

Serial Number **1951/184**

**THE ELECTION PETITION RULES 1951**

B. C. FREYBERG, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 10th day of  
August, 1951

Present :

**HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL**

PURSUANT to the Electoral Act, 1927, as affected by the Judicature Amendment Act, 1930, 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 Acting Chief Justice and five of the other members of the Rules Committee constituted under the Judicature Amendment Act, 1930 (two of such other members being Judges of the Supreme Court), hereby makes the following rules.

**RULES**

**PRELIMINARY**

1. These rules may be cited as the Election Petition Rules 1951.
2. These rules are arranged as follows :—

**PRELIMINARY**

1. Title.
2. Synopsis.
3. Revocation.
4. Interpretation.
5. References to forms.
6. Terms defined in the Act.
7. Intitulement.

**CONTENTS AND FORM OF PETITION**

8. Terms of petition.
9. Paragraphing.
10. Prayer of petition.
11. Form.

**PERSONS TO BE MADE RESPONDENTS**

12. When Returning Officer or Registrar of Electors to be respondent.
13. Other respondents.

**EMPLOYMENT OF SOLICITORS AND ADDRESSES FOR SERVICE**

14. Right to appear by solicitor.
15. Solicitor to give notice to Registrar : Notices to and by solicitors.
16. Petition to give name of solicitor.
17. Petitioners may have one or different solicitors.
18. Situation of address for service.
19. Elected member's address for service.
20. Respondent to give address for service.
21. Notice at Registrar's office failing address for service.
22. Registrar's book of addresses for service.

## PRESENTATION AND ADVERTISEMENT OF PETITION

23. Returning Officer's receipt for petition.
24. Publication of petition by petitioner.

## SERVICE OF PETITION

25. No service till receipt in Wellington notified by Returning Officer.
26. Receipt may be given on telegraphic advice or by Registrar.
27. Time allowed for service.
28. Persons to be served.
29. Service at an address for service.
30. Service generally.
31. Power of Court to declare sufficient service.
32. Power of Court to order substituted service.

## SECURITY BY DEPOSIT

33. Bank and account to which payment to be made.
34. Delivery of bank receipt and entry in deposit register.
35. Disposal of deposit.

## SECURITY BY BOND

36. Form of bond.
37. One bond or separate bonds.
38. Approval of Returning Officer.

## PARTICULARS

39. Petition need not state evidence: Power to order particulars.
40. List of votes objected to to be delivered.
41. List of objections to election to be delivered.
42. Inspection of lists: Evidence to be restricted to lists.

## TRIAL

43. Names of Judges to be gazetted.
44. Fixing time and place of hearing.
45. Notice at Registrar's office of time and place of hearing.
46. Notice by Registrar to parties.
47. Documents to be sent from Wellington to Registrar.
48. Power of Court to postpone trial.
49. If Court arrives late, commencement adjourned.
50. Adjournments after trial commenced.

## WITNESSES

51. Subpoena.
52. Order to compel attendance.
53. Witnesses' costs.

## WITHDRAWAL AND ABATEMENT OF PETITION

54. Notice of intention to apply for leave to withdraw.
55. Time and place of hearing application.
56. Form of notice of motion seeking leave to withdraw.
57. Application to be substituted for petitioner.
58. Notice of abatement.
59. Time for application to be substituted when petition has abated.
60. Death, &c., of respondent.
61. Notice by respondent of intention not to oppose.
62. Time for application to be substituted as respondent.

## COSTS AND FEES

63. Taxation to be by Registrar.
64. Payment of costs from Law Trust Account.
65. Execution for costs out of Supreme Court.
66. Office fees.

## COMMITTAL

67. Warrant of committal.

## MISCELLANEOUS

68. Formal objections not to defeat proceedings.

69. Supreme Court holidays.

70. Computation of time.

71. Supreme Court practice to be followed.

## SCHEDULE

Form No. 1—Intitulement of Proceedings.

Form No. 2—Petition.

Form No. 3—Returning Officer's Receipt for Petition.

Form No. 4—Bond for Security.

Form No. 5—Notice of Time and Place of Hearing.

Form No. 6—Subpœna.

Form No. 7—Order for Attendance of Witness.

Form No. 8—Notice of Intention to Apply for Leave to Withdraw a Petition.

Form No. 9—Notice of Motion for Leave to Withdraw a Petition.

