

11. Every judgment summons issued out of the Court shall be in such of the prescribed forms as may be applicable, and shall be served on the judgment debtor not less than seven days before the day of hearing, except as in Rule 13 hereof.

12. The service of a judgment summons shall be effected in the manner prescribed by this Act, or by the general rules made thereunder, in respect of personal service of an ordinary summons.

13. Where the person applying for the judgment summons shall file an affidavit in the prescribed form, setting out that the judgment debtor is about to remove from his dwelling or place of business, or is keeping out of the way to avoid service, then the judgment summons may be issued and served at any time before the hearing: Provided that the Court shall not act upon a summons issued under this rule unless at the hearing such Court is satisfied, by evidence on oath, that at the time of the application for the judgment summons the judgment debtor was about to remove from his dwelling or place of business, or was keeping out of the way to avoid service, in either of which cases service upon such debtor at any time before the time appointed for his appearance shall be sufficient.

14. In any case where the judgment debtor resides or carries on business more than five miles from the Court at which he is required to appear, the application for such summons shall be accompanied by a tender of expenses. The amount to be deposited shall be sufficient, in the opinion of the Clerk of such Court, to enable the judgment debtor to attend and return from the hearing of such summons, and to provide maintenance for the debtor during such attendance. The Clerk shall decline to issue a judgment summons until such expenses are deposited with the application as aforesaid. The amount so deposited shall (unless the Court otherwise orders) form part of the costs of the judgment summons for all purposes.

15. Where it appears to the Court that the hearing of a judgment summons cannot fairly proceed owing to the absence of either the debtor, creditor, or a witness through illness, accident, or other reasonable cause, the Court may adjourn the same subject to the payment of such costs and further conduct money as it thinks just. Except as aforesaid no judgment summons shall be adjourned unless it is shown at the original hearing thereof that sufficient grounds exist for the making of an order of committal. And in no case shall an adjournment be made *sine die*. All such costs and conduct money shall, if the Court so directs, form part of the costs of the judgment summons for all purposes.

16. Any witness may be summoned to give evidence upon the hearing of a judgment summons or any adjournment thereof in the same manner as witnesses are summoned to give evidence upon the hearing of a plaint. Every such summons shall be according to the prescribed form. Every such witness shall be entitled to such expenses as if summoned to give evidence upon a plaint, which expenses may, if the Court so direct, form part of the costs of the judgment summons for all purposes.

17. Every judgment summons to be served on a Maori or foreign defendant shall be accompanied by a translation thereof in the Maori or foreign language, as the case may be, certified to by a licensed interpreter or by some person who in the opinion of the Court is qualified to make such translation: Provided that if the Court is satisfied at the hearing that the Maori or foreign defendant has a sufficient knowledge of the English language to fully and fairly understand the meaning and purport of such summons, the same may be heard and determined though not accompanied by such translation as aforesaid.

18. When a Maori or foreign interpreter is required at the hearing of a judgment summons, or where any summons, order, or warrant issued by the Court requires to be translated into the Maori or foreign language, the Court or Magistrate may fix the fee for such interpretation or translation, not exceeding the fees allowed to be charged by authorized interpreters, and such fee or fees so fixed shall, if the Court so direct, form part of the costs of the judgment summons for all purposes.

19. Upon the issue of a judgment summons against a party upon an order or judgment the bailiff of the Court issuing the judgment summons, or of the Court giving such judgment or making such order, shall return into the Court any warrant of execution against the goods of such party which may have been issued in the cause out of such Court.

20. When a judgment summons is heard in a Court other than the Court in which the judgment or order was obtained, as provided by Rule 8 hereof, and no order is made thereon by the Court hearing the same, the Court shall endorse on such summons its refusal to make an order, and the Clerk shall return such summons to the Court from which the same was issued, and such judgment or order shall remain the judgment or order of such last-mentioned Court for all purposes. A note of such refusal shall be entered in the Judgment Summons Record Book by the Clerk of the Court to which the summons is returned as aforesaid.

21. When a judgment summons is heard in a Court other than that in which the judgment or order was obtained, as provided in Rule 8 hereof, and an order of commitment or an order altering the terms of the judgment or order is made, all payments under such order or new order shall be made into, and execution or other process thereon shall be issued by, the Court making such order or new order. A copy of such order of committal or new order shall be forwarded to the Clerk of the Court in which such judgment or order was obtained, and such Clerk shall note the same in the Judgment Summons Record Book of such Court.