



THE RULES COMMITTEE

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COMPANY REPRESENTATION: REQUEST FOR COMMENTS

Date of issue: 6 July 2011

Date comments due: 3 August 2011

Address for submissions: Clerk to the Rules Committee
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The Rules Committees seeks informal comments and suggestions on the issue of whether the representation of companies in court proceedings should be governed by procedural rules, as well as what directions those rules should take.

New Zealand is now one of the few Common Law jurisdictions that has not legislated on this matter. At present, the matter is governed by *Re G J Mannix Limited* [1984] 1 NZLR 309 which prevents a company being represented in court except by a lawyer. However, courts retain the discretion to allow non-lawyers to represent companies in exceptional circumstances. Given the absence of authoritative guidelines as to the exercise of this discretion, there is a lack of

uniformity and consistency in the Court's approach as to when a company is allowed a non-lawyer to represent it in proceedings. The Committee proposes regularising the issue by providing for it in the High Court Rules. The draft rules attached ("High Court Rules – Company Representation") provide one means of doing so, shifting from the current position to a default one in favour of representation by a non-lawyer unless there are sufficient reasons for withholding leave.

The proposed draft rules drew mixed views at the last Rules Committee meeting (see Minutes for 13 June 2011 at www.courtsofnz.govt.nz/about/system/rules_committee). To this end comments are invited on all aspects of the issue and particularly the draft rules. Alternative suggestions are welcomed.

Please return comments or suggestions to the Clerk to the Rules Committee by **3 August 2011**. Responses (or a summary of them) may be posted on the Rules Committee's website. The contact details are as follows:

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Copies of this paper can be downloaded from the Committee's website:

www.courtsofnz.govt.nz/about/system/rules_committee