the principal rules is amended by revoking paragraph (b), and substituting the following paragraph:

“(b) costs and disbursements of an amount fixed by the Registrar.”

- (2) Rule 463 of the principal rules is amended by adding, as subclauses (2) and (3), the following subclauses:

“(2) If the plaintiff claims costs and disbursements, the plaintiff must file a memorandum setting out the amount claimed and how that amount is calculated, together with any submissions in support of the claim.

“(3) Every Registrar has the jurisdiction and powers of the Court under these rules to fix costs and disbursements under subclause (1)(b).”

Compare: High Court Rules, r 460(1)(b), (2), (3)

4 Notice of proceeding (general)

Form 4 of Schedule 1 of the principal rules is amended by omitting the words “The plaintiff claims the sum of \$ for costs of and incidental to issuing this proceeding.”

Martin Bell,
Acting for 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 effect on 23 May 2005, amend the District Courts Rules 1992 (“the principal rules”).

Rule 3 amends rule 463 of the principal rules, which relates to cases where a defendant does not respond in time to a plaintiff’s liquidated demand. The existing rule entitles the plaintiff to obtain judgment together with costs. On 1 February 2005, the system for awarding costs in the High Court became operational in District Courts. The

new system depends on assessments of the complexity of the proceeding and the time reasonably required for the work done. These assessments must be undertaken by District Court Judges. However, in the High Court, Registrars may award costs when default judgments for liquidated demands are obtained. The amendment to rule 463 of the principal rules similarly empowers District Court Registrars to award costs in those cases.

Rule 4 amends a form consequential on the amendment in *rule 3*.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 12 May 2005.

These rules are administered in the Ministry of Justice.
