

Serial Number 1939/9.



**THE SUPREME COURT (MISCELLANEOUS) AMENDMENT
RULES 1939.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 30th day of
January, 1939.

Present :

THE RIGHT HON. M. J. SAVAGE PRESIDING IN COUNCIL.

PURSUANT to section 3 of the Judicature Amendment Act, 1930, His Excellency the Governor-General, with the advice and consent of the Executive Council and with the concurrence of the Right Honourable the Chief Justice and five of the other members of the Rules Committee constituted under the Judicature Amendment Act, 1930 (two of such other members being Judges of the Supreme Court), doth hereby make the following rules amending the Code of Civil Procedure set forth in the Second Schedule to the Judicature Act, 1908.

RULES.

1. These rules may be cited as the Supreme Court (Miscellaneous) Amendment Rules 1939.
2. These rules shall come into force on the 30th day of January, 1939.
3. The Code of Civil Procedure set forth in the Second Schedule to the Judicature Act, 1908, is hereby amended by inserting therein, next following Rule 51 thereof, the following additional rules :—

“ SERVICE OF NOTICE OF WRIT.

“ 51A. When it is proposed that service should be effected on a person who is not a British subject and in a country which is neither part of His Majesty’s Dominions nor a territory held by His Majesty under mandate or protectorate, then, in lieu of service of the writ of summons, service of notice of the writ shall be effected and any order for service shall direct accordingly, and in such case service of the notice of the writ shall have all the consequences of service of the writ under these rules.

“SERVICE ABROAD WHERE CONVENTIONS EXIST.

“51B. The provisions of Rules 51C to 51H shall apply—

“(a) If and whenever any Convention between His Majesty in right of His Dominion of New Zealand and the sovereign of any other country or between His Majesty’s Government in New Zealand and the Government of any other country is in force relating to the service of judicial documents* ; and

“(b) If in such Convention provision is made for service in such other country by official means—that is to say, (i) by the competent authority of that country or (ii) by a British consular officer ; and

“(c) If the party having obtained leave to effect service of any document outside New Zealand desires to take advantage of the provisions for service by official means ; and shall apply, subject to any special provisions contained in the Convention.

“51C. The party bespeaking such service shall file in Court a Request for Service in the form numbered 7A in the First Schedule hereto, with such modifications as the case may require, stating the official means of service desired (namely, by the competent authority of the country in question or by a British consular officer) and containing the undertaking as to payment of expenses set out in the said form.

“51D. The Request for Service shall be accompanied by (i) the instrument to be served, (ii) a copy thereof to be exhibited to evidence verifying service, (iii) a translation into the language or appropriate language of the country concerned, (iv) a copy of the translation to be exhibited as aforesaid. If more than one person is to be served, as many sets of the documents aforesaid shall be supplied as there are persons to be served. If service is to be effected on a British subject and by a British consular officer translations need not be supplied unless the Convention expressly so requires. The correctness of every translation shall be certified or otherwise verified to the satisfaction of the Registrar.

“51E. The documents to be served shall be sealed by the Registrar with the seal of the Supreme Court, and the documents required to accompany the Request for Service shall be forwarded by the Registrar to the Under-Secretary of the Department of Justice for transmission through the regular channels to the country concerned.

“51F. An official certificate establishing the fact and date of service and given by the competent authority of the country concerned or by a British consular officer and transmitted to the Supreme Court by the Under-Secretary of the Department of Justice shall be deemed to be

* For conventions heretofore adhered to by New Zealand see : *Gazette*, 1928, p. 264 (France) ; *Gazette*, 1929, p. 3047 (Germany) ; *Gazette*, 1931, p. 137 (Spain) ; *Gazette*, 1931, p. 3002 (Sweden) ; *Gazette*, 1932, p. 1154 (Norway) ; *Gazette*, 1933, p. 88 (Poland) ; *Gazette*, 1933, p. 90 (Portugal) ; *Gazette*, 1933, p. 212 (Italy) ; *Gazette*, 1933, p. 611 (French Colonies) ; *Gazette*, 1933, p. 1377 (Estonia) ; *Gazette*, 1934, p. 9 (Austria, now lapsed) ; *Gazette*, 1934, p. 59 (Denmark and Iceland) ; *Gazette*, 1934, p. 494 (Netherlands) ; *Gazette*, 1934, p. 591 (Turkey) ; *Gazette*, 1934, p. 964 (Belgium) ; *Gazette*, 1934, p. 3441 (Finland) ; *Gazette*, 1936, p. 762 (Czechoslovakia) ; *Gazette*, 1936, p. 2289 (Hungary) ; *Gazette*, 1936, p. 2404 (Lithuania) ; *Gazette*, 1937, p. 2619 (Iraq) ; *Gazette*, 1938, p. 997 (Yugoslavia) ; *Gazette*, 1938, p. 1698 (Greece).

