



THE HIGH COURT AMENDMENT RULES 1984

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 10th day of December
1984

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Judicature Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council and with the concurrence of the Right Honourable the Chief Justice and at least two of the other members of the Rules Committee (of whom at least one was a Judge of the High Court), hereby makes the following rules.

RULES

1. Title and commencement—(1) These rules may be cited as the High Court Amendment Rules 1984, and shall be read together with and deemed part of the Code of Civil Procedure set out in the Second Schedule to the Judicature Act 1908 (hereinafter referred to as the Code).

(2) These rules shall come into force on the 1st day of January 1985.

2. New scale of costs substituted—(1) The Code is hereby amended by revoking Table C in the Third Schedule (as substituted by rule 6 of the High Court Amendment Rules 1977*), and substituting the Table C set out in the Schedule to these rules.

(2) The new Table C substituted by this rule shall apply in respect of any proceedings commenced on or after the date of the coming into force of these rules.

(3) In respect of any proceedings commenced before the date of the coming into force of these rules, the new Table C substituted by this rule shall apply in respect of any step in the proceedings taken on or after that date.

3. Revocations—Rule 6 of, and the Second Schedule to, the High Court Amendment Rules 1977* are hereby consequentially revoked.

*S.R. 1977/330

SCHEDULE

Rule 2

NEW TABLE C IN THE THIRD SCHEDULE TO THE CODE

Table C—Scale of Costs

High Court

Rule 568

	Not exceeding \$20,000	Exceeding \$20,000
	\$	\$
1. Issue and service of writ of summons, inclusive of statement of claim, when only one defendant, and matters preliminary thereto	290	400
2. Filing statement of claim and affidavits under rule 466 when only one defendant ..	290	400
3. Writ of summons under rule 490 when only one defendant	290	400
4. For each additional defendant in cases 1, 2, and 3	60	60
5. On judgment by default without motion ..	110	170
6. On judgment by confession without motion ..	110	170
7. Payment into Court	50	50
8. On a discontinuance or a dismissal of action ..	50	50
9. When an application to enter judgment is necessary in cases 5, 6, 7, and 8; the costs of the application as allowed		
10. Preparing and filing statement of defence and matters preliminary thereto	230	350
11. Preparing for trial for either party in addition to costs under Nos. 1, 2, 3, or 10 (costs of preparing for trial, or a portion of them, may be allowed in addition to Nos. 5, 6, 7, and 8, if necessarily incurred):	690	1,150
Provided that extra costs may be allowed, if certified for, having regard to the importance of the case and the time reasonably spent in preparation, but so that the total fee for preparation shall not exceed three times the amount in the appropriate scale		

SCHEDULE—*continued*NEW TABLE C IN THE THIRD SCHEDULE TO THE CODE—*continued*Table C—*Scale of Costs—continued*High Court—*continued*

	Not exceeding \$20,000	Exceeding \$20,000
12. Trial or hearing of an action: Provided that if the trial is limited to the quantum of damages only, the scale shall, unless the Court otherwise directs, be two- thirds of the amount shown	8 percent	8 percent up to \$20,000 and 3 percent on the excess
13. Motions and other applications in Court not specially provided for, or any proceeding under Chapter II of Part VII as certified for		
14. Originating summonses, as certified for. But the Court may direct that the costs of the parties, or any of them, shall be fixed as in an ordinary action or shall be taxed and paid as between solicitor and client		
15. Extra counsel, if certified for, each per day, not exceeding	350	460
16. Second and each succeeding day of hearing, not exceeding	460	690
17. New trials and rehearings, two-thirds of the rates under Nos. 12, 15, and 16		
18. Charging order nisi	110	110
Charging order absolute without motion	60	60
Charging order absolute on motion	110	110
19. Writs of execution	110	110
20. Writ of sale against land, extra	60	60
21. Conditions of sale, when required; \$60 to \$230 as fixed by the Registrar		
22. Commission or order to examine witnesses in New Zealand	110	110
23. Examination before examiner; as fixed by the Registrar		
24. Order and commission for examination of witnesses out of New Zealand	170	170
25. Interrogatories: application for leave to administer; copies and service; up to \$230, as certified for: Provided that extra costs may be allowed, if certified for, having regard to the special circumstances of the case.		
26. Answers to interrogatories; up to \$230, as certified for: Provided that extra costs may be allowed, if certified for, having regard to the special circumstances of the case.		
27. Affidavit of discovery; up to \$170, as certified for: Provided that extra costs may be allowed, if certified for, having regard to the special circumstances of the case.		

SCHEDULE—*continued*NEW TABLE C IN THE THIRD SCHEDULE TO THE CODE—*continued**Table C—Scale of Costs—continued*

28. Production and inspection of documents: \$170:
 Provided that extra costs may be allowed, if certified for, having regard to the special circumstances of the case.
29. Preparing and settling special cases, as certified for.
30. Argument of special case of question of law stated for the opinion of the Court, or of facts stated by the jury in lieu of verdict, as certified for (including, where necessary, extra counsel in accordance with No. 15).
31. Motions and other applications in Chambers; up to \$460, as certified for.
32. Taking accounts, making inquiries, and other proceedings before the Registrar, as certified for.
33. Appeals from inferior Courts (not otherwise provided for), as certified for.
34. In addition to the foregoing items, all disbursements for—
 (a) Fees of Court:
 (b) Witnesses and interpreters' fees, allowances, and travelling expenses in accordance with the Witnesses and Interpreters' Fees Regulations 1974*:
 (c) Agency charges (including those incurred in preparing for trial) if specially allowed:
 (d) Other necessary payments.
35. The foregoing costs are to be calculated on the amount recovered for the plaintiff if he succeeds, and on the amount claimed in the action if the defendant succeeds. Where relief other than a sum of money is claimed, either alone or in addition to a sum of money, the Court on giving judgment shall determine under what head costs shall be allowed.
 If judgment is entered before trial, without application to the Court, the Registrar shall fix the head.
36. The total cost of an action exclusive of disbursements shall not exceed \$5,750, unless the Court certifies for the whole costs of the action.
37. This Table shall not limit the power of the Court under rule 568 to fix the costs at any amount.
38. Costs may be certified for under this Table by a Judge other than the trial Judge if the trial Judge is, by reason of illness or other incapacity or absence from New Zealand, unable to certify for such costs.

P. G. MILLEN,
 Clerk of the Executive Council.

*S.R. 1974/124
 Amendment No. 1: (Revised by S.R. 1984/268)
 Amendment No. 2: S.R. 1984/268

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 1 January 1985, amend the Code of Civil Procedure by substituting a new and increased scale of costs.

Issued under the authority of the Regulations Act 1936.
 Date of notification in *Gazette*: 13 December 1984.
 These rules are administered in the Department of Justice.