

1972/44



## THE SUPREME COURT AMENDMENT RULES 1972

ARTHUR PORRITT, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 13th day of March 1972

Present:

THE RIGHT HON. J. R. MARSHALL PRESIDING 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 two of the other members of the Rules Committee constituted under the Judicature Amendment Act 1930, as amended by section 2 of the Judicature Amendment Act (No. 2) 1968 (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 1972, 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 14th day after the date of their notification in the *Gazette*.

**2. Service on corporations and companies**—Rule 45 of the Code is hereby amended by omitting the words “Unless otherwise”, and substituting the words “In addition to any mode of service”.

**3. Additional jurisdiction of Hamilton Registrar**—Rule 426H of the Code (as inserted by rule 3 of the Supreme Court Amendment Rules (No. 2) 1954\*) is hereby amended by inserting in subclause (1), after the word “Auckland”, the word “Hamilton”.

**4. Printed forms**—Rule 597A of the Code (as inserted by an Order in Council made on the 24th day of February 1909†) is hereby amended by inserting, after paragraph (a), the following paragraph:

\*S.R. 1954/155

†*Gazette*, 1909, Vol. I, p. 644

“(aa) Notwithstanding the provisions of paragraph (a) of this rule, where most of the contents of any document and its endorsement are printed, both sides of the endorsement sheet may be used.”

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

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#### EXPLANATORY NOTE

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

These rules make 2 amendments to the Code of Civil Procedure.

Rule 2 amends rule 45 of the Code. That rule deals with the service of a writ of summons on a corporation or company. The amendment makes it clear that the methods prescribed by that rule are additional to any other methods of service prescribed by statute.

Rule 3 amends rule 426H of the Code. Under that rule the Registrars at Auckland, Wellington, Christchurch, and Dunedin have the jurisdiction and powers of a Judge in Chambers in respect of certain specified matters. The amendment confers on the Registrar at Hamilton the same jurisdiction and powers in respect of those matters.

Rule 4 dispenses with the need for a backing sheet where a printed form with a printed endorsement is used.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 March 1972.

These rules are administered in the Department of Justice.