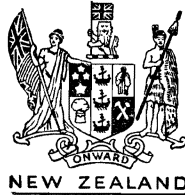


Serial Number **1954/38**



THE COURT OF APPEAL AMENDMENT RULES 1954

C. W. M. NORRIE, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington, this 10th day of March 1954

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Judicature Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice and eight other members of the Rules Committee constituted under the Judicature Amendment Act 1930 (four of such other members being Judges of the Supreme Court), hereby makes the following rules.

RULES

1. These rules may be cited as the Court of Appeal Amendment Rules 1954, and shall be read together with and deemed part of the rules of the Court of Appeal set out in the Third Schedule to the Judicature Act 1908 (hereinafter referred to as the principal rules).

2. (1) The principal rules are hereby amended by revoking rule 26, as substituted by rule 6 of the Court of Appeal Amendment Rules 1939,* and substituting the following rule:

“26. The costs of proceedings in the Court of Appeal shall be according to the following scales:

“(a) Drawing and settling case: Under £200, £5 5s.; £200 to £500, £10 10s.; over £500, £15 15s.:

“(b) Cost of printing, typewriting, or cyclostyling: Whatever the amount paid, or, if the typewriting or cyclostyling has been carried out in the office of the solicitor for the appellant, such sum as may be allowed by the Registrar in that behalf:

“(c) Setting down and arguing to judgment a case not from a distance: Under £200, £21; £200 to £500, £50; over £500, £75:

- “(d) Setting down and arguing to judgment a case from a distance: The appropriate fee set out in paragraph (c) of this rule, and, in the discretion of the Court, an additional sum, to be fixed by the Court, not exceeding half that fee:
- “(e) For every day of hearing after the first, whether the case is from a distance or not, a sum to be fixed by the Court, not exceeding £21:
- “(f) Extra counsel, if certified for, not exceeding £10 10s. each per day:
- “(g) If affidavits are allowed or evidence is taken orally, such costs in respect thereof as are fixed by the Court:
- “(h) If money is not claimed, costs shall be on such of the above-mentioned scales as shall be determined by the Court, having regard to the importance of the case:
- “(i) If different questions are involved, the costs may be apportioned by the Court.”

(2) Rule 6 of the Court of Appeal Amendment Rules 1939* and rule 5 of the Court of Appeal Amendment Rules 1953† are hereby consequentially revoked.

T. J. SHERRARD,
Clerk of the Executive Council.

* Statutory Regulations 1939, Serial number 1939/110, page 546.
† Statutory Regulations 1953, Serial number 1953/22, page 72.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 11 March 1954.
These regulations are administered in the Department of Justice.