



THE DISTRICT COURTS RULES 1948, AMENDMENT NO. 17

DAVID BEATTIE, Governor-General

By His Deputy
RONALD DAVISON

ORDER IN COUNCIL

At the Government House at Wellington this 27th day of July 1981

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL BY HIS DEPUTY IN COUNCIL
PURSUANT to section 122 of the District Courts Act 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following rules.

RULES

1. Title and commencement—(1) These rules may be cited as the District Courts Rules 1948, Amendment No. 17, and shall be read together with and deemed part of the District Courts Rules 1948* (hereinafter referred to as the principal rules).

(2) These rules shall come into force on the 17th day of August 1981.

2. New scale of Court fees prescribed—(1) The principal rules are hereby amended by revoking the Third Schedule (as substituted by rule 3 (1) of the Magistrates' Courts Rules 1948, Amendment No. 15), and substituting the new Third Schedule set out in the Schedule to these rules.

(2) The new Third Schedule 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, no further fee shall be payable under the Schedule hereby revoked, and the appropriate fees, if any, set out in the new Third Schedule substituted by this rule shall be payable in respect of any step in the proceedings taken on or after that date.

3. Revocation—Rule 3 of, and the Schedule to, the District Courts Rules 1948, Amendment No. 15 are hereby consequentially revoked.

*S.R. 1948/197 (Reprinted with Amendments Nos. 1 to 12: S.R. 1974/204)
Amendment No. 13: (Revoked by S.R. 1978/212)
Amendment No. 14: S.R. 1977/219
Amendment No. 15: S.R. 1978/212
Amendment No. 16: S.R. 1980/55

SCHEDULE

R. 2 (1)

NEW THIRD SCHEDULE TO THE PRINCIPAL RULES

1981/194

THIRD SCHEDULE
COURT FEES

R. 313]

*District Court Rules 1948,
Amendment No. 17*

| | Where Claim is Not for Money or is for an Amount Not Exceeding \$500 \$ | Amount Exceeding \$500 but Not Exceeding \$3,000 \$ | Amount Exceeding \$3,000 but Not Exceeding \$8,000 \$ | Amount Exceeding \$8,000 \$ |
|---|--|--|---|--------------------------------------|
| 1.* Filing: | | | | |
| (a) Plaintiff note (or statement of claim); or ... | | | | |
| (b) Counterclaim; or ... | | | | |
| (c) Interpleader affidavit, pursuant to s. 111 of the Act, of a person other than a defendant; or ... | 15.00 | 25.00 | 35.00 | 50.00 |
| (d) Originating application ... | | | | |
| 2.* Filing, pursuant to rule 113c (3), an application for a special fixture ... | 15.00 | 25.00 | 35.00 | 50.00 |
| 3.* Filing (on amount owing under judgment): | | | | |
| (a) Application for judgment summons; or ... | | | | |
| (b) Application for any warrant of distress, for recovery of specific chattels, or for recovery of land; or ... | | | | |
| (c) Application for examination pursuant to rule 236 or rule 237 (irrespective of the number of persons to be examined); or ... | 15.00 | 25.00 | 35.00 | 50.00 |
| (d) Affidavit in support of garnishee summons ... | | | | |

*NOTE—Where a claim for a sum of money is combined with a claim that is not for money, whether in the alternative or not, the fee payable under item 1, item 2, or item 3 shall be the highest fee applicable.

SCHEDULE—*continued*

COURT FEES—*continued*

| | \$ |
|---|-------|
| 4. Issue of certificate of judgment or order | 10.00 |
| 5. For search: | |
| In any one matter | 1.00 |
| General search | 2.00 |
| 6. Copy of the District Court Judge's notes when notice of appeal has been lodged: For each page | 0.20 |
| 7. Copy of District Court Judge's notes in any other case or of Registrar's notes or of judgment or any other document: For each page | 0.50 |
| 8. For expenses of execution of any warrant of committal or writ of arrest: The actual expenses incurred by the bailiff or constable, including the costs of conveyance and lodging in prison of the person arrested. | |
| 9. For storage, cartage, and removal of goods, or advertising of goods for sale: Actual and reasonable disbursements. | |
| 10. For each man left in possession of any premises: Fees, allowances, and expenses as allowed to a witness in accordance with the Witnesses and Interpreters Fees Regulations 1974*. | |

P. G. MILLEN,
Clerk of the Executive Council.

*S.R. 1974/124
Amendment No. 1: S.R. 1981/198

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 17 August 1981, amend the District Courts Rules 1948 by substituting a new and increased scale of Court fees.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 30 July 1981.
These rules are administered in the Department of Justice.