

1966/75



**THE MATRIMONIAL PROCEEDINGS RULES 1964,
AMENDMENT NO. 1**

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 18th day of May 1966

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Matrimonial Proceedings Act 1963, 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 Chief Justice and at least four of the other members of the Rules Committee constituted under the Judicature Amendment Act 1930 (of whom at least one was a Judge of the Supreme Court), hereby makes the following rules.

RULES

1. (1) These rules may be cited as the Matrimonial Proceedings Rules 1964, Amendment No. 1, and shall be read together with and deemed part of the Matrimonial Proceedings Rules 1964* (hereinafter referred to as the principal rules).

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

2. Rule 68 of the principal rules is hereby amended by omitting from paragraph (1) the words "rules 597A, 597B, and 597C, and substituting the words "rules 597A and 597B".

3. (1) The principal rules are hereby further amended by revoking the Second Schedule, and substituting the Second Schedule set out in the Schedule to these rules.

(2) The new Second Schedule substituted by this rule shall apply in respect of any cause commenced on or after the date of the coming into force of these rules.

(3) In respect of any cause commenced before the date of the coming into force of these rules, the new Second Schedule substituted by this rule shall apply in respect of any step in the cause taken on or after that date.

Rule 3

SCHEDULE

NEW SECOND SCHEDULE TO THE PRINCIPAL RULES

Rule 59

"SECOND SCHEDULE

SCALE OF COSTS

—	Lower Scale	Higher Scale
	£ s. d.	£ s. d.
Undefended suits	31 10 0	52 10 0
Defended suits in which the respondent or the co-respondent has appeared at the trial or hearing—		
Petitioner	52 10 0	78 15 0
Respondent	47 5 0	63 0 0
Co-respondent	36 15 0	52 10 0

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 interlocutory proceedings 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 £26 5s. for every day after the first day.

4. Extra counsel, if certified for, each per day, not exceeding £15 15s.

5. The Court may, if it thinks fit, allow to the wife against the husband, solicitor-and-client costs as taxed.

6. In addition to the foregoing, all disbursements for fees of Court, fees of officers, expenses of service, witnesses' expenses, and all other necessary payments shall be allowed."

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 Matrimonial Proceedings Rules 1964.

Rule 2 omits a reference to rule 597c of the Code of Civil Procedure consequent on the revocation of that rule by the Supreme Court Amendment Rules 1966.

Rule 3 substitutes a new and increased scale of costs.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 May 1966.

These regulations are administered in the Department of Justice.