sufficient proof of such service, and may on receipt thereof by the Registrar be filed by the party bespeaking service and thereupon be equivalent to an affidavit of service under these rules.

“ 51g. The provisions of Rules 51B to 51F shall not apply to or render invalid or insufficient any mode of service in any foreign country with which a Convention is in force if such mode of service is otherwise valid or sufficient according to New Zealand procedure and is not expressly excluded by any Convention and is not contrary to the law of the country concerned.

“ 51h. The provisions of Rules 48 to 51F shall apply, *mutatis mutandis*, to any petition, originating summons, or other originating proceeding or any summons, order, or notice in any proceedings duly originated which (or a notice of which as the case may be) should in the opinion of the Court be allowed to be served out of New Zealand.”

4. The said Code is amended by deleting the numbers 178J to 178S inclusive heretofore prefixed to rules of the said Code, and substituting the numbers 51J to 51S inclusive respectively, and by prefixing thereto the heading “Service of Foreign Process in New Zealand”.

5. The said Code is hereby amended by inserting therein, next following Rule 51S thereof, the following additional rules:—

“ 51T. Where it has not been possible to effect service, the said certificate in the form numbered 13C shall be modified as the case may require.

“SERVICE OF FOREIGN PROCESS IN NEW ZEALAND WHERE
CONVENTIONS EXIST.

“ 51U. The provisions of Rules 51W to 51X shall apply if and whenever any Convention between His Majesty in right of His Dominion of New Zealand and the sovereign of any other country or between His Majesty’s Government in New Zealand and the Government of any other country is in force relating to the service in New Zealand of documents relating to any proceeding pending in the Courts of that country, and shall apply subject to any special provisions contained in the Convention.*

“ 51W. Where a request is received by the Registrar at Wellington of the Supreme Court from the Consular or other authority of any country for service on a person in New Zealand of a document to which this rule applies, service thereof shall be effected and reported to the Registrar in manner set out in Rules 51L, 51M, and 51N, save that the Sheriff’s return shall in all cases be made to the Registrar at Wellington.

“ 51X. The Registrar shall certify the amount properly payable to any person for the cost of effecting service (but no fees of Court shall be charged for the filing of any document or the doing of any act relating to the service or the certification thereof), and shall then transmit to the Consular or other authority making the request—

“ (i) The evidence of service :

“ (ii) A certificate signed by the Registrar sealed with the seal of the Court in the form numbered 13C in the First Schedule hereto :

“ (iii) The certificate aforesaid as to the amount properly payable for the cost of effecting service.”

* See footnote, page 51.

6. Rules numbered 95 to 99 (both inclusive) of the said Code are revoked, and the following rules substituted :—

“ 95. Where in any action a defendant (which term in this and the following rules of this Chapter includes a defendant to a counterclaim) claims against any person not already a party to the action (in this and the following rules of this Chapter called the third party)—

“ (a) That he is entitled to contribution or indemnity ; or

“ (b) That he is entitled to any relief or remedy relating to or connected with the subject-matter of the action and substantially the same as some relief or remedy claimed by the plaintiff (which term in this and the following rules of this Chapter includes a plaintiff in a counterclaim) ; or

“ (c) That any question or issue in the action should properly be determined not only as between the plaintiff and the defendant, but also as between the plaintiff, the defendant, and the third party or as between any or either of them ; or

“ (d) That any question or issue relating to or connected with the subject-matter of the action is substantially the same as some question or issue arising between the plaintiff and the defendant and should properly be determined as aforesaid,—

then the defendant may, by leave of the Court, issue a notice to that effect (hereinafter called a third-party notice).

“ 96. Application for leave to issue a third-party notice shall be made on motion supported by affidavit, and may be made *ex parte* unless the Court directs that notice thereof be given to the plaintiff. On the hearing of the same or a subsequent application the Court may give directions as to the time within which the third party is to be required to file and serve his statement of defence to the third-party notice.

