

Serial Number 1952/123



THE SUPREME COURT AMENDMENT RULES (NO. 2) 1952

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 16th day of June 1952

Present:

THE RIGHT HON. S. G. HOLLAND 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 six of the other members of the Rules Committee constituted under the Judicature Amendment Act 1930 (three of such other members being Judges of the Supreme Court), hereby makes the following rules.

RULES

1. (1) These rules may be cited as the Supreme Court Amendment Rules (No. 2) 1952, 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 fourteenth day after the date of their notification in the *Gazette*.

2. (1) Rule 284 of the Code, as amended by rule 9 of the Supreme Court Amendment Rules (No. 2) 1951,* is hereby further amended by omitting the words "within seven days after trial", and substituting the words "within fourteen days after trial".

(2) Rule 9 of the Supreme Court Amendment Rules (No. 2) 1951 is hereby consequentially revoked.

3. (1) The Code is hereby amended by revoking rule 581 (as substituted by the Order in Council dated the 6th day of October 1920†), rule 581A (as enacted by the Order in Council dated the 9th day of July 1923‡), and rule 581B (as enacted by the Order in Council dated the 1st day of August 1927§), and substituting the following rule:—

"581. The fees specified in Table D in the Third Schedule hereto shall be payable, and shall be taken by the proper officer, in respect of the matters so specified."

* Statutory Regulations 1951, Serial number 1951/157, page 500.

† *Gazette*, 7 October 1920, Vol. III, p. 2790.

‡ *Gazette*, 12 July 1923, Vol. II, p. 1872.

§ *Gazette*, 4 August 1927, Vol. II, p. 2616.

(2) The Code is hereby further amended by revoking Table D in the Third Schedule, as substituted and amended by the said Orders in Council, and substituting the Table D set out in the Schedule to these rules.

(3) The said Orders in Council are hereby consequentially revoked.

4. The First Schedule to the Code is hereby amended by omitting from form No. 36 (as substituted by rule 5 of the Supreme Court Amendment Rules (No. 3) 1951*) the word "your", in both places where it occurs, and substituting in each case the word "his".

SCHEDULE

[Rule 581]

TABLE D—FEES PAYABLE TO REGISTRARS OF THE SUPREME COURT

	£	s.	d.
Sealing (including one duplicate) and filing original writ of summons (including writs under rule 490)	4	0	0
Sealing second and every subsequent duplicate	1	0	0
But not exceeding £5, irrespective of number of subsequent duplicates sealed.			
Hearing fee on action commenced by way of writ of summons—			
For the first day or part thereof	3	0	0
For each succeeding half day or part thereof	1	10	0
Sealing every originating summons and one duplicate thereof	2	0	0
Sealing second and every subsequent duplicate thereof	1	0	0
But not exceeding £5, irrespective of number of subsequent duplicates sealed.			
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)	2	0	0
On any interlocutory application, whether by way of motion, petition, summons, or otherwise	1	0	0
Filing notice of payment into Court, except moneys paid in as security for costs	1	0	0
Filing any document not otherwise provided for	0	10	0
Setting down civil action, special case, special verdict, case on appeal, or other matter for hearing	1	10	0
Any setting down thereafter for a subsequent sitting	1	0	0
Sealing subpoena, to include not more than three names	1	0	0
Judgment by confession, consent, default, or final order of a Judge in Chambers and entry of judgment thereon	3	0	0
Hearing fee payable on any action not otherwise provided for (including originating summons and motion on extraordinary remedy), and by appellant on any appeal—			
For the first day or part thereof	2	0	0
For each subsequent day or part thereof	1	10	0
Sealing and entering judgment after hearing, or on removal from a Magistrate's Court	1	0	0
Sealing order on writ of arrest, attachment, mandamus, prohibition, injunction, certiorari, or quo warranto	2	0	0
Sealing every duplicate or certified copy of any such order	1	0	0
Sealing any rule or order not otherwise provided for	1	10	0
Sealing every duplicate or certified copy thereof	1	0	0
Sealing memorial or certificate of judgment	2	0	0
Sealing any writ of sale, writ of possession, or writ in an action for an extraordinary remedy, or any writ not otherwise provided for	2	0	0
Sealing commission, letters of request, or order to examine witnesses	2	0	0
Sealing any duplicate or certified copy thereof	1	0	0
Sealing any document not otherwise provided for	1	0	0
Sealing or certifying every duplicate thereof, whether under the seal of the Court or the seal of the Registrar	0	10	0
Filing notice of motion for probate or letters of administration	1	0	0

* Statutory Regulations 1951, Serial number 1951/261, p. 1023.

SCHEDULE—*continued*TABLE D—FEES PAYABLE TO REGISTRARS OF THE SUPREME COURT—*continued*
£ s. d.

Sealing probate or letters of administration, or resealing pursuant to section 43 of the Administration Act 1908—			
In an estate not exceeding £100	0	10	0
In an estate exceeding £100 but not exceeding £500	1	0	0
In an estate exceeding £500 but not exceeding £1,000	3	0	0
In an estate exceeding £1,000 but not exceeding £3,000	5	0	0
And for each £1,000 or part thereof in excess of £3,000	1	0	0
The sealing fee is to be calculated upon the net value of the estate.			
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	3	0	0
or such less sum as was paid upon the sealing of the grant in the first instance.			
Sealing exemplification (probate or letters of administration)	2	0	0
Appointment for taxation (on each bill of costs), or for examination of witnesses	0	15	0
Taxation on each bill of costs	1	0	0
Sealing allocatur, including copies	0	10	0
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	2	0	0
For each subsequent day or part thereof	1	0	0
Certificate or report of Registrar	2	0	0
Office copy when containing three folios (each of 72 words) or less, exclusive of intituling, and without seal	0	5	0
For each additional folio	0	1	0
Search in each Court book or of one or more documents in the same matter	0	5	0
General search in books or documents in two or more matters	0	10	0
Appointment of Commissioner to take affidavits	5	0	0

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.*]

Rule 2 of these rules alters the time limit for moving for a new trial from seven to fourteen days.

Rule 3 provides for a new scale of Court fees payable in civil proceedings in the Supreme Court, and consequentially revokes the existing scale (fixed in 1920) and its amendments.

Rule 4 corrects the wording of the form of probate.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 June 1952.

These regulations are administered in the Department of Justice.