



Supreme Court Amendment Rules 2022

Cindy Kiro, Governor-General

Order in Council

At Wellington this 7th day of March 2022

Present:

Her Excellency the Governor-General in Council

These rules are made under section 148 of the Senior Courts Act 2016—

- (a) on the advice and with the consent of the Executive Council; and
- (b) with the concurrence of the Right Honourable the Chief Justice and at least 2 other members of the Rules Committee continued under section 155 of that Act (of whom at least 1 was a Judge of the High Court).

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Schedule

New Part 2 inserted into Schedule 1AA

Rules

1 Title

These rules are the Supreme Court Amendment Rules 2022.

2 Commencement

These rules come into force on 7 April 2022.

3 Principal rules

These rules amend the Supreme Court Rules 2004.

4 Rule 8 amended (Heading, point size, and margin)

In rule 8(1)(a), after “Nui”, insert “o Aotearoa”.

5 Rule 10 amended (Filing and service of documents)

After rule 10(1), insert:

(1A) Subclause (1) is subject to rules 35, 35AAA, and 37.

6 Rule 16 amended (Documents required to accompany application for leave to bring civil appeal)

In rule 16(1)(a), (b), (c), and (d), replace “3 copies” with “a copy”.

7 Rule 17 amended (Documents to be supplied where leave sought for appeal under section 237(1) or 253(1) of Criminal Procedure Act 2011)

(1) In rule 17, replace “—” with “an electronic copy of each of—”.

(2) In rule 17(a), (b), and (c), delete “3 copies of”.

8 Rule 18 amended (Documents to be supplied where leave sought under section 229(1) or 244(1) of Criminal Procedure Act 2011 (direct appeal))

- (1) In rule 18, replace “3 copies” with “a copy”.
- (2) In rule 18, insert as subclause (2):
- (2) The copy of the documents may be supplied by that Registrar in paper or electronic form.

9 Rule 19 amended (Documents to be supplied in case of other application for leave for criminal appeal)

- (1) In rule 19(a), (b), (c), and (d), replace “3 copies” with “a copy”.
- (2) In rule 19, insert as subclause (2):
- (2) The Registrar of the court appealed from may supply the material in paper or electronic form.

10 Rule 23 amended (Filing of bundle of authorities)

In rule 23(1) and (2), replace “3 copies” with “a copy”.

11 Rule 35 amended (Filing and form of case on appeal in civil appeals)

- (1) In rule 35(1), replace “6 copies” with “the specified number of court copies”.
- (2) Revoke rule 35(3)(a).
- (3) After rule 35(3), insert:
- (3A) Each volume that is a paper copy must be bound by cloth binding or by a flexi-binding or spiral binding process.
- (4) After rule 35(7), insert:
- (8) In this rule, **specified number of court copies**, in relation to a case on appeal,—
 - (a) if the case on appeal must be filed electronically under rule 35AAA, means 2 paper copies and 1 electronic copy; and
 - (b) otherwise, means 6 paper copies.
- (9) However, the Court may direct that a fewer number of paper copies is required to be filed under this rule in relation to a case on appeal and, if the Court has so directed, the requirement to file paper copies under subclause (1) in relation to the case on appeal is subject to that direction.
- (10) Subclause (1) does not apply in relation to a case on appeal if—
 - (a) the case on appeal is not required to be filed electronically; and
 - (b) the Court has directed that no paper copies are required to be filed.

12 New rule 35AAA inserted (Case on appeal in civil appeals must be filed electronically)

After rule 35, insert:

35AAA Case on appeal in civil appeals must be filed electronically

The case on appeal in a civil appeal must be filed electronically unless the Court directs otherwise.

13 Rule 37 amended (Filing of bundle of authorities)

- (1) In rule 37(1) and (2), replace “6 copies” with “the specified number of court copies”.
- (2) After rule 37(3), insert:
- (4) In this rule, **specified number of court copies**, in relation to an appeal,—
 - (a) if the case on appeal must be filed electronically under rule 35AAA, means 1 paper copy and 1 electronic copy; and
 - (b) otherwise, means 6 paper copies.
- (5) However, the Court may direct that a fewer number of paper copies is required to be filed under subclause (1) or (2) in relation to a matter and, if the Court has so directed, the requirement to file paper copies under that subclause in relation to that matter is subject to that direction.
- (6) A filing requirement in subclause (1) or (2) in relation to a matter does not apply to the party if—
 - (a) the case on appeal is not required to be filed electronically; and
 - (b) the Court has directed that no paper copies are required to be filed by that party in relation to that matter.

14 Rule 38 amended (Appeal abandoned if not pursued)

- (1) In rule 38(1)(b), after “rule 35(1)”, insert “(if that rule applies)”.
- (2) In rule 38(2)(a), after “subclause (1)”, insert “that applies”.

15 Schedule 1AA amended

In Schedule 1AA,—

- (a) insert the Part set out in the Schedule of these rules as the last Part; and
- (b) make all necessary consequential amendments.

16 Schedule 1 amended

- (1) In Schedule 1, forms 1, 2, and 3A, after “**Nui**”, insert “**o Aotearoa**”.
- (2) In Schedule 1, form 1, paragraph below item 5, replace “3 copies” with “a copy”.

Schedule

New Part 2 inserted into Schedule 1AA

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Part 2

Provision relating to Supreme Court Amendment Rules 2022

3 Transitional provision

For the purposes of the amendments made to these rules (the **principal rules**) by the Supreme Court Amendment Rules 2022, clause 2 applies as if—

- (a) **amended rules** means the principal rules as in force immediately after the commencement of the Supreme Court Amendment Rules 2022; and
- (b) **amendment rules** means the Supreme Court Amendment Rules 2022; and
- (c) **specified appeal**—
 - (i) means an application for leave to appeal that is made before the commencement of the Supreme Court Amendment Rules 2022 and that is pending or in progress at the time of the commencement; and
 - (ii) includes an appeal for which leave is granted before the amendment rules commence and that is in progress at the time the Supreme Court Amendment Rules 2022 commence.

Michael Webster,
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 7 April 2022, amend the Supreme Court Rules 2004 (the **principal rules**).

The rules amend the principal rules to—

- correct the Court's te reo Māori name; and
- reduce the number of copies of documents that must be filed under rule 16 or 23 or supplied under any of rules 17 to 19 (in each case, from 3 copies to 1); and
- require documents supplied by the Registrar of the Court of Appeal under rule 17 to be supplied electronically; and

- prescribe new requirements relating to the form of documents to be filed under rules 35 and 37 and the number of paper copies required, and allow for directions to reduce the number of paper copies required.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 10 March 2022.

These rules are administered by the Ministry of Justice.