

Making Rules for Magistrates' Courts in respect of the Imprisonment for Debt Limitation Act, 1908.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this twenty-second day of May, 1916.

Present :

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING IN COUNCIL.

WHEREAS by the Imprisonment for Debt Limitation Act, 1908, it is enacted that the term "prescribed" in that Act means, as respect Magistrates' Courts, prescribed by general rules made under the Magistrates' Courts Act, 1908, and that general rules may be made under the aforesaid Magistrates' Courts Act for the purpose of carrying the Imprisonment for Debt Limitation Act, 1908, into effect in Magistrates' Courts : And whereas by section three of the Magistrates' Courts Act, 1908, it is enacted that the Governor may from time to time, by Order in Council gazetted, make rules or regulations regulating, in all cases therein not specially provided for, the practice and forms of all proceedings in Courts under the said Act, and prescribing the forms to be adopted and used in all proceedings to be taken under the said Act, and prescribing the costs and charges to be paid by one party in any action to the other party, and the fees payable in respect of any proceedings taken, or for the service of any summons or other process, and generally for giving effect to the said Act : And whereas it is expedient to revoke all former rules or regulations made or deemed to have been made under the said Acts, or by any Act or Acts repealed by the said Acts, in respect of the imprisonment for debt by Magistrates' Courts :

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance of the authority contained in the Imprisonment for Debt Limitation Act, 1908, and in pursuance and exercise of the powers and authorities conferred by the said Magistrates' Courts Act, 1908, and of all other powers and authorities in that behalf enabling him, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby revoke, as from the first day of July, one thousand nine hundred and sixteen, all former rules and regulations made or deemed to have been made in respect of imprisonment for debt in Magistrates' Courts, and in lieu thereof doth hereby make and prescribe the rules, regulations, forms, charges, costs, and fees set out in the Schedule hereto, to take effect as from the first day of July, one thousand nine hundred and sixteen.

SCHEDULE.

THESE rules may be cited as "The Rules for Magistrates' Courts under the Imprisonment for Debt Limitation Act, 1908."

Interpretation.—In these rules, unless inconsistent with the context, the several words and expressions hereinafter mentioned or referred to shall have or include the meanings following, viz :—

"Any other Court" means any Court in respect of whose judgment or order proceedings under the authority of the Imprisonment for Debt Limitation Act, 1908, may be taken in a Magistrate's Court on a judgment removed therein by certificate of judgment or otherwise, and includes a Magistrate's Court in which a judgment has been given or order made where proceedings as aforesaid are taken, or are to be taken, in a Magistrate's Court other than the Court giving such judgment or making such order :

"Clear days" means that in all cases in which any particular number of days is prescribed for doing any act, or for any other purpose, the same shall be reckoned exclusive both of the first day and of the last day :

"Judgment" includes decree or order :

"Judgment creditor" shall include any person, firm, or company in whose favour a judgment or order has been given or made, but shall not include any person, firm, or company whose business is that of collecting or recovering debts in respect of any such debt acquired by assignment from the original creditor :

"Person" shall include a body politic or corporate :

"Prison" includes a police-gaol :

"The Act" means the Imprisonment for Debt Limitation Act, 1908 :

"This Act" means the Magistrates' Courts Act, 1908 :

"The Clerk" means the Clerk of a Magistrate's Court :

"The Court" means a Magistrate's Court constituted under the Magistrates' Courts Act, 1908.