



New District Court Rules

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Written by Nick Gillies and Michael O'Brien

Over the past few months the Rules Committee has been considering a total revamp of the District Court Rules (DCRs). At the same time, Parliament has been considering the Judicature Modernisation Bill – which, if passed, will make significant structural changes to the court system.

The new DCRs have already been approved – as of the Rule Committee's meeting on 10 February 2014: [click here](#) However, these will not take effect until the 28th day following their notification in the NZ Gazette, which we understand will not be until the Judicature Modernisation Bill has passed (which may be in the next six months or so).

In any event, we note the following key features in what will be the new DCRs:

1. The civil jurisdiction of the District Court will be increased from \$200,000 to \$350,000.
2. Neither the new DCRs nor the Judicature Modernisation Bill say anything about increasing the limit of the Disputes Tribunal (which is currently for claims up to a maximum of \$15,000) – as such, it appears the District Court will have a very broad civil jurisdiction.
3. Proceedings can be transferred to the High Court (upon application by a party) where it is desirable that they be heard in that Court.
4. The notice of claim/information capsule procedure will be scrapped and replaced by statements of claim/defence etc.
5. The DCRs will align with the High Court Rules except where there are substantive differences in procedure. As an example, instead of providing initial disclosure when filing its first document, a party will be required to provide a list of documents at that time (the documents themselves will need to be provided within 5 working days of a request being made).
6. A CMC will be convened 20-25 days following the filing of statements of defence.
7. Short and simplified trials will be available (as per the current rules), as will judicial settlement conferences. If a JSC is unsuccessful, a second telephone conference will be held and the matter will proceed to a full trial unless a simplified trial still works.
8. Summary judgment will be available at the outset and can be applied for up to 10 days after the statement of defence is filed without leave.

We will provide a further update once it is known when the new DCRs will take effect.