Form No. 10—Notice of Abatement of Petition.

Form No. 11—Warrant of Committal.

3. The rules made under the Electoral Act, 1902, on the 20th day of November, 1902, and published in the *Gazette* on the 21st day of the same month at page 2547, are hereby revoked.

4. In these rules, unless the context otherwise requires,—

“The Act” means the Electoral Act, 1927 :

“Court” means the Election Court as defined by the Act, and includes a Judge exercising the jurisdiction of the Court under paragraph (l) of section 206 of the Act :

“Judge” means a Judge who has for the time being been named as a Judge before whom the trial of the petition shall take place, or to act in the stead of the first named Judge :

“Office of the Registrar” means the office by reference to which a petitioner's address for service is fixed by these rules :

“Petition” means an election petition as defined by the Act ; and “petitioner” has a corresponding meaning :

“Registrar” means a Registrar of the Supreme Court, and includes a Deputy Registrar :

“Solicitor” means a practising solicitor of the Supreme Court.

5. In these rules, a reference to a form by number is a reference to the form so numbered in the Schedule to these rules.

6. Unless a contrary intention appears, the terms “district” or “electoral district”, “election”, “respondent”, and “returning officer”, and all other terms and expressions used herein, except the term “Registrar”, but including the term “Registrar of Electors”, have the meanings assigned to them by the Act.

7. All documents (except the petition) to be lodged or filed in the proceedings upon an election petition and all orders made in such proceedings, whether in the Election Court or in the Supreme Court, under the authority of these rules may be intituled in the manner set out in form No. 1.

## CONTENTS AND FORM OF PETITION

8. Every petition shall state—

- (a) The holding and result of the election :
- (b) The nature of the right of every petitioner by virtue of which he is entitled to present the petition pursuant to section 198 of the Act :
- (c) Briefly, the facts relied on to sustain the prayer of the petition :
- (d) As required by section 199 of the Act, the specific grounds on which the complaint is founded.

9. The petition shall be divided into paragraphs, each of which shall, as nearly as may be practicable, be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively : and unless otherwise ordered by the Court no costs shall be allowed of drawing or copying any petition not substantially complying with this rule.

10. The petition shall conclude with a prayer, as, for instance, that some specified person should be declared duly returned or elected, or that the election should be declared void, or that a return may be enforced, or as the case may be.

11. A petition shall be sufficient if in form No. 2 or to the like effect.

## PERSONS TO BE MADE RESPONDENTS

12. If the petitioner is advised that by reason of the matters alleged in the petition and by operation of section 201 of the Act a Returning Officer or Registrar of Electors is deemed to be a respondent, he shall insert in the petition a statement to that effect and set out the name of the Returning Officer or Registrar of Electors.

13. Whether or not a Returning Officer or Registrar of Electors is deemed to be a respondent to the petition, any person whose election or return is complained of shall be a respondent to the petition.

## EMPLOYMENT OF SOLICITORS AND ADDRESSES FOR SERVICE

14. A party to any proceedings under these rules may appear and be represented by a solicitor not being a member of Parliament.

15. (1) A solicitor employed by any party shall forthwith deliver to the Registrar written notice of his appointment setting out an address for service complying with the provisions of these rules.

(2) Service of notices and proceedings upon the solicitor at that address shall be sufficient for all purposes, and any notice to be given by a party under these rules shall be sufficient if given by his solicitor on his behalf.

16. There shall be endorsed upon or appended to the petition the name of some solicitor whom the petitioner authorizes to act for him, or a statement that he acts for himself, as the case may be, and in either case giving an address for service.

17. Where there are more petitioners than one, each petitioner may have a different solicitor or they may jointly appoint one solicitor to act for them.

**18.** (1) Subject to the provisions of subclause (2) of this rule, the address for service shall be a place not more than three miles from the office of a Registrar situated in the provincial district within which is contained the whole or any part of the electoral district to which the petition relates.

(2) If there are more Registrars' offices than one in the provincial district or districts within which the electoral district is contained, the address for service shall be a place not more than three miles—

(a) From an office situated in the electoral district; or

(b) If there is no office so situated, then from the office nearest to the electoral district.

**19.** Any person returned or declared elected as a member may, at any time after he is returned or declared elected, deliver to the Registrar, at the office by reference to which a petitioner's address for service would be fixed, a writing signed by him or on his behalf appointing a solicitor to act for him in case there should be a petition against him, or stating that he intends to act for himself, and in either case giving an address for service complying with the requirements of rule 18 hereof.

