



## The Rules Committee

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21 September 2015  
Agenda 05/15

Circular 83 of 2015

### Notice of Meeting and Agenda

A meeting will be held in the Chief Justice's Boardroom, Supreme Court, Wellington, on **Monday 5 October 2015**, commencing at 9:45 am. The agenda for the meeting is as follows:

**1. Preliminary**

- 1.1 Apologies
- 1.2 Confirmation of Minutes of 3 August 2015 (C 80 of 2015)
- 1.3 Matters arising

**2. Access to court documents (for preliminary discussion only)**

The Chair to lead the discussion.

*(C 101 of 2015: memorandum from Simon France J on the proposed access rules; C 98 of 2014: Track changes document addressing submissions; C 46 of 2015: Access to Court Documents Consultation Paper; C 47: Summary from the Clerk of the submissions received; C 48: Submission from TVNZ; C 49: Submission from New Zealand Media and Entertainment; C 50: Submission from NZLS; C 51: Submission from Meredith Connell; C 52: Submission from Marian Hinde; C 53: Submission from the Commerce Commission; C 54: Submission from Bauer; and C 55: Submission from ADLSi)*

**3. Proposed amendment to the without notice application rule**

The Clerk to lead the discussion.

*(C 104 of 2015: High Court Amendment Rules setting out proposals to amend r 7.23; C 96 of 2015: memorandum from Jessica Gorman addressing submissions; C 95 of 2015: memorandum from the Clerk; C 56 of 2015: Consultation Paper on Without Notice Applications; C 69: Summary from the Clerk of the Submissions received; C 70: Submission from the Bar Association; C 71: Submission from ADLSi; C 72: Submission from NZLS; C 73: Submission from Duncan Cotterill; and C 74: Email from Mr Earles)*

**4. Criminal Procedure Amendment Rules**

The Chair to lead the discussion.

*(C 102 of 2015: memorandum from Simon France J addressing the submissions received; C 77 of 2015: Draft Criminal Procedure Amendment Rules 2015; C 82 of 2015: Consultation Paper on Proposed Criminal Procedure Amendment Rules; C 90: Submission from ADLSi; C 91: Submission from the Departmental Prosecutors' Forum; C 92: Submission from NZLS; and C 93 of 2015: Submission from Nick Chrishall (PDS))*

**5. Oaths and affidavits**

Mr Moore/Ms O'Gorman to lead the discussion.

*(C 104 of 2015: High Court Amendment Rules setting out proposals to amend r 9.85; C 57 of 2015: Memorandum from Ms O'Gorman about taking affidavits overseas; and C 58: Email from Ms O'Gorman about the independence of a solicitor taking an affidavit)*

- 6. The ability not to accept documents for filing**  
Gilbert J to lead the discussion.  
(C 79 of 2015: memorandum from Gilbert J about the proposed new rule; and C 103 of 2015: documents from Suzanne Giacometti providing a draft rule)
- 7. Substituted service on overseas defendants and protests to jurisdiction**  
The Clerk to lead the discussion.  
(C 104 of 2015: High Court Amendment Rules setting out proposals to amend r 6.8; C 85 of 2015: Memorandum from the Clerk discussing a proposed amendment to r 6.8; C 59 of 2015: Emails from Chris Chapman suggesting amendments to the substituted service rules)
- 8. New intervention rules for barristers sole**  
Mr Moore to lead the discussion.  
(C 65 of 2015: Memorandum from Winkelmann J asking whether changes are needed to the HCR to provide for the new intervention rule for barristers sole; and C 94 of 2015: High Court Amendment Rules (No 3) of 2015)
- 9. District Court Rules – Schedule 4**  
Mr Beck to lead the discussion.  
(C 66 of 2015: Memorandum from the Law Society's Civil Litigation and Tribunals Committee)
- 10. High Court Rules Form B2 – Bankruptcy Notice**  
Mr Barker to lead the discussion.  
(C 76 of 2015: Email from Brett Cunningham suggesting an amendment to Form B2; and C 86 of 2015: Email from Paul McGregor responding to the proposal)
- 11. Representative actions**  
The Chair to lead the discussion.  
(C 75 of 2015: Letter from Mr Gapes proposing providing for representative actions; and C 99 of 2015: memorandum from the clerk on case law concerning representative actions)
- 12. The Central Processing Unit**  
The Chair to lead the discussion.  
(C 97 of 2015: memorandum from the Ministry of Justice about the Central Processing Unit)
- 13. Applications for probate in solemn form**  
Venning J to lead the discussion.  
(C 100 of 2015: memorandum from Venning J addressing the where applications for probate in solemn form should be filed)
- 14. Process for surviving spouse to obtain letters of administration**  
Mr Barker to lead the discussion.  
(C 104 of 2015: High Court Amendment Rules setting out proposals to amend sch 1; C 84 of 2015: Memorandum from Andrew Barker addressing suggested changes; C 63 of 2015: Memorandum from Mr Fantham proposing changes; and C 64: Memorandum from the Clerk discussing the suggested changes)
- 15. Costs in pro bono cases**  
The Chair to lead the discussion.  
(C 88 of 2015: Letter from Jason McHerron suggesting an amendment to provide that costs are recoverable where the case is brought under a conditional fee agreement)
- 16. Reviews brought under s 75 of the Coroners Act 2006**  
The Chair to lead the discussion.  
(C 87 of 2015: Letter from Graeme Edgeler about the process for commencing a review under s 75 of the Coroners Act)
- 17. Page numbering of judgments**  
The Chair to lead the discussion.  
(C 89 of 2015: Letter from Marian Hinde suggesting adding page numbers to judicial decisions)