



District Court Amendment (Arbitration Rehearings) Rule 2004

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 17 February 2004.

Anthony Grew

Secretary to the Rule Committee

Explanatory note

The object of this Rule is to amend Part 39A of the *District Court Rules 1973*:

- (a) to remove the power of the Court to refund an applicant's filing fee for a rehearing under Part 3 of the *Arbitration (Civil Actions) Act 1983* if the determination of the Court at the rehearing is substantially more favourable to the applicant than the determination of the arbitrator, and
- (b) to remove a provision that excluded the filing fee from an award of costs in relation to such a rehearing, and
- (c) to make certain minor amendments by way of statute law revision.

2004 No 101

Clause 1 District Court Amendment (Arbitration Rehearings) Rule 2004

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District Court Act 1973

1 Name of Rule

This Rule is the *District Court Amendment (Arbitration Rehearings) Rule 2004*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Part 39A, rule 31

Omit rule 31 (1)–(4). Insert instead:

- (4) Subject to subrule (5), where proceedings are heard and determined under section 18A of the *Arbitration (Civil Actions) Act 1983* (the ***Arbitration Act***) and the determination of the Court is not substantially more favourable to the applicant for the order for rehearing (the ***applicant***) than is the determination of the arbitrator, the Court:
 - (a) may not order any other party to pay the applicant’s costs incurred by reason of the rehearing, and
 - (b) is to order the applicant to pay the costs of every other party incurred by reason of the rehearing.

[2] Part 39A, rule 31 (6)

Omit “section 18 (5)”. Insert instead “section 18D”.