



THE SUPREME COURT AMENDMENT RULES 1967

ARTHUR PORRITT, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 18th day of December 1967

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Judicature Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and with the concurrence of the Right 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. Title and commencement—(1) These rules may be cited as the Supreme Court Amendment Rules 1967, and shall be read together with and deemed part of the Code of Civil Procedure set out in the Second Schedule to the Judicature Act 1908 (hereinafter referred to as the Code).

(2) These rules shall come into force on the 1st day of January 1968.

2. Payment into Court—The Code is hereby amended by revoking rule 213, and substituting the following rule:

“213. If the claim in any action is for a sum of money the defendant may at any time, not being later than 14 days before the fixture made for the hearing of the action, pay into Court a sum by way of satisfaction either of the whole claim or of general damages:

“Provided that with special leave of a Judge a payment into Court may be made at any time before trial.”

3. New scale of Court fees prescribed—(1) The Code is hereby amended by revoking Table D in the Third Schedule (as substituted by rule 4 (2) of the Supreme Court Amendment Rules (No. 2) 1952* and as amended by rule 3 (2) of the Supreme Court Amendment Rules 1953†), and substituting the Table D set out in the Schedule to these rules.

*S.R. 1952/123

†S.R. 1953/121

(2) The new Table D 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 Table hereby revoked, and the appropriate fees, if any, set out in the new Table D substituted by this rule shall be payable in respect of any step in the proceedings taken on or after that date.

(4) The following enactments are hereby consequentially revoked—

(a) Subclauses (2) and (3) of rule 3 of the Supreme Court Amendment Rules (No. 2) 1952:

(b) Subclause (2) of rule 3 of the Supreme Court Amendment Rules 1953.

Rule 3(1)

SCHEDULE

NEW TABLE D IN THE THIRD SCHEDULE TO THE CODE

TABLE D—FEES PAYABLE TO REGISTRARS OF THE SUPREME COURT

Rule 581

1. Sealing (including one duplicate) and filing original writ of summons (including writs under rule 490) or originating summons (including one duplicate)	\$ 10.00
2. Sealing second and every subsequent duplicate But not exceeding \$15 irrespective of the number of subsequent duplicates sealed.	3.00
3. On any originating application to the Court or to a Judge in Chambers or to a Registrar, and whether commenced by way of motion, petition, summons, or otherwise, unless otherwise provided for (if by summons includes sealing original and one duplicate)	6.00
4. On any interlocutory application, whether by way of motion, petition, summons, or otherwise	4.00
5. Filing notice of payment into Court, except moneys paid in as security for costs	3.00
6. Filing any document not otherwise provided for	2.00
7. Setting down action, originating summons, special case, case on appeal, or other matter for hearing	6.00
8. Sealing subpoena, to include not more than three names	3.00
9. Hearing fee on action commenced by way of writ of summons or originating summons or motion on extraordinary remedy— For the first day or part thereof For each succeeding half day or part thereof	10.00 5.00
10. Hearing fee payable on any action not otherwise provided for and by appellant on any appeal— For the first day or part thereof For each succeeding half day or part thereof	8.00 4.00
11. Sealing and filing judgment by confession, consent, default, or final order of the Court or a Judge in Chambers and entry of judgment thereon	10.00
12. Sealing and entering judgment after hearing or on removal from a Magistrate's Court	4.00

TABLE D—*continued*

13. Sealing any rule, order, memorial, certificate, commission, letters of request, or any writ or judgment not otherwise provided for	\$
Sealing every duplicate or certified copy thereof	5.00
14. Sealing any document not otherwise provided for	4.00
Sealing or certifying every duplicate thereof, whether under the seal of the Court or the seal of the Registrar	1.00
15. Filing notice of motion for probate or letters of administration including affidavits or other documents in support	5.00
16. Filing any motion for regrant of probate or letters of administration	3.00
17. Sealing probate or letters of administration, or re-sealing pursuant to section 50 of the Administration Act 1952—	
In an estate not exceeding \$200	1.00
In an estate exceeding \$200 but not exceeding \$1,000	2.00
In an estate exceeding \$1,000 but not exceeding \$2,000	6.00
In an estate exceeding \$2,000 but not exceeding \$6,000	12.00
And for each \$2,000 or part thereof in excess of \$6,000	3.00
The sealing fee is to be calculated upon the net value of the estate.	
18. Sealing probate pursuant to leave reserved or letters of administration de bonis non, or on any grant made subsequent to the original grant of probate or letters of administration	8.00
Or such less sum as was paid upon sealing of the grant in the first instance	
19. Sealing exemplification (probate or letters of administration)	6.00
20. Appointment for taxation, taxation and sealing allocatur including copies on each bill of costs	8.00
21. Appointment for examination of witness	2.00
22. Attendance before Registrar in inquiry or reference, or examination of witnesses by Registrar under order of the Court—	
For the first day or part thereof	6.00
For each succeeding half day or part thereof	3.00
23. Certificate or report of Registrar	10.00
24. Office copy—per page of double spaced type—	
without seal—when typed	1.00
—when reproduced by photographic or other copying process	0.50
25. Search in each Court book or of one or more documents in the same matter	1.00
26. General search in books or documents in two or more matters	2.00
27. Appointment of Commissioner to take affidavits	10.00

P. J. BROOKS,
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, which come into force on 1 January 1968, make two amendments to the Code of Civil Procedure.

Rule 2 substitutes a new rule 213. This rule relates to payments into Court and the main change is that the rule imposes new limits on the time within which such payments may be made.

Rule 3 substitutes a new and increased scale of Court fees. The new scale has been slightly rearranged.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 December 1967.

These regulations are administered in the Department of Justice.