“ 97. A third-party notice shall state the nature and grounds of the defendant's claim against the third party or the nature of the question or issue sought to be determined and the nature and extent of any relief or remedy claimed, and may be in the form numbered 8 or the form numbered 8A in the First Schedule hereto, with such variations as circumstances may require.

“ 98. A third-party notice shall be filed in the Court and sealed with the seal with which writs of summons are sealed, and a copy thereof so sealed shall be served on the third party according to the rules relating to the service of writs of summons, and with it there shall be served copies of the writ of summons and statement of claim, or originating summons and a list of any other pleadings or documents in the action which have down to the time when leave to issue the third-party notice was given been served on the defendant by the plaintiff or by the defendant on the plaintiff.

“ 99. A sealed copy of the third-party notice shall also be served on the plaintiff in the manner in which statements of defence are required to be served.

“ 99A. Such service on the third party and on the plaintiff respectively shall, unless otherwise ordered by the Court, be effected within a time corresponding to the time limited for delivering the statement of defence in the action, or, where the third-party notice is served by a defendant to a counterclaim, corresponding to the time limited for delivering the plaintiff's statement of defence to the counterclaim.

“ 99B. The third party shall, as from the time of the service of the third-party notice upon him, be a party to the action, with the same rights in respect of his defence against any claim made against him and otherwise (including right by leave to file a statement of defence after the time limited in that behalf has expired) as if he had been made a defendant to an action instituted against him by the defendant.

“ 99c. If the time within which the third party is required to file his statement of defence expires less than six days before the date fixed for the trial of the action, or, if no such date has been fixed, less than six days before the commencement of the first sittings of the Court at which the plaintiff may set the case down for hearing, then the Court may on the application of any party to the action postpone or adjourn the trial for such time and on such terms as to payment of costs and otherwise as may seem just.

“ 99D. If the third party makes default in filing his statement of defence, he shall be deemed to admit the validity of and shall be bound by any judgment given in the action, whether by consent, default, or otherwise, and by any decision therein on any question specified in the third-party notice; and when contribution or indemnity or any relief or remedy is claimed against him in the third-party notice he shall be deemed to admit his liability in respect thereof.

“ 99E. When the third party has made default in filing his statement of defence and the defendant has suffered judgment in the action, whether by consent, by default, upon confession, or otherwise, such defendant shall be entitled, at any time after satisfaction of the judgment against himself, or before such satisfaction by leave of the Court, and to such extent as the Court may think just, to enter judgment against the third party to the extent of any contribution or indemnity claimed in the third-party notice, or by leave of the Court, to enter against the third party in respect of any other relief or remedy claimed such judgment as the Court may direct.

“ 99F. Any judgment entered against a third party under the last preceding rule may be set aside or varied upon such terms as the Court may think just.

“ 99G. If the third party files his statement of defence pursuant to the third-party notice, the plaintiff, the defendant, the third party, and any other defendant shall each be entitled to apply to the Court for directions as to the mode of having the matters put in issue in the third-party notice determined. Such application shall be made upon motion, and notice thereof shall be given to such of the following—namely, the plaintiff, the defendant, the third party, and any other defendant as is not the party moving. It shall not be obligatory upon any party to take any steps under this rule.

“ 99H. On the hearing of such application the Court may—

“ (a) Where the liability of the third party to the defendant giving the notice is established on the hearing of the application, order such judgment as the nature of the case may require to be entered against the third party in favour of the defendant giving the notice ; or

“ (b) If satisfied that there is a question or issue proper to be tried as between the plaintiff and the defendant and the third party, or between any or either of them as to—

“ (i) The liability of the defendant to the plaintiff ; or

“ (ii) The liability of the third party to make any contribution or indemnity claimed, in whole or in part ; or

“ (iii) Any other relief or remedy claimed in the third-party notice,—

order such question or issue to be tried in such manner as the Court may direct ; or

“ (c) If satisfied that a question or issue stated in the third-party notice should be determined not only as between the plaintiff and the defendant, but also as between the plaintiff, the defendant, and the third party, or any or either of them, order such question or issue to be tried in such manner as the Court may direct ; or

“ (d) If it appears desirable to do so, give the third party liberty to defend the action, either alone or jointly with the original defendant, upon such terms as may be just, or to appear at the trial and take such part therein as may be just, and generally may order such proceedings to be taken, pleadings or documents to be delivered, or amendments to be made, and give such directions as the Court thinks proper for having the question and the rights and liabilities of the parties determined and enforced and as to the mode and extent in or to which the third party shall be bound or made liable by the decision or judgment in the action ; or

“ (e) Dismiss the application.