**20.** Every respondent who has not complied with rule 19 hereof shall, within a week after service on him of a petition, deliver to the Registrar at the office by reference to which the petitioner's address for service is fixed a writing signed by him or on his behalf appointing a solicitor to act for him, or stating that he intends to act for himself, and in either case giving an address for service complying with the requirements of rule 18 hereof.

**21.** In default of compliance with the last preceding rule, any notice or proceeding may be given or served upon the said respondent by affixing it on some conspicuous place in the office of the Registrar situated as aforesaid.

**22.** The Registrar shall keep a book at his office in which he shall enter all addresses for service and names of solicitors given under the foregoing rules. The book shall be open to inspection by any person without fee during office hours.

#### PRESENTATION AND ADVERTISEMENT OF PETITION

**23.** Upon presentation of a petition made by delivering it to the Returning Officer pursuant to section 200 of the Act the Returning Officer shall, if required, give a receipt for the petition. The receipt may be given in form No. 3.

**24.** Within seven days after presentation of the petition the petitioner shall at his own expense cause the petition to be published in some newspaper circulating in the district, unless such publication is excused by the Court.

#### SERVICE OF PETITION

**25.** Service of a petition shall not be effected until the Returning Officer has notified the petitioner at his address for service that the petition has been received by the Registrar of the Supreme Court at Wellington.

**26.** The Returning Officer may be satisfied by telegram or otherwise that the petition has been received by the Registrar at Wellington. If the Returning Officer is absent or otherwise unable

to act, the notification of receipt may be given to the petitioner by a Registrar; and the fact that a Registrar gives such a notification shall be sufficient evidence that a case has arisen enabling him so to do.

**27.** The petition shall be served not later than seven days after the date of service on the petitioner of the notification of receipt.

**28.** The petition shall be served on every respondent. Where a Returning Officer is respondent, delivery of the petition to him on presentation shall not excuse service on him thereafter under this rule.

**29.** Service upon a respondent who has given an address for service under rule 19 hereof may be effected by leaving a copy of the petition at that address.

**30.** Subject to the last preceding rule, service shall be effected by serving a copy of the petition in the manner in which a writ of summons is served when issued out of the Supreme Court.

**31.** Where the Court, on application made not more than fourteen days after the first day on which a copy of a petition might be served, is satisfied, on affidavit showing what has been done, that every reasonable effort has been made to effect service in manner hereinbefore provided and to cause the matter to come to the knowledge of the respondent, the Court may order that what has been done shall be considered sufficient service, subject to such conditions as it thinks reasonable.

**32.** The Court may, if of opinion that there has been evasion of service, order that the affixing in the office of the Registrar of a notice setting out the fact that the petition has been presented, the name of the petitioner, and the prayer of the petition, shall be considered sufficient service.

#### SECURITY BY DEPOSIT

**33.** Security given by deposit of money shall be given by the deposit thereof at the Reserve Bank of New Zealand at Wellington to the credit of the Law Trust Account of the Registrar of the Supreme Court at Wellington, or by the deposit thereof at any branch of the Bank of New Zealand for transmission to the Reserve Bank of New Zealand at Wellington for the credit at the last-mentioned Bank of the said Law Trust Account.

**34.** A bank receipt or certificate of payment for the sum deposited shall be delivered to the Returning Officer to be forwarded to the Registrar at Wellington as required by section 200 of the Act; and the Registrar at Wellington shall file the receipt or certificate and shall enter in a book to be kept for the purpose the amount of every such deposit and the petition to which it is applicable. The book shall be open to inspection by any person without fee during office hours.

**35.** The Registrar may from time to time withdraw from the said Law Trust Account the amount of the deposit or any part thereof in pursuance of any order made by the Court for payment thereof of costs, charges, or expenses, or in pursuance of any order made by the Court for the return or other disposal of any deposit or the residue or any part thereof or otherwise for the purposes of the Act, or in pursuance of any agreement in that behalf signed by all parties to the petition and filed in the Court.

## SECURITY BY BOND

36. Security given by bond shall be given in form No. 4 or to the like effect stating the name and usual place of abode of each surety with such sufficient description as shall enable him to be found or ascertained.

