

1966/204

THE SUPREME COURT AMENDMENT RULES (NO. 2) 1966

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 6th day of December 1966

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 (No. 2) 1966, 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 seventh day after the date of their notification in the *Gazette*.

2. Form of writ of summons—(1) The First Schedule to the Code is hereby amended by revoking the second paragraph of the indorsements on Form No. 2 (as substituted by rule 10 (1) of the Supreme Court Amendment Rules 1963), and substituting the following paragraphs:

“If the last day for filing your statement of defence falls on a Saturday, a Sunday, or a holiday, you may file your statement of defence on the day next following that Saturday, Sunday, or holiday, as the case may be, which is not a holiday.

“In calculating the time for filing your statement of defence you must disregard the period which commences with the 20th day of December and ends with the 20th day of January. [*This paragraph must be deleted if it conflicts with a direction given by the Court or a Judge under rule 592 or rule 593 of the Code.*]”

(2) The amendment made by subclause (1) of this rule shall not affect the validity of any writ of summons issued before the commencement of these rules.

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 amend the Code of Civil Procedure by correcting and clarifying one of the indorsements on the form of writ of summons.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 8 December 1966.
These regulations are administered in the Department of Justice.