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**THE SMALL CLAIMS TRIBUNALS RULES 1977,
AMENDMENT NO. 2**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 15th day of December 1986

Present:

THE HON. M. K. MOORE PRESIDING IN COUNCIL

PURSUANT to section 43 of the Small Claims Tribunals Act 1976, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following rules.

RULES

1. Title and commencement—(1) These rules may be cited as the Small Claims Tribunals Rules 1977, Amendment No. 2, and shall be read together with and deemed part of the Small Claims Tribunals Rules 1977* (hereinafter referred to as the principal rules).

(2) These rules shall come into force on the 1st day of February 1987.

2. Service of documents—The principal rules are hereby amended by revoking rule 14, and substituting the following rule:

“14. (1) Subject to subclause (3) of this rule and to rule 18 (1) of these rules, any document that is to be served on any person in any proceedings before a Tribunal may be served—

- “(a) By delivering the document to the person to be served or by bringing it to that person’s notice if that person refuses to accept it; or
- “(b) By leaving it for the person to be served at that person’s place of abode with any person who is normally resident with the person to be served at that place and who appears to be over the age of 18 years; or
- “(c) By posting the document to be served in a letter addressed to the person to be served at that person’s last known or usual place of abode.

“(2) Where service is effected by letter in accordance with subclause (1) (c) of this rule, then, unless the contrary is shown, service shall be deemed to have been effected on the person to whom the letter is addressed at the time when the letter would have been delivered in the ordinary course of post, and in proving service it shall be sufficient to prove that the letter was properly addressed and posted.

“(3) The Tribunal or the Registrar may in any particular case direct that a document be served on a person by any other means that the Tribunal or the Registrar considers proper.”

P. G. MILLEN,
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 February 1987, enable any document that is to be served on any person in any proceedings before a Small Claims Tribunal (other than a witness summons) to be served—

- (a) By personal delivery; or
- (b) By leaving it at the place of abode of the person to be served with any person who is normally resident with the person to be served at that place and who appears to be over the age of 18 years; or
- (c) By posting it in a letter addressed to the person to be served at that person’s last known or usual place of abode.

Both the Small Claims Tribunal and the Registrar are given power to direct, in any particular case, that a document be served by any other means that the Tribunal or the Registrar considers proper.

The Small Claims Tribunals Rules 1977 previously required that, subject to any order made by a Small Claims Tribunal in any particular case, personal service was necessary in respect of all documents to be served in any proceedings before a Small Claims Tribunal.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 18 December 1986.
These rules are administered in the Department of Justice.