37. There may be one bond executed by all the sureties or separate bonds executed by one or more, as may be convenient.

38. The bond shall be given to the approval and satisfaction of the Returning Officer, who, if he has cause to believe that any surety is insufficient or that the bond is in any respect defective or inadequate, may require an affidavit of justification to be lodged with the bond or impose such other requirement as he thinks necessary.

## PARTICULARS

39. Evidence need not be stated in the petition, but the Election Court or a Judge of the Court may order such particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual trial, in the same way as in ordinary proceedings in the Supreme Court, and upon such terms as to costs and otherwise as may be ordered.

40. When a petitioner claims the seat for an unsuccessful candidate, alleging that the candidate had a majority of lawful votes, the party complaining of or defending the election or return shall, not later than six days before the day appointed for trial, deliver to the Registrar, and also at the address for service, if any, given by the other party, a list of the votes intended to be objected to, and of the heads of objection to each such vote.

41. When the respondent in a petition complaining of an undue return, and claiming the seat for some person, intends to give evidence to prove that the election of that person would be invalid pursuant to section 209 of the Act, the respondent shall, not later than six days before the day appointed for the trial, deliver to the Registrar, and also at the address for service, if any, given by the petitioner, a list of the objections to the election upon which he intends to rely.

42. (1) The Registrar shall allow inspection and supply office copies of the lists provided for in the last two preceding rules to all parties concerned.

(2) No evidence shall be given against the validity of any vote or upon any head of objection not specified in any such list, except by leave of the Election Court or a Judge of the Court, and upon such terms as to amendments of the list, postponement of the trial, and payment of costs, as may be ordered.

## TRIAL

43. When the Chief Justice has named the Judges who are to constitute the Election Court, he shall cause a notification thereof to be published in the *Gazette*.

44. The time and place at which a petition will be heard shall be fixed by the Court.

45. The notice of the time and place at which a petition will be heard shall be given by the Registrar in form No. 5, or to the like effect, by affixing it on some conspicuous place in his office, and notice so given shall be deemed and taken to be the notice required to be given by section 206 (d) of the Act.

46. The Registrar shall forthwith send by post a copy of the notice to the petitioner at his address for service, and a copy to the respondent at his address for service (if any), but no failure to send, or miscarriage of, any such copy shall vitiate a notice given as prescribed by rule 45 hereof.

47. Before the day fixed for trial the Registrar at Wellington shall transmit to the Registrar whose office is most convenient to the place of trial the original petition and all documents, instruments, and proceedings relating thereto.

48. The Court or a Judge thereof may from time to time by order made upon the application of a party to the petition, or by notice to be given in such form as the Court or Judge may direct, postpone the beginning of the trial to such day as they or he may appoint. When any such notice is received by the Registrar it shall forthwith be made public in the same manner as the original notice of time and place of hearing.

49. If the Election Court does not arrive at the place of trial at the time which is appointed for the trial or to which the trial is postponed, the commencement of the trial shall be deemed to stand adjourned to the ensuing day, and so from day to day until the Court arrives.

50. No formal adjournment of the Court shall be necessary during the trial, but the trial shall be deemed adjourned and may be continued from day to day until the trial is concluded.

#### WITNESSES

51. A witness may be summoned pursuant to subsection (1) of section 211 of the Act by writ of subpoena in form No. 6 or to the like effect, and the writ shall be sufficient if signed by the Registrar without the affixing of a seal.

52. In any case in which the Court thinks fit to compel the attendance of a witness by order pursuant to subsection (2) of section 211 of the Act, the order may be in form No. 7 or to the like effect and shall be sufficient if signed by one of the Judges of the Court.

53. The reasonable costs of a witness shall be ascertained as provided by section 213 of the Act.

#### WITHDRAWAL AND ABATEMENT OF PETITION

54. The notice of the intention of a petitioner to make an application to the Court, to be given pursuant to subsection (2) of section 216 of the Act, for leave to withdraw the petition shall set out the ground of the proposed application and may be in form No. 8 or to the like effect, and shall at least one week before the application is heard by the Court be served on every respondent and published at least once in a newspaper circulating in the district.

55. The time and place for hearing the application shall be fixed by the Election Court or by the Supreme Court or a Judge thereof; and notice of the time and place so appointed shall be given to every respondent, and to every person who has given notice to the Registrar of an intention to apply to be substituted as a petitioner, and otherwise in such manner as such Court or Judge directs.



