

**Reprint
as at 1 September 2017**



**Court of Appeal (Access to Court Documents)
Amendment Rules 2013**

(SR 2013/174)

Court of Appeal (Access to Court Documents) Amendment Rules 2013: revoked, on 1 September 2017, pursuant to rule 20 of the Senior Courts (Access to Court Documents) Rules 2017 (LI 2017/193).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 20th day of May 2013

Present:

His Excellency the Governor-General in Council

Pursuant to section 51C of the Judicature Act 1908 and section 386 of the Criminal Procedure Act 2011, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice and at least 2 other members of the Rules Committee (of whom at least 1 was a Judge of the High Court), makes the following rules.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal rules	2

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These rules are administered by the Ministry of Justice.

4	Rule 3 amended (Interpretation)	2
5	Rule 6 amended (Right of parties to access court file or documents)	3
6	Rule 7 amended (Access to documents during substantive hearing stage)	3
7	Rule 8 amended (Meaning of relevant deadline in rule 7)	3
8	Rule 11 amended (Restrictions on access)	3
9	Rule 12 amended (Applications for permission to access documents, court file, or formal court record other than at hearing stage)	3
10	Rule 13 amended (Giving of notice)	3

Rules

1 Title

These rules are the Court of Appeal (Access to Court Documents) Amendment Rules 2013.

2 Commencement

These rules come into force on the first day on which the Criminal Procedure Act 2011 is fully in force.

3 Principal rules

These rules amend the Court of Appeal (Access to Court Documents) Rules 2009 (the **principal rules**).

4 Rule 3 amended (Interpretation)

- (1) In rule 3, revoke the definition of **defendant**.
- (2) In rule 3, replace the definition of **document** with:

document—

- (a) means a document in any form (including, without limitation, an electronic form) in the custody or control of the court that relates to an appeal, whether or not kept on a court file; and
- (b) includes, without limitation, any of the following:
 - (i) any writing on any material;
 - (ii) information recorded or stored by means of a tape recorder, computer, or other device;
 - (iii) material subsequently derived from information recorded or stored in the manner described in subparagraph (ii):

- (iv) labels, markings, or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means:
 - (v) books, maps, plans, graphs, or drawings:
 - (vi) photographs, films, negatives, tapes, or any other device in which 1 or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced; but
- (c) excludes—
- (i) notes made by or for a Judge for his or her personal use; and
 - (ii) any material that relates to the administration of the court

5 Rule 6 amended (Right of parties to access court file or documents)

- (1) Replace rule 6(1) with:
- (1) The parties to an appeal and their lawyers may access the court file or any document relating to the appeal at any time.
- (2) In rule 6(3), replace “counsel” with “lawyers”.
- (3) After rule 6(3), insert:
- (4) The right under this rule of a party that is a corporation to access the court file or any document relating to the appeal may be exercised by a representative of the party who has been appointed in accordance with section 12 of the Criminal Procedure Act 2011.

6 Rule 7 amended (Access to documents during substantive hearing stage)

- (1) In rule 7(4), replace “by letter” with “in writing”.
- (2) In rule 7(5)(a), (b), and (d)(ii), replace “counsel” with “lawyers”.

7 Rule 8 amended (Meaning of relevant deadline in rule 7)

- (1) In rule 8(1), replace “counsel” with “lawyer” in each place.
- (2) In rule 8(2)(a), replace “emailed, faxed,” with “sent electronically”.

8 Rule 11 amended (Restrictions on access)

In rule 11(4)(a), after “section 375A of the Crimes Act 1961”, insert “or section 199 of the Criminal Procedure Act 2011”.

9 Rule 12 amended (Applications for permission to access documents, court file, or formal court record other than at hearing stage)

In rule 12(2), replace “by a letter” with “in writing”.

10 Rule 13 amended (Giving of notice)

In rule 13(1), replace “is” with “may be”.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on the first day on which the Criminal Procedure Act 2011 (the **Act**) is fully in force, amend the Court of Appeal (Access to Court Documents) Rules 2009 (the **principal rules**). The amendments are required to bring the principal rules into line with the new law contained in the Act and the Criminal Procedure Rules 2012, and to include a reference to a provision of the Act.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 23 May 2013.

Reprints notes

1 *General*

This is a reprint of the Court of Appeal (Access to Court Documents) Amendment Rules 2013 that incorporates all the amendments to those rules as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Senior Courts (Access to Court Documents) Rules 2017 (LI 2017/193): rule 20