

## Serial Number 1940/155.

**THE SUPREME COURT EMERGENCY RULES 1940.**

GALWAY, Governor-General.

## ORDER IN COUNCIL.

At the Government House at Wellington, this 24th day of July, 1940.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to section 3 of the Judicature Amendment Act, 1930, 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 all the other members of the Rules Committee constituted under the Judicature Amendment Act, 1930 (four 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.

## R U L E S.

1. These rules may be cited as the Supreme Court Emergency Rules 1940.

2. Rule 531DD of the Code of Civil Procedure (as enacted by the Supreme Court Emergency Rules 1939\*) is amended by revoking all the words following the words "the Administration Act, 1908", and substituting the following words: "There shall be filed an affidavit or affidavits made by the applicant or some other person with a knowledge of the facts stating to the best of the deponent's knowledge, information, and belief (and stating the sources of such information and the grounds of such belief) whether or not the executor or administrator, and, where the application is made by an attorney or other person than the executor or administrator, whether or not such attorney or other person are or are not alien enemies within the meaning of the Enemy Property Emergency Regulations 1939† or any regulations for the time being in force replacing those regulations, and if either the executor or administrator or the attorney or such other person as aforesaid be an alien enemy it shall be stated that the written consent of the Attorney-General has been given to the making of the application and such consent shall be annexed to the affidavit or one of the affidavits aforesaid."

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

\* Statutory Regulations 1939, Serial number 1939/156, page 698.

† Statutory Regulations 1939, Serial number 1939/153, page 681.

Amendment No. 1: Statutory Regulations 1939, Serial number 1939/203, page 845.

Amendment No. 2: Statutory Regulations 1940, Serial number 1940/107.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 25th day of July, 1940.

These regulations are administered in the Department of Justice.