



Court of Appeal (List Election Petitions) Amendment Rules 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 1st day of November 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 51C of the Judicature Act 1908 and section 234 of the Electoral Act 1993, 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 (of whom at least 1 was a Judge of the High Court), makes the following rules.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal rules amended	2
4 New rule 4 substituted	2
4 Application of High Court Rules and practice of Court	2

Rules

1 Title

These rules are the Court of Appeal (List Election Petitions) Amendment Rules 2010.

2 Commencement

These rules come into force on 2 December 2010.

3 Principal rules amended

These rules amend the Court of Appeal (List Election Petitions) Rules 1998.

4 New rule 4 substituted

Rule 4 is revoked and the following rule substituted:

“4 Application of High Court Rules and practice of Court

- “(1) The High Court Rules (except the rules referred to in subclause (2)), and the general practice of the Court, apply when these rules apply unless those rules or that practice is modified by or inconsistent with the Act or these rules.
- “(2) The following High Court rules do not apply when these rules apply:
- “(a) rule 1.10 (security):
 - “(b) rule 5.1 (identification of proper registry):
 - “(c) rule 5.22 (notice of proceeding to be filed with statement of claim):
 - “(d) rule 5.23 (requirements as to notice of proceeding):
 - “(e) rule 5.25 (proceeding commenced by filing statement of claim):
 - “(f) rule 5.45 (order for security of costs):
 - “(g) rule 5.47 (filing and service of statement of defence):
 - “(h) rule 5.48 (requirements of statement of defence):
 - “(i) rules 7.12 to 7.18 (allocation of hearing dates and setting down dates):
 - “(j) rule 10.1 (venue and changing it):
 - “(k) rule 10.3 (method of trial):
 - “(l) Part 12 (summary judgment):
 - “(m) Part 15, subpart 4 (discontinuance).”

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.

The High Court Rules made by the Judicature (High Court Rules) Amendment Act 2008 replaced earlier High Court Rules.

Some of those earlier rules, being inappropriate for the conduct of list election petitions, were excluded by the Court of Appeal (List Election Petitions) Rules 1998.

These amending rules do no more than update those exclusions by reference to the current High Court Rules. They come into force on 2 December 2010.

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

Date of notification in *Gazette*: 4 November 2010.

These rules are administered by the Ministry of Justice.
