



# High Court Amendment Rules (No 3) 2007

Anand Satyanand, Governor-General

## Order in Council

At Wellington this 15th day of October 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 3) 2007.

### 2 Commencement

These rules come into force on 1 November 2007.

### 3 Principal rules amended

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

### 4 New rule 428 substituted

Rule 428 is revoked and the following rule substituted:

#### “428 Case management and pre-trial conferences for proceedings on standard track

- “(1) Unless the Court otherwise directs, the following provisions apply to the convening of case management conferences for a proceeding on the standard track:
- “(a) a first case management conference must be held within 35 working days after the commencement of the proceeding;
  - “(b) a second case management conference must be held within 75 working days after the commencement of the proceeding;
  - “(c) a pre-trial conference must be held on a date arranged by the Registrar in accordance with subclause (6).
- “(2) Following the commencement of a proceeding on the standard track,—
- “(a) the Registrar must make arrangements for a case management conference to be held in accordance with subclause (1)(a); and
  - “(b) the plaintiff must, as soon as practicable after being notified of the date of the case management conference, give notice of that date to every other party.
- “(3) The Registrar must make arrangements to ensure that, within 25 working days after a proceeding is moved to the standard track from the swift track, a case management conference is held for the proceeding.

- “(4) Unless the Court otherwise directs, the first case management conference that is held for a proceeding must be conducted by telephone or video link.
- “(5) At the second case management conference, the presiding Judge or Associate Judge must—
- “(a) issue directions for the trial; and
- “(b) fix a date for the holding of the pre-trial conference.
- “(6) The date referred to in subclause (5)(b) must be as close as practicable to the date that is 10 working days after the date specified by these rules or directed by the Court for service of the first written statements of evidence proposed to be called at the trial.
- “(7) The Registrar must—
- “(a) make arrangements for the pre-trial conference to be held; and
- “(b) at least 10 working days before the date fixed for the pre-trial conference, remind the parties or their counsel of that date.
- “(8) At the pre-trial conference the parties must be prepared to discuss with the presiding Judge the matters listed in Schedule 7.
- “(9) Counsel must file and serve 2 working days before the pre-trial conference a memorandum which addresses each of the items in Schedule 7, or, alternatively, a joint memorandum.”

## **5 New Schedule 7 added**

The Schedule 7 set out in the Schedule of these regulations is added.

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### **Schedule New Schedule 7 added**

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### **Schedule 7 Matters for consideration at pre-trial conference for proceedings on standard track**

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The agenda for each pre-trial conference must include—

- (a) a review of timetable compliance; and
- (b) a review of the time required for the hearing; and

**Schedule 7**—*continued*

- (c) agreement on relevant facts not in dispute; and
- (d) identification of the issues requiring resolution at trial; and
- (e) openings to include—
  - (i) a summary of the plaintiff’s or the defendant’s claim;
  - (ii) chronology;
  - (iii) an issues statement;
  - (iv) a summary of legal principles with reference to directly relevant authorities; and
- (f) a bundle of documents; and
- (g) any other issues raised by a party that should be dealt with before the trial.

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. They come into force on 1 November 2007.

They regulate the procedure for case management and pre-trial conferences for proceedings on the standard track.

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

Date of notification in *Gazette*: 18 October 2007.

These rules are administered by the Ministry of Justice.

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