



# High Court Amendment Rules (No 2) 2007

Anand Satyanand, Governor-General

## Order in Council

At Wellington this 23rd day of July 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 51C of the Judicature Act 1908, 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.

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## Rules

### 1 Title

These rules are the High Court Amendment Rules (No 2) 2007.

### 2 Commencement

These rules come into force on 1 August 2007.

### 3 Principal rules amended

These rules amend the High Court Rules set out in Schedule 2 of the Judicature Act 1908.

#### *Amendments consequential on Evidence Act 2006*

### 4 Application by Solicitor-General on letters of request from abroad

Rule 381 is amended by omitting “sections 48 and 48A of the Evidence Act 1908” and substituting “sections 182 to 187 of the Evidence Act 2006”.

### 5 Interpretation

Rule 502A is amended by omitting “Evidence Amendment Act 1994” and substituting “Evidence Act 2006”.

### 6 Leave to serve New Zealand subpoena on witness in Australia

Rule 502C(2)(g) is amended by omitting “section 11 of the Evidence Amendment Act 1994” and substituting “section 160 of the Evidence Act 2006”.

### 7 Service of subpoena on witness in Australia

Rule 502D is amended by omitting “section 7(2) of the Evidence Amendment Act 1994” and substituting “section 156(2) of the Evidence Act 2006”.

**8 Hearing of application**

- (1) Rule 502G(2) is amended by omitting “section 19 of the Evidence Amendment Act 1994” and substituting “section 168 of the Evidence Act 2006”.
- (2) Rule 502G(3) is amended by omitting “Evidence Amendment Act 1994” and substituting “Part 4 of the Evidence Act 2006”.

**9 Failure to comply with subpoena**

Rule 502H is amended by omitting “section 12 of the Evidence Amendment Act 1994” and substituting “section 161 of the Evidence Act 2006”.

**10 Evidence and submissions by video link and telephone conference**

- (1) Rule 502J(1) is amended—
  - (a) by omitting “section 19 of the Evidence Amendment Act 1994” and substituting “section 168 of the Evidence Act 2006”; and
  - (b) by omitting “section 11 of that Act” and substituting “section 160 of that Act”.
- (2) Rule 502J(2) is amended by omitting “section 19(1) of the Evidence Amendment Act 1994” and substituting “section 168(1) of the Evidence Act 2006”.

**11 Schedule 1 amended**

Form 35C in Schedule 1 is amended—

- (a) by omitting “section 11 of the Evidence Amendment Act 1994” and substituting “section 160 of the Evidence Act 2006”; and
- (b) by omitting “Section 11” in each place where it appears and substituting in each case “Section 160”.

Rebecca Kitteridge,  
for 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, which come into force on 1 August 2007, consequentially amend the High Court Rules to reflect the changes made by the Evidence Act 2006.

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

Date of notification in *Gazette*: 26 July 2007.

These rules are administered by the Ministry of Justice.

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