

1961/22



THE MAGISTRATES' COURTS RULES 1948,  
AMENDMENT NO. 4

COBHAM, Governor-General  
ORDER IN COUNCIL

At the Government Buildings at Wellington this 27th day of March 1961

Present:

THE HON. J. R. MARSHALL PRESIDING IN COUNCIL

PURSUANT to the Magistrates' 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. These rules may be cited as the Magistrates' Courts Rules 1948, Amendment No. 4, and shall be read together with and deemed part of the Magistrates' Courts Rules 1948\* (hereinafter referred to as the principal rules).

2. The principal rules are hereby amended by revoking rule 338, and substituting the following rule:

*"Payment of Money in Court to Solicitor or Agent*

"338. No person, other than the solicitor on the record in respect of the proceedings, shall be entitled to withdraw on behalf of any party any money paid into Court to the credit of that party, unless there is lodged with the Registrar a written authority, in the form No. 117, signed by the party entitled to the money. No fee shall be payable on the filing of the authority."

3. The principal rules are hereby further amended by revoking the Third Schedule (as substituted by subclause (2) of rule 12 of the Magistrates' Courts Rules 1948, Amendment No. 2, and amended by rule 2 of the Magistrates' Courts Rules 1948, Amendment No. 3), and substituting the new Third Schedule set out in the Schedule to these rules.

\*S.R. 1948/197  
Amendment No. 1: S.R. 1952/242  
Amendment No. 2: S.R. 1956/81  
Amendment No. 3: S.R. 1960/184  
Amended : S.R. 1961/13

4. The following rules are hereby revoked:

- (a) Subclauses (2) and (3) of rule 12 of the Magistrates' Courts Rules 1948, Amendment No. 2,\* and the Schedule to those rules:
- (b) The Magistrates' Courts Rules 1948, Amendment No. 3, made by Order in Council on the 30th day of November 1960†:
- (c) The Magistrates' Courts Rules 1948, Amendment No. 3, made by Order in Council on the 27th day February 1961‡.

\*S.R. 1956/81  
†S.R. 1960/184  
‡S.R. 1961/13

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SCHEDULE  
 NEW THIRD SCHEDULE TO PRINCIPAL RULES  
 THIRD SCHEDULE  
 COURT FEES

	—	Amount not Exceeding £5	Amount not Exceeding £10	Amount not Exceeding £20	Amount not Exceeding £50	Amount not Exceeding £250	Amount Exceeding £250
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1.* Filing, in respect of a claim for a sum of money only:							
(a) Plaintiff note; or	.. .. .	0 10 0	0 15 0	1 0 0	1 10 0	2 5 0	3 0 0
(b) Counterclaim; or	.. .. .	0 10 0	0 15 0	1 0 0	1 10 0	2 5 0	3 0 0
(c) Interpleader affidavit, pursuant to s. 111 of Act, of a person other than a defendant	.. .. .	0 10 0	0 15 0	1 0 0	1 10 0	2 5 0	3 0 0
2.* Filing any document mentioned in item 1, where claim is not for money	1 0 0						
3. Filing originating application	1 0 0						
4.* Filing (on amount owing under judgment):							
(a) Application for judgment summons; or	.. .. .	0 10 0	0 15 0	1 0 0	1 5 0	1 15 0	2 5 0
(b) Application for any warrant of distress, or any warrant of committal under the Imprisonment for Debt Limitation Act 1908, or writ of arrest (in addition to the amounts payable under items 11 to 13); or	.. .. .	0 10 0	0 15 0	1 0 0	1 5 0	1 15 0	2 5 0
(c) Affidavit in support of garnishee summons	.. .. .	0 10 0	0 15 0	1 0 0	1 5 0	1 15 0	2 5 0

5.\* Filing application for any warrant not mentioned in item 4 .. .. . £ s. d.  
 .. .. . .. .. . 1 0 0

\*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 shall be under item 1 or item 2, whichever is the higher, or, as the case may require, under item 4 or item 5, whichever is the higher.

SCHEDULE—*continued*COURT FEES—*continued*

												£	s.	d.
6. Filing application for examination pursuant to rule 236 or rule 237 (irrespective of number of persons to be examined)	..	..										0	15	0
7. Filing application for:														
(a) Variation of judgment or order; or	..	..	..	..	..	..	..	..	..	..	..	0	10	0
(b) Leave to enforce judgment or order	}													
8. Issue of certificate of judgment or order	..	..	..	..	..	..	..	..	..	..	..	0	3	0
9. For search:														
In any one matter	..	..	..	..	..	..	..	..	..	..	..	0	2	0
General search	..	..	..	..	..	..	..	..	..	..	..	0	5	0
10. Copy of the Magistrate's notes when notice of appeal has been lodged: For each folio of 72 words	..	..	..	..	..	..	..	..	..	..	..	0	0	2
11. Copy of Magistrate's notes in any other case or of Registrar's notes or of judgment or any other document: For each folio of 72 words	..	..	..	..	..	..	..	..	..	..	..	0	0	8
12. 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.														
13. For storage, cartage, and removal of goods, or advertising of goods for sale: Actual and reasonable disbursements.														
14. 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 1959*.														

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