56. The application to the Court for leave to withdraw the petition shall be made by motion, of which notice may be in form No. 9 or to the like effect, and no further notice of the motion shall be required other than the notices prescribed by rules 54 and 55 hereof.

57. (1) Any person who might in the first instance have presented the petition may, within seven days after the notice prescribed by rule 54 hereof is published by the petitioner, give notice in writing to the Registrar of his intention to apply, at the hearing of the application for leave to withdraw the petition, to be substituted for the petitioner.

(2) Any such person as aforesaid may, at the hearing, apply to be substituted for the petitioner, notwithstanding that he may not have given the notice referred to in subclause (1) of this rule.

58. Notice of abatement of a petition by the death of a petitioner or surviving petitioner, as provided by section 217 of the Act, may be given by any party or person interested, by service and publication in the same manner as notice of an application to withdraw a petition, and may be in form No. 10 or to the like effect.

59. (1) The time within which application may be made by any qualified person to the Court to be substituted as a petitioner when the petition has abated shall be one month, or such further time as upon consideration of any special circumstances the Court may allow.

(2) The application shall be made by notice given to the Registrar.

60. If before the trial of the petition the respondent dies, or loses his seat by reason of the House of Representatives resolving that it is vacant, any person who might in the first instance have presented the petition may give notice of such death or loss as aforesaid by causing such notice to be published at least once in a newspaper circulating in the district and by leaving a copy of the notice signed by him or on his behalf with the Returning Officer and a like copy with the Registrar.

61. The manner and time of the respondent's giving notice to the Election Court under section 218 of the Act that he does not intend to oppose the petition shall be by leaving notice thereof in writing at the office of the Registrar at least ten days before the day appointed for trial, exclusive of the day of leaving the notice; and the respondent shall forthwith cause a copy of the notice to be published at least once in a newspaper circulating in the district.

62. The time for applying to be admitted as a respondent on the happening of any of the events mentioned in section 218 of the Act shall be within ten days after the appropriate notice is published in a newspaper under rule 60 or rule 61 hereof, as the case may require, or within such further time as the Court may allow.

#### COSTS AND FEES

63. Costs shall be taxed by the Registrar upon the order of the Court.

64. When the amount of any costs has been fixed by the Registrar upon taxation or agreed upon by the parties, the Court may order that the amount, or the amount of any costs, charges, or

expenses which has been fixed by the Court, shall be payable from the Law Trust Account referred to in rule 33 hereof to the extent of the moneys therein available for the purpose.

**65.** Any order of the Court declaring the amount of costs, charges, or expenses payable by any party may be filed in the Supreme Court, and when so filed shall for purposes of execution have the effect of a judgment for costs given in the Supreme Court.

**66.** The office fees payable for inspection, office copies, and other proceedings under the Act and these rules shall be the same as those, if any, payable for like proceedings according to the practice of the Supreme Court.

#### COMMITTAL

**67.** (1) If it is necessary to commit any person for contempt, the warrant may be in form No. 11 or to the like effect.

(2) The warrant may be directed to all constables and officers of the peace and shall be sufficient without further particularity, and shall and may be executed by the persons to whom it is directed, or any of them.

#### MISCELLANEOUS

**68.** No proceedings under the Act shall be defeated by any formal objection.

**69.** All days set apart or declared to be holidays of the Supreme Court under the rules of that Court in its ordinary jurisdiction shall be deemed to be holidays for the purposes of these rules.

**70.** In computing time for the doing of any act or the taking of any proceeding under these rules, time shall be reckoned in the manner prescribed by the rules or practice of the Supreme Court.

**71.** In any matter not provided for by these rules, the rules of practice and procedure of the Supreme Court shall, as far as practicable, be followed.

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## SCHEDULE

Form No. 1

[Rule 7

## INTITULEMENT OF PROCEEDINGS

In the Election Court.

In the matter of a [*Name of electoral district*] Election Petition

Between

A. B. [*and others*], Petitioner(s), and  
L. M. [*and others*], Respondent(s).

Form No. 2

[Rule 11

## PETITION

In the matter of the Electoral Act, 1927.

To His Honour the Chief Justice of New Zealand.