“ 99J. When an action is decided in which a third party has filed his statement of defence pursuant to the third-party notice, then either at or after the trial of the action, or (whether the action is decided by trial or otherwise) on application made upon motion or by summons, the Court may—

“ (a) Order such judgment as the nature of the case may require to be entered for or against the defendant giving the notice against or for the third party ; and

“ (b) Grant to the defendant or to the third party any relief or remedy which might properly have been granted if the third party had been made a defendant to an action duly instituted against him by the defendant ; and

“ (c) Make such further or other order as the nature of the case may require.

“ 99K. The Court may decide all questions of costs as between a third party and other parties to the action, and may order any one or more of them to pay the costs of any other or others, or (subject to the rules as to costs in general hereinafter contained) give such direction as to costs as the justice of the case may require.

“ 99L. Where a third party makes as against any further person not already a party to the action such a claim as is defined by Rule 95, the foregoing rules as applied by this rule, and the provisions of this rule shall have effect as regards such claim and such further person, and so on successively, and the terms ‘ third party ’ and ‘ third-party notice ’ shall apply to and include every successive further person and every notice issued in pursuance of a claim so made.

“ 99M. Third-party proceedings may at any time be set aside by the Court upon such terms as to costs and otherwise as the Court may order. In particular it shall, unless the Court otherwise decides, be a sufficient ground for setting aside the proceedings that the third party is thereby required to attend a sitting of the Court at a place where he could not be required to attend if he had been made a defendant to an action instituted against him by the defendant in respect of the subject-matter of the third-party notice.

“ 99N. Where in any action a defendant claims against another defendant—

“ (a) That he is entitled to contribution or indemnity ; or

“ (b) That he is entitled to any relief or remedy relating to or connected with the subject-matter of the action and substantially the same as some relief or remedy claimed by the plaintiff ; or

“ (c) That any question or issue in the action should properly be determined not only as between the plaintiff and the defendant making the claim, but also as between the plaintiff and that defendant and another defendant, or as between any or either of them ; or

“ (d) That any question or issue relating to or connected with the subject-matter of the action in substantially the same as some question or issue arising between the plaintiff and the defendant making the claim and should properly be determined as aforesaid,—

then the defendant making the claim may without any leave seal, file, and serve a notice to that effect.

“ 99O. On the issue of a notice under the last preceding rule it shall not be obligatory upon a defendant so served unless he thinks fit to file a statement of defence in reply to the notice, and the provisions of Rules 99C, 99D, 99E, and 99F shall not apply, but in other respects the same procedure shall be adopted for the determination of such claim, question, or issue between the defendants as would be appropriate if the defendant so served were made a third party to the action, and Rule 97 and the subsequent rules of this Chapter shall, *mutatis mutandis*, apply so far as applicable.

“ 99P. Nothing contained in Rules 99N and 99O shall prejudice the rights of the plaintiff against any defendant to the action.

“ 99Q. The omission of a defendant to issue any notice which he might be entitled to issue under Rule 99N shall not prevent the Court from giving any judgment or granting any relief in favour of such defendant that might have been given or granted had Rule 99N not been enacted.”

7. The said Code is further amended by inserting therein, following Rule 132 thereof, the following additional rule :—

“ 132A. The time within which the plaintiff shall file his statement of defence to the counterclaim shall be seven, ten, or fourteen days according as the plaintiff resides not more than twenty miles, more than twenty but not more than one hundred miles, or more than one hundred miles from the office of the Court in which such statement of defence to counterclaim is to be filed.”

8. The said Code is hereby amended by inserting therein, next following Rule 177 thereof, the following additional rules :—

“ LETTERS OF REQUEST FROM NEW ZEALAND.

“ 177A. If in any case the Court thinks fit, then in lieu of an order for examination of witnesses under Rule 177 the Court may order that a Letter of Request be issued directed to the proper tribunal in any country outside New Zealand for the examination of the witnesses named in such order, and thereupon a Letter of Request shall be issued accordingly under the hand of a Judge and the seal of the Court in such form as the Court may approve providing for return to be made through the Minister of Justice.

