

1978/211**THE SHERIFFS' FEES REGULATIONS 1978**

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 1st day of August 1978

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 100A of the Judicature Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Sheriffs' Fees Regulations 1978.

(2) These regulations shall come into force on the 21st day of August 1978.

2. Fees prescribed—In any proceedings before the Supreme Court or the Court of Appeal, whether under the Judicature Act 1908 or any other enactment, the fees specified in the Schedule to these regulations shall, in respect of the matters specified in that Schedule, 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:

Provided that where it appears to the satisfaction of the Court or a Judge that any party is unable or ought not to be called upon to pay any of the fees mentioned in that Schedule, or any part thereof, the Court or a Judge may dispense with the payment thereof, or any part thereof, subject to such terms as it or he thinks fit.

3. Revocation—(1) The Sheriffs' Fees Notice 1952* is hereby revoked.

(2) In respect of any proceedings commenced before the date of the coming into force of these regulations, no further fee shall be payable under the notice hereby revoked, and the appropriate fees, if any, set out in the Schedule to these regulations shall be payable in respect of any step in the proceedings taken on or after that date.

SCHEDULE

Reg. 2

SHERIFFS' FEES

1. For every warrant on writ of sale, writ of arrest, attachment, or other process, including the application, execution, and return: \$30.00
2. For advertising a sale: The amount actually paid.
3. For conducting a sale by auction: The amount actually paid to an auctioneer by way of commission.
4. For service of any summons beyond one mile from the Sheriff's office, a fee, at a rate to be determined by the Sheriff, for every mile one way:

Provided that the rate determined shall not exceed the maximum rate for the time being payable to an employee of the Public Service who uses his own motorcar on official business.

P. G. MILLEN,

Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 21 August 1978, prescribe a new and much simplified scale of sheriffs' fees.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 3 August 1978.

These regulations are administered in the Department of Justice.