THE petition of A. B., of . . . . ., (and C. D., of . . . . ., *as the case may be*) whose name is (*or names are*) subscribed hereto, sheweth—

1. An election for a member of Parliament for the . . . . . Electoral District was held, the poll wherefor was appointed for the . . . . . day of . . . . ., 19..
2. At the said election L. M., N. O., and P. Q. were candidates, and the Returning Officer has returned L. M. as being duly elected [*or as the case may be*].
3. Your petitioner, A. B., is a person who voted at the said election, *or* is a person who had a right to vote at the said election, *or* was entitled to be returned at the said election, *or* was entitled to be elected at the said election, *or* was a candidate at the said election [*as the case may be*].
4. Your petitioner, C. D. [*Here state in like manner the right of each petitioner*].
5. Your petitioner(s) say(s) that [*Here state in numbered subparagraphs the facts on which the petition relies*].
6. The specific grounds on which your petitioner('s)(s) complaint is founded are as follows: [*Here state the grounds either expressly or by reference to numbered subparagraphs of paragraph 5*].
7. [*If the case so requires*] Your petitioner(s) is (are) advised that by reason of the matters aforesaid and by operation of section 201 of the Electoral Act, 1927, the Returning Officer (*or* Registrar of Electors) is deemed to be (the) (a) respondent to this petition and his name is . . . . .

Wherefore your petitioner(s) pray(s) that it may be determined that the said L. M. was not duly elected (*or* returned) and that the election was void (*or* that the said N. O. was duly elected and ought to have been returned, *or as the case may be*).

Dated this . . . . . day of . . . . ., 19..

*Signature(s) of Petitioner(s) : . . . . .*

The petitioner(s) authorize(s) Mr. . . . . ., a solicitor of the Supreme Court, to act as his (their) solicitor and his address for service is . . . . . ; *or*

The petitioner(s) act(s) for himself (themselves) and his (their) address for service is . . . . .

## SCHEDULE—continued

Form No. 3

[Rule 23]

## RETURNING OFFICER'S RECEIPT FOR PETITION

RECEIVED on the ..... day of ....., 19.., at ....., a petition touching the election of a member of Parliament for the ..... Electoral District dated the ..... day of ....., 19.., and purporting to be signed by [*Insert the name(s) of the petitioner(s)*].

Signature : .....

Returning Officer.

Form No. 4

[Rule 36]

## BOND FOR SECURITY

KNOW all men by these presents that we (*or I*), [*Names of sureties or surety in full, adding residences and occupations*] (hereinafter called the sureties or surety), are jointly and severally (*or am*) bound unto His Majesty the King in the sum of £..... for payment of which unto His Majesty, His heirs and successors, we bind ourselves, jointly and each of us severally, and the executors and administrators of us and each of us (*or I bind myself, my executors and administrators*), firmly by these presents.

Dated this ..... day of ....., nineteen hundred and .....

Whereas ..... has (*or have*) presented a petition to His Honour the Chief Justice of New Zealand under the provisions of the Electoral Act, 1927, in respect of an election for the Electoral District of ..... held on the ..... day of .....

And whereas it is required that a bond should be entered into on behalf of the said petitioner(s) in accordance with the provisions of the said Act for the purposes hereinafter mentioned :

And whereas the Returning Officer for the said electoral district has approved of the said sureties (*or surety*) for that purpose :

Now the condition of this obligation is such that if the said petitioner(s) (*or any of them*) shall well and truly pay all costs, charges, and expenses in respect of the election petition signed by him (*or them, as the case may be*) relating to the said election, which shall become payable by him (*or them, or any of them*) under or by virtue of the said Act, or any rules made thereunder, to any person or persons, then this obligation shall be void, but otherwise shall remain in full force.

Signature of Surety : .....

Signed by the above named [*Full name of surety*] in the presence of—

Witness—

Usual Signature : .....

Place of Abode : .....

Calling or Description : .....

Form No. 5

[Rule 45]

## NOTICE OF TIME AND PLACE OF HEARING

(Intitulement)

TAKE notice that the above petition will be tried at ..... on the ..... day of ....., 19.., at ..... o'clock in the ..... noon, and on such subsequent days as may be necessary.

Dated the ..... day of ....., 19..

By Order :

Signature : .....

Registrar of the Supreme Court at .....

SCHEDULE—*continued*

Form No. 6

[Rule 51

SUBPENA

(Intitulement)

George the Sixth by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith :

To ..... Greeting.