“ 177B. Before any Letter of Request is sealed the solicitor for the applicant shall deliver to the Registrar his written personal undertaking to be responsible for all expenses in respect of the execution of the Letter of Request incurred by the Government of New Zealand and by any British Government acting in the matter or by any officer thereof respectively, or in lieu of such undertaking shall give security to the satisfaction of the Registrar for the payment of the expenses aforesaid, and shall in either case deliver to the Registrar his written personal undertaking that on receiving due notification of the amount of such expenses he will pay the same forthwith to the Public Account and produce evidence of such payment to the Registrar.

“ LETTERS OF REQUEST FROM NEW ZEALAND WHERE CONVENTIONS
EXIST.

“ 177C. The provisions of Rules 177D to 177F shall apply if and whenever any Convention between His Majesty in right of His Dominion of New Zealand and the sovereign of any other country or between His Majesty's Government in New Zealand and the Government of any other country is in force relating to the taking of evidence in that country for use in New Zealand, and shall apply subject to any special provisions contained in the Convention.*

“ 177D. Where an order has been made for the issue of a Letter of Request directed to any country to which (pursuant to Rule 177c) this rule applies, the applicant shall file a statement of the names and addresses of the persons appointed in that country by the respective parties as their agents in connection with the execution of the Letter of Request.

* See footnote, page 51.

“ 177E. In such case the Letter of Request shall be issued under the hand of a Judge and the seal of the Court providing for return to be made through the Consul or other officer of or acting for the Government of New Zealand from whom the Letter of Request is received by the foreign tribunal, and the applicant shall furnish a translation thereof in the language or appropriate language of the country concerned, together with a copy of the interrogatories (if any) to accompany the request, and a translation thereof as aforesaid and a copy of the cross-interrogatories (if any) and a translation thereof as aforesaid, and the correctness of every translation shall be certified or otherwise verified to the satisfaction of the Registrar.

“ 177F. If a Convention permits the taking of evidence by a British consular officer without the intervention of the local authority, then an order made under Rule 177 shall be sufficient if it refers to the British consular officer at any place or his deputy without describing him by name or precise consular rank, and such order shall contain any provision or restriction on the exercise of inquisitorial powers required by the terms of the Convention.”

9. The said Code is hereby amended by prefixing to Rule 178A thereof the following heading: “ Letters of Request to New Zealand.”

10. The said Code is hereby amended by inserting therein, next following Rule 178i thereof, the following additional rules:—

“ LETTERS OF REQUEST TO NEW ZEALAND WHERE CONVENTIONS
EXIST.

“ 178K. The provisions of Rules 178L to 178O shall apply if and whenever any Convention between His Majesty in right of His Dominion of New Zealand and the sovereign of any other country, or between His Majesty’s Government in New Zealand and the Government of any other country, is in force relating to the carrying into effect in New Zealand of Letters of Request relating to any proceedings pending in the Courts of that country, and shall apply subject to any special provisions contained in the Convention.*

“ 178L. Where a commission, rogatoire, or Letter of Request is received by the Registrar at Wellington of the Supreme Court emanating from a Court of any country to which (pursuant to Rule 178K) this rule applies and it does not appear that the same is intended to be carried into effect by an application to the Court made by the agent in New Zealand of a party to the proceeding, the Registrar shall transmit the same to the Solicitor-General, who may thereupon, with the consent of the Minister of Finance, make such applications and take such steps as may be necessary to give effect to the same.

“ 178M. In carrying into effect a commission, rogatoire, or Letter of Request emanating from a Court of any country to which (pursuant to Rule 178K) this rule applies, no fees of Court or other charges shall be payable except such as may be expressly provided for by the Convention.

“ 178N. Where the commission, rogatoire, or Letter of Request has been received by the Registrar from a consular or other authority of any country the Registrar shall return the same, and the depositions and other documents by which it was carried into effect, to the authority from whom it was received.

* See footnote, page 51.

“178o. The provisions of Rules 178A to 178r shall apply to commissions, rogatoire, or Letters of Request emanating from a Court of any country to which (pursuant to Rule 178k) this rule applies, subject, however, to the express provisions of Rules 178r to 178n hereof.”

11. Rule 362 of the said Code is amended by revoking all the words following the word “except”, and substituting the following words: “personal and family clothing, furniture and household effects, and tools or implements of trade, not exceeding in all £50 in value.”

