



# High Court Amendment Rules (No 2) 2003

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 1st day of December 2003

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 51C of the Judicature Act 1908, Her 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 (of whom at least 1 was a Judge of the High Court), makes the following rules.

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### Rules

#### **1 Title**

- (1) These rules are the High Court Amendment Rules (No 2) 2003.

- (2) In these rules, the High Court Rules from time to time set out in the Second Schedule of the Judicature Act 1908 are called the “High Court Rules”.

## **2 Commencement**

These rules come into force on 1 January 2004.

## **3 New Schedule 2 substituted**

The High Court Rules are amended by revoking the Second Schedule, and substituting Schedule 2 set out in Schedule 1 of these rules.

## **4 Transitional provision relating to application of new Schedule 2 of High Court Rules**

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

### New Schedule 2 substituted in High Court Rules

r 48A

## Schedule 2

### Appropriate daily recovery rates

*(Note: The following are the appropriate daily recovery rates for the categories of proceedings referred to in rule 48.)*

Category of proceedings referred to in rule 48	Appropriate daily recovery rate
Category 1 proceedings	\$970 per day
Category 2 proceedings	\$1,450 per day
Category 3 proceedings	\$2,150 per day

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r 4

## Schedule 2

### Dates on which steps taken for purposes of rule 4(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 list of documents is filed and served
4 Inspection of documents	The date on which the list of documents is filed and served
5 Preparation for hearing	The first day of the hearing or, if the hearing does not eventuate, the hearing date allocated

Diane Morcom,  
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 amend the High Court Rules. The rules come into force on 1 January 2004.

*Rule 3* replaces the Second Schedule of the High Court Rules with a new *Schedule 2*. *Schedule 2* sets out the daily recovery rates for the

purposes of costs awards. The *new Schedule 2* increases those rates for each of the 3 categories of proceeding. 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 for each step in the proceeding specified in the Third Schedule of the High Court Rules.

*Rule 4* is a transitional rule. The rule provides that the new rates apply to proceedings commenced after the new rates take effect. In the case of proceedings commenced before the new rates take effect,—

- (a) the previous rates will apply to steps taken in the proceedings before the new rates take effect:
  - (b) the new rates will apply to steps taken in the proceedings after the new rates take effect.
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These rules are administered in the Ministry of Justice.

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