

1967/234



THE MAGISTRATES' COURTS RULES 1948, AMENDMENT
NO. 8

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 11th day of October 1967

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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. Title and commencement—(1) These rules may be cited as the Magistrates' Courts Rules 1948, Amendment No. 8, 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 16th day of October 1967.

2. New scale of Court fees prescribed—(1) The principal rules are hereby amended by revoking the Third Schedule (as substituted by rule 12 of the Magistrates' Courts Rules 1948, Amendment No. 5), 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.

(4) Rule 12 of the Magistrates' Courts Rules 1948, Amendment No. 5, and the Schedule to those rules are hereby revoked.

*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

Amendment No. 7: S.R. 1967/46

SCHEDULE
NEW THIRD SCHEDULE TO THE PRINCIPAL RULES
THIRD SCHEDULE
COURT FEES

—	—	Amount not Exceeding \$20	Amount Exceeding \$20 but not Exceeding \$40	Amount Exceeding \$40 but not Exceeding \$100	Amount Exceeding \$100 but not Exceeding \$500	Amount Exceeding \$500 but not Exceeding \$1,000	Amount Exceeding \$1,000 but not Exceeding \$1,500	Amount Exceeding \$1,500
1.* Filing, in respect of a claim for a sum of money only:	\$	\$	\$	\$	\$	\$	\$	\$
(a) Plaintiff note; or	}	..	2.00	3.00	4.00	6.50	9.00	11.00
(b) Counterclaim; or								
(c) Interpleader affidavit, pursuant to s. 111 of Act, of a person other than a defendant								
2.* Filing any document mentioned in item 1, where claim is not for money	4.00	..	..	..	..	..	..	..
3. Filing originating application	4.00	..	..	..	..	..	..	..
4.* Filing (on amount owing under judgment):	}	..	2.50	3.00	4.00	6.00	8.00	10.00
(a) Application for judgment summons; or								
(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								
(c) Affidavit in support of garnishee summons								
5.* Filing application for any warrant not mentioned in item 4 .. .. .	..	..	..	..	..	..	..	\$ 4.00

*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*

6. Filing application for examination pursuant to rule 236 or rule 237 (irrespective of number of persons to be examined)	..	..	3.00
7. Filing application for:			
(a) Variation of judgment or order; or }	..	..	2.00
(b) Leave to enforce judgment or order }	..	..	2.00
8. Issue of certificate of judgment or order	..	..	1.00
9. For search:			
In any one matter	..	..	0.50
General search	..	..	1.00
10. Copy of the Magistrate's notes when notice of appeal has been lodged: For each page	..	..	0.20
11. Copy of Magistrate's notes in any other case or of Registrar's notes or of judgment or any other document: For each page	..	..	0.50
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.*			

P. J. BROOKS,
Clerk of the Executive Council.

*S.R. 1959/108
Amendment No. 1: S.R. 1965/22

EXPLANATORY NOTE

This note is not part of the rules, but is intended to indicate their general effect.

These rules amend the Magistrates' Courts Rules 1948 by substituting a new and increased scale of Court fees. The new scale, which has been slightly rearranged, comes into force on 16 October 1967.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 12 October 1967.

These regulations are administered in the Department of Justice.