12. The First Schedule to the said Code is amended by inserting therein, next following form No. 7 thereof, the following additional form:—

NO. 7A.—REQUEST FOR SERVICE ABROAD.
[Heading.]

I HEREBY request that [a notice of] the writ of summons in this action be transmitted through the proper channel to [Name of country] for service [or substituted service] on the above-named defendant [Name of defendant], at or elsewhere in [Name of country], such service to be effected directly through a British consular officer [or by the competent authority of that country].

And I hereby personally undertake to be responsible for all expenses of effecting or endeavouring to effect service incurred by the Government of New Zealand and by any British Government acting in the matter or by any officer thereof respectively, and on receiving due notification of the amount of such expenses to pay the same forthwith to the Public Account and to produce evidence of such payment to the Registrar.

Dated this day of, 19..

Signature of Solicitor.

13. Form No. 8 in the First Schedule to the said Code is revoked, and the following forms substituted therefor:—

NO. 8.—THIRD-PARTY NOTICE CLAIMING INDEMNITY, CONTRIBUTION, OR OTHER RELIEF OR REMEDY.

In the Supreme Court of New Zealand, }
..... District. }

Between A. B., Plaintiff,
And C. D., Defendant,
And E. F., Third Party.

THIRD-PARTY NOTICE issued pursuant to Order of the Court made on the Day of, 19..—

To E.F., of &c. [Full name, residence, and calling].

TAKE NOTICE that this action has been brought by the plaintiff against the defendant. In it the plaintiff claims against the defendant [Here state concisely the nature of the plaintiff's claim] as appears by the Statement of Claim [or Originating Summons], a copy whereof is delivered herewith.

The defendant claims against you [Here state concisely the nature of the claim against the third party, as for instance to be indemnified against the plaintiff's claim and the costs of this action or contribution to the extent of one-half of the plaintiff's claim or the following relief or remedy, namely].

The grounds of the defendant's claim against you are [State concisely the grounds of the claim against the third party as in a statement of claim].

And take notice that if you wish to dispute the plaintiff's claim against the defendant, or the defendant's claim against you, you must within clear days after and exclusive of the day on which this notice is served upon you file in the office of this Court at [Here insert place where statement of defence is to be filed] a statement of your defence to the defendant's claim. In default of your so doing you will be deemed to admit the plaintiff's claim against the defendant, and the defendant's claim against you and your liability to [Here insert: Indemnify the defendant or contribute to the extent claimed or to (stating the relief or remedy sought)] and the validity of any judgment that may be given in the action, whether by consent or otherwise, and you will be bound by such judgment, and such judgment may be enforced against you pursuant to the Rules of the Court.

If you file a statement of defence within the time above specified you are hereby summoned to attend the sittings of the Court at [*Here specify place at which action is to be tried*] commencing on the day of [*Here specify first sittings at which action may be tried according to date of service of writ upon defendant*], and if you fail so to appear the action may be heard and determined in your absence.

Issued under the seal of the Supreme }
Court at, this } [SEAL]
day of, 19.. }

N.B.—This notice is issued by the above-named defendant C. D. in person [or by his solicitor, Y. Z.], whose address for service is

NO. 8A.—THIRD-PARTY NOTICE WHEN QUESTION OR ISSUE IS TO BE DETERMINED.

Title, &c., as in Form No. 8 down to "herewith", and proceed :—

The defendant claims that the following question or issue, namely: [*Here state concisely the question or issue to be determined*] should be determined not only as between the plaintiff and the defendant, but also as between the plaintiff and the defendant and you.

And take notice that if you wish to be heard on the said question or issue or to dispute the defendant's liability to the plaintiff or your liability to the defendant, you must within clear days after and exclusive of the day on which this notice is served upon you, file in the office of this Court at [*Here insert place where statement of defence is to be filed*] a statement of your defence to the defendant's claim. In default of your so doing you will be deemed to admit the validity of and will be bound by any decision or judgment arrived at or given in the action, whether by consent or otherwise, on the said question or issue, and to admit any consequent liability of yourself, and judgment may be given and enforced against you pursuant to the Rules of the Court.

If you file a statement of defence [*&c., continuing as in Form No. 8, to end*].

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 9th day of February, 1939.
These regulations are administered by the Department of Justice.