

Serial Number 1952/124



THE SHERIFFS' FEES NOTICE 1952

PURSUANT to the Judicature Act 1908, the Right Honourable the Chief Justice hereby gives notice as follows:—

1. (1) This notice may be cited as the Sheriffs' Fees Notice 1952.

(2) This notice shall come into force on the fourteenth day after the date of its notification in the *Gazette*.

2. Subject to the provisions of the Judicature Act 1908, the fees and poundage to be levied and taken by any Sheriff, Deputy Sheriff, Sheriff's officer, or bailiff, or any other person employed under any Sheriff or Deputy Sheriff, in any proceedings in the Supreme Court in its civil or criminal jurisdiction, or otherwise in respect of the office or employment of any such officer or person as aforesaid, shall be those specified in the Schedule hereto.

3. The table of Sheriff's fees approved on the 6th day of October 1920,* and the amendment to that table approved on the 3rd day of February 1930†, are hereby revoked.

SCHEDULE

General

For every warrant on writ of sale, writ of arrest, attachment, or other process	£	s.	d.
For executing any warrant, writ, or process‡	1	0	0
For return of any writ or process	2	0	0
Mileage on execution of any warrant, writ, or process if beyond one mile from Sheriff's office: For every extra mile one way; and, where applicable, for conveying defendant from place of arrest to place of detention, for every mile one way‡	0	1	6
Drawing inventory‡	0	10	0
If the inventory exceeds three folios, for every folio after the third‡	0	1	6
Drawing or settling any conditions of sale	3	3	0
Drawing advertisement for sale, if required, and inserting advertisement Advertising sale: The amount actually paid.	1	0	0
For each man left in possession, the amount actually paid, but not exceeding for each day‡	2	0	0
If board and lodging not supplied: Actual and reasonable expenses in the discretion of the Sheriff‡.			
Auctioneer's commission: For every sale by auction under execution or other process against any goods or estate (except on the sale of furniture)—			
(a) Where the proceeds of sale do not exceed £500, at the rate of	5	0	0
(b) Where the proceeds of sale exceed £500, the above-mentioned percentage on the first £500, and a further sum for every 20s. or part thereof in excess of £500 at the rate of	2	10	0
For every sale of furniture under any writ or process: Of the total amount recovered	10	0	0
			per cent

‡ Payable to Sheriff's bailiff.

* *Gazette*, 7 October 1920, Vol. III, p. 2826.
 † *Gazette*, 6 February 1930, Vol. I, p. 357.

SCHEDULE—*continued**General—continued*

	£	s.	d.
Executing transfer or conveyance	3	3	0
Poundage on the sum levied, or for which the person shall be taken in execution—			
For every 20s. or part thereof, up to and including £500	0	1	0
For every 20s. or part thereof in excess of £500	0	0	6
In the case of execution against any goods, land, or estate, the poundage is to be calculated on the amount levied under the writ, excluding the fees and expenses of and incidental to the issue and execution of the writ.			
Where the property is subject to a mortgage or other security, the value of the security shall not be included in computing the poundage.			
Poundage on writs of possession—			
(a) On delivery of goods and chattels: Of the total market value thereof—			
For every 20s. or part thereof up to and including £500	0	1	0
For every 20s. or part thereof above £500	0	0	6
(b) On delivery of land: Of the capital value thereof, as determined by the Government valuation, less the amount owing under any registered mortgage over the land—			
For every 20s. or part thereof up to and including £500	0	1	0
For every 20s. or part thereof above £500	0	0	6
Provided that the total poundage on delivery of goods and chattels or on delivery of land shall not be less than £10 nor more than £100 in respect of any one writ:			
Provided also that where, under a writ of possession, possession of land is given to a mortgagee thereof, or to an immediate purchaser from any such mortgagee, the poundage shall not be less than £10 nor more than £20 in respect of any one writ:			
Provided further that, notwithstanding anything hereinbefore contained, application may be made to a Judge of the Supreme Court to fix a fee less than any of the amounts above prescribed for poundage and such lesser fee may be fixed if, in the opinion of the Judge, having regard to the circumstances of the particular case, it is fair and equitable so to do.			
Attending to draw, strike, and summon special jury	5	0	0
Summoning common jury	2	0	0
Where a jury is summoned for the trial of civil cases, this fee is payable in respect of each case by the party setting down the case for trial, at the time the case is set down.			
Service of any summons beyond one mile from the Sheriff's office, for every mile one way‡	0	1	6

In Replevin

Precept to bailiff	0	10	0
Notice for service on defendant	0	10	0
Serving notice, if within one mile‡	0	5	0
For every extra mile, one way‡	0	1	6
Broker, if employed, where the sum demanded and due exceeds £20 and does not exceed £100, for appraisal and affidavit of value	2	2	0
Where the sum exceeds £100, for every £100 or part thereof	1	1	0
But not exceeding in any case	10	10	0
Broker's travelling expenses from his residence to the place where the goods are, for every mile one way	0	3	0
Replevin Bond	1	0	0
Inventory annexed thereto‡	0	10	0
If the inventory exceeds three folios, for each folio after the third‡	0	1	0
Bailiff for summoning parties and delivering goods to tenant‡	1	10	0
Bailiff's travelling expenses from his residence to the place where the goods are, for every mile one way‡	0	1	6

‡ Payable to Sheriff's bailiff.

SCHEDULE—*continued**On a View*

	£	s.	d.
Summoning the jury	2	0	0
Travelling expenses to the Sheriff, showmen, and jury-men: Reasonable expenses actually paid.			
For every jurymen, special or common: The fee prescribed under the Payment of Jurors Regulations 1948.*			
For the return of any writ or process, and filing it (in addition to any Court fees paid on filing)	1	0	0

Matters Not Otherwise Provided for

For any duty not herein provided for, such sum as a Judge of the Supreme Court may allow.

In any case where any Sheriff, Deputy Sheriff, Sheriff's officer, or bailiff, or any person employed under the Sheriff or Deputy Sheriff necessarily incurs extra trouble and expense in the discharge of any duty incidental to his office or employment, he shall be entitled to such reasonable extra payment as a Judge of the Supreme Court may, upon special application, allow.

As witness my hand, this 12th day of June 1952.

H. F. O'LEARY,
Chief Justice of New Zealand.

Pursuant to the Judicature Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby approves the foregoing notice.

FREYBERG, Governor-General.

Approved in Council, this 16th day of June 1952.

T. J. SHERRARD,
Clerk of the Executive Council.

* Statutory Regulations 1948, Serial number 1948/115, page 348.

EXPLANATORY NOTE

[*This note is not part of the notice, but is intended to indicate its general effect.*]

This notice provides for a new scale of Sheriffs' and poundage fees in relation to civil proceedings in the Supreme Court, and consequentially revokes the scale fixed in 1920.

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.