YOU are hereby commanded to appear before the Election Court at ..... on the ..... day of ....., 19.., at the hour of ..... to give evidence on behalf of the petitioner (*or* respondent) in the matter of the above mentioned petition, and so from day to day until you are discharged from attendance : (and you are also commanded to bring with you and produce all books, papers, and other documents in your possession, custody, or control in any way relating to the above mentioned petition, and in particular but not exclusively the following .....).

Herein fail not at your peril.

Witness, ....., Chief Justice of New Zealand, the ..... day of ..... 19...

Form No. 7

[Rule 52

ORDER FOR ATTENDANCE OF WITNESS

(Intitulement)

To .....

YOU are hereby required to attend before the Election Court at ..... on the ..... day of ....., 19.., at the hour of (*or* forthwith, *as the case may be*) to be examined as a witness in the matter of the above mentioned petition, and to attend the said Court until your examination shall have been completed.

Dated this ..... day of ....., 19...

..... Judge.

Form No. 8

[Rule 54

NOTICE OF INTENTION TO APPLY FOR LEAVE TO WITHDRAW A PETITION

(Intitulement)

NOTICE is hereby given that the above named petitioner will at such time and place as may be fixed for that purpose, being at least one week after the ..... day of ....., 19.., apply to the Election Court for leave to withdraw the above mentioned petition upon the following grounds—namely, .....

And notice is likewise given that any person who might in the first instance have presented the petition in respect of the election to which the petition relates may give notice in writing to the Registrar of the Supreme Court at ..... of his intention, on the hearing of the application for leave to withdraw the petition, to apply for leave to be substituted as a petitioner.

Dated this ..... day of ....., 19...

Signature : .....

Form No. 9

[Rule 56

NOTICE OF MOTION FOR LEAVE TO WITHDRAW A PETITION

(Intitulement)

TAKE notice that the above named petitioner will on the ..... day of ....., 19.., at ..... (being the time and place appointed by the Court in that behalf), apply to the Court for leave to withdraw the above mentioned petition upon the following grounds—namely, ..... —and upon the further grounds that the prescribed notice of the petitioner's intention to make this application has been duly served and published.

Dated this ..... day of ....., 19...

Signature : .....

SCHEDULE—*continued*

Form No. 10

[Rule 58

NOTICE OF ABATEMENT OF PETITION  
(Intitulement)

NOTICE is hereby given that by reason of the death of the above named petitioner (or the survivor of the above named petitioners) the above mentioned petition has abated :

And, further, that any person who might in the first instance have presented the petition may apply to the Election Court, by notice given to the Registrar of the Supreme Court at ..... within one month from the date of publication of this notice, to be substituted as a petitioner.

Dated this ..... day of ..... 19...

*Signature* : .....

Form No. 11

[Rule 67

WARRANT OF COMMITTAL  
(Intitulement)

BEFORE the Honourable Mr. Justice ..... and the Honourable Mr. Justice ....., two of the Judges of the Supreme Court named for the trial of the above mentioned petition pursuant to the Electoral Act, 1927.

Whereas A. B. has this day been guilty and is by this Court adjudged to be guilty of a contempt thereof :

The Court therefore sentences the said A. B. for his said contempt to be imprisoned in the public prison at ..... for ..... months and to pay to our Lord the King a fine of £ ....., and to be further imprisoned in that prison until the said fine is paid :

And the Court further orders that all constables and officers of the peace shall take the said A. B. into custody and convey him to the said prison, and there deliver him into the custody of the keeper thereof to undergo his sentence :

And the Court further orders the said keeper to receive the said A. B. into his custody and to detain him in the said prison in pursuance of the said sentence.

Witness our hands, this ..... day of ....., 19...

....., Judge.

....., Judge.

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 are a re-enactment, with little material modification, of the rules made in 1902. Minor changes of language make the rules conform to the statute now in force, the Electoral Act, 1927. The only substantial change of procedure is that, instead of opening a separate bank account for every petition, the Registrar uses, for money deposited as security, the Law Trust Account of the Registrar of the Supreme Court at Wellington; and the machinery for operating on the account is simplified. The procedure for substitution of a party upon withdrawal or abatement of a petition is also simplified. The rules have been re-arranged to conform with the modern style and to follow the order in which the topics dealt with normally arise in the course of Court proceedings.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 16th day of August, 1951.

These regulations are administered in the Department of Justice.