



## Chief District Court Judge Practice Note:

### Canterbury Earthquakes Insurance Tribunal Act 2019

## Transfer of proceedings from the District Court to the Canterbury Earthquakes Insurance Tribunal

### **Commencement and application**

This Practice Note comes into immediate effect.

This Practice Note applies to applications under section 16 of the Canterbury Earthquakes Insurance Tribunal Act 2019 for transfer of proceedings from the District Court (“court proceedings”) to the Canterbury Earthquakes Insurance Tribunal (the “Tribunal”).

### **Procedure for transfer of proceedings**

A plaintiff or a defendant in court proceedings relating to an insurance claim in dispute who is a policyholder or an insured person (or both) may apply for a transfer of the proceedings to the Tribunal by filing and serving on the other party to the proceedings a memorandum (the “transfer memorandum”) setting out reasons why a transfer would be in the interests of justice.

The other party or parties to the court proceedings may, within 10 working days of receipt of the transfer memorandum, file and serve a memorandum setting out whether the other party or parties consent to the transfer and, if not, the reasons why a transfer would not be in the interests of justice.

There will be no filing fee on the application for a transfer of the court proceedings.

**Decision on the application to transfer**

A Judge, to whom the application for a transfer of the court proceedings is referred, may determine the application based on the papers or by hearing from the parties in a telephone conference.