

Serial Number **1954/36**



**THE MATRIMONIAL CAUSES RULES 1943,
AMENDMENT NO. 3**

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 Divorce and Matrimonial Causes Act 1928, 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 of the 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 Matrimonial Causes Rules 1943, Amendment No. 3, and shall be read together with and deemed part of the Matrimonial Causes Rules 1943* (hereinafter referred to as the principal rules).

2. (1) The principal rules are hereby amended by revoking rule 63, and substituting the following rule:

“63. The costs of all suits and proceedings shall be allowed in accordance with the Second Schedule to these rules.”

(2) The principal rules are hereby further amended by adding the new Second Schedule set out in the Schedule to these rules.

(3) The scales of costs and rules set out in the said new Second Schedule are in substitution for the scales of costs and the rules relating thereto set out in the Second Schedule to the Divorce and Matrimonial Causes Act 1928, and the scales and rules set out in the last-mentioned Schedule are hereby consequentially revoked.

* Statutory Regulations 1943, Serial number 1943/135, page 292.

Amendment No. 1: Statutory Regulations 1949, Serial number 1949/191, page 775.

Amendment No. 2: Statutory Regulations 1951, Serial number 1951/144, page 436.

SCHEDULE
 “SECOND SCHEDULE
 “SCALE OF COSTS

—	Lower Scale	Higher Scale
Undefended suits	£ 25	£ 35
Defended suits in which the respondent or the co-respondent has appeared at the trial or hearing—		
Petitioner	40	55
Respondent	35	50
Co-respondent	25	40

“1. The Court may determine under which of the above-mentioned scales the costs of any suit are to be allowed.

“2. The costs of any exceptional proceedings—as, for example, of a Commission to take evidence—shall be fixed by the Court by analogy to the scale of costs for the time being in force under the Code of Civil Procedure in the Supreme Court.

“3. When a trial or hearing has extended beyond one day, the Court may certify for an extra allowance not exceeding £21 for every day after the first day.

“4. In addition to the foregoing, all disbursements for fees of Court, fees of officers, expenses of service, witnesses' expenses actually paid, and all other necessary payments shall be allowed.”

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

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.