



## District Court Amendment (Time Limits) 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 15 June 2004.

A Grew

Secretary of the Rule Committee

### **Explanatory note**

The object of this Rule is to amend Part 26 of the *District Court Rules 1973* to expand the power of the Court to impose time limits in respect of the presentation of certain matters during a trial.

## **2004 No 477**

Clause 1            District Court Amendment (Time Limits) Rule 2004

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### **District Court Amendment (Time Limits) Rule 2004**

under the

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#### **1 Name of Rule**

This Rule is the *District Court Amendment (Time Limits) Rule 2004*.

#### **2 Amendment of District Court Rules 1973**

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

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## Schedule 1 Amendment

(Clause 2)

### Part 26, rule 5B

Insert after rule 5AA:

#### 5B Time etc limits at trial

- (1) At any time before or during a trial, the Court may by direction do any or all of the following:
  - (a) limit the time to be taken in examining, cross-examining or re-examining a witness,
  - (b) limit the number of witnesses (including expert witnesses) that a party may call,
  - (c) limit the time to be taken in making any oral submissions,
  - (d) limit the time to be taken by a party in presenting its case,
  - (e) limit the time to be taken by the trial,
  - (f) amend a direction made under this rule.
- (2) Any such direction must not detract from the principle that each party is entitled to a fair trial, and must be given a reasonable opportunity to lead evidence, cross-examine witnesses and make submissions.
- (3) In deciding whether to make any such direction, the Court may have regard to the following matters in addition to any other matters that may be relevant:
  - (a) the subject matter, complexity or simplicity of the case,
  - (b) the number of witnesses to be called,
  - (c) the volume and character of the evidence to be led,
  - (d) the time expected to be taken for the trial,
  - (e) the need to place a reasonable limit on the time allowed for the trial,
  - (f) the efficient administration of the Court lists,
  - (g) the interests of parties to other proceedings before the Court.

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Schedule 1      Amendment

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- (4) The Court may, at any time, direct a solicitor or barrister for a party to give to the party a memorandum stating:
  - (a) the estimated length of the trial and the estimated costs and disbursements of the solicitor or barrister, and
  - (b) the estimated costs that would be payable by the party to another party if the party were unsuccessful at trial.

BY AUTHORITY

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