

Rules of the Court under the Native Land Act, 1909, and its Amendments.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-fourth day of August, 1914.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by the Native Land Act, 1909, and its amendments, it is enacted that the Governor may from time to time, by Order in Council gazetted, make such Rules of Court, as are consistent with the said Act, for regulating the practice and procedure of the Native Land Court in all matters within its jurisdiction, and prescribing the fees payable in respect of the proceedings of that Court, and for determining the times and places of the sittings of that Court: And whereas by the said Act it is enacted that the Governor may from time to time, by Order in Council gazetted, make such Rules of Court as are consistent with the said Act for the purpose of regulating the practice and procedure of the Native Appellate Court, and the terms and conditions on which appeals to that Court may be brought, prosecuted, or withdrawn, prescribing the fees payable in respect of the proceedings of that Court, and determining the times and places of the sittings of that Court:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities conferred upon him as aforesaid, and of all other powers and authorities conferred upon him in that behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the Rules of Court following for the purposes of the said Act, and it is ordered that all Rules of Court made heretofore are hereby revoked:—

RULES OF COURT.

1. In these Rules, unless a contrary intention appears,—

“The Act” means the Native Land Act, 1909, and its amendments, excepting where the context requires a different construction:

“District” means a Native Land Court District as constituted by these Rules:

“Gazetted” means published in the *Gazette* and *Kahiti*:

“Registrar” means, with respect to any proceedings, the Registrar of the Native Land Court in and for the district in which those proceedings take place.

All other terms used in these Rules have the same signification as when used in the Act, unless a contrary intention appears.

FORMS.

2. The forms prescribed by these Rules for use in the proceedings of the Court and of the Appellate Court are those set forth in the First Schedule hereto, and indicated by the corresponding numbers therein. The forms may be used with such modifications as the case may require, and if no form is prescribed by these Rules, then such form may be used as a Judge may direct or approve. In any case an equivalent form in the Maori language may be used, and shall be sufficient.

NATIVE LAND COURT.

Commencement of Proceedings.

3. Unless otherwise provided by the Act or by these Rules, every proceeding shall be commenced by application in writing forwarded to or lodged with the Registrar.

4. Every application which relates to land shall be so made in the district in which the land is situated. If the land is situated in two or more districts the application may be made in either or any of those districts.

5. If the application does not relate to land it may be so made in any district which the applicant thinks fit, but the Registrar may refuse to receive or record any such application if he is of opinion that the proceedings would be more conveniently or ought properly to be taken in another district.