

1966/69



THE COURT OF APPEAL RULES 1955, AMENDMENT NO. 1

BERNARD FERGUSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 18th day of May 1966

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 Honourable the Chief Justice and at least four of the other members of the Rules Committee constituted under the Judicature Amendment Act 1930 (of whom at least one was a Judge of the Supreme Court), hereby makes the following rules.

RULES

1. (1) These rules may be cited as the Court of Appeal Rules 1955, Amendment No. 1, and shall be read together with and deemed part of the Court of Appeal Rules 1955* (hereinafter referred to as the principal rules).

(2) These rules shall come into force on the twenty-eighth day after the date of their notification in the *Gazette*.

2. (1) The principal rules are hereby amended by revoking rule 47, and substituting the following rule:

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

“(a) Drawing and settling case: Under £1,000, not exceeding £10 10s.; £1,000 to £2,500, not exceeding £21; over £2,500, not exceeding £31 10s.:

“(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 a case to judgment: Under £1,000, not exceeding £52 10s.; £1,000 to £2,500, not exceeding £105; over £2,500, not exceeding £157 10s.:

“Provided that where the case is from a distance the sum allowed under the foregoing provisions of this paragraph may, in the discretion of the Court, be increased by such amount, not exceeding half of that sum, as the Court shall fix:

“(d) 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 £42:

“(e) Extra counsel, if certified for: Not exceeding £21 each per day:

“(f) If affidavits are allowed, or evidence is taken orally: Such costs in respect thereof as are fixed by the Court:

“(g) 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:

“(h) If different questions are involved, the costs may be apportioned by the Court.”

(2) The new rule 47 substituted by this rule shall apply in respect of any proceedings commenced on or after the date of the coming into force of these rules.

(3) In respect of any proceedings commenced before the date of the coming into force of these rules, the new rule 47 substituted by this rule shall apply in respect of any step in the proceedings taken on or after that date.

T. J. SHERRARD,
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 amend the Court of Appeal Rules 1955 by substituting a new and increased scale of costs.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 May 1966.

These regulations are administered in the Department of Justice.