

1967/46



THE MAGISTRATES' COURTS RULES 1948, AMENDMENT
NO. 7

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 20th day of March 1967

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to the Magistrates' Courts Act 1947 and the Crown Proceedings Act 1950, 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 Magistrates' Courts Rules 1948, Amendment No. 7, and shall be read together with and deemed part of the Magistrates' Courts Rules 1948* (hereinafter referred to as the principal rules).

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

2. Garnishee proceedings where debt exceeds £1,000—The principal rules are hereby amended by omitting from rule 265, and also from the heading above that rule, the words "exceeds £500", and substituting in each case the words "exceeds £1,000".

*S.R. 1948/197

Amendment No. 1: S.R. 1952/242

Amendment No. 2: S.R. 1956/81

Amendment No. 3: (*Revoked by S.R. 1961/22*)

Amendment (S.R. 1961/13): (*Revoked by S.R. 1961/22*)

Amendment No. 4: S.R. 1961/22

Amendment No. 5: S.R. 1963/64

Amendment No. 6: S.R. 1965/210

3. Garnishee proceedings against the Crown—Rule 278A of the principal rules (as inserted by rule 14 of the Magistrates' Courts Rules 1948, Amendment No. 1) is hereby amended—

- (a) By inserting in paragraph (b) after the word "hereof" the words "shall be filed in triplicate and":
- (b) By inserting in paragraph (c) after the word "Crown", the words " , together with a copy of the affidavit filed in support of the summons".

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 make two amendments to the Magistrates' Courts Rules 1948.

Rule 2 makes a minor amendment relating to the increased jurisdiction of the Court.

Rule 3 amends rule 278A so that in garnishee proceedings where the Crown is the sub-debtor the affidavit in support of the garnishee summons must be filed in triplicate so that a copy can be served on the Crown with the summons.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 March 1967.

These regulations are administered in the Department of Justice.