

7. Previous to the hearing the Secretary of the Marine Department shall forward, or cause to be forwarded, to the Clerk, to be produced as evidence at the hearing, an official copy of the report of the Surveyor.

8. The Court shall, if practicable, be summoned to hear the appeal on a day not later than fourteen days after the filing of the notice of appeal.

PARTIES.

9. The Minister of Marine and the appellant shall be the parties to the proceedings.

10. Any other person on entering an appearance may, by permission of the presiding Magistrate, be made a party to the proceedings.

NOTICE TO PRODUCE.

11. Either party may give to the other a notice in writing to produce such documents (saving all just exceptions) as relate to any matters in difference, and which are in the possession or control of such other party; and if such notice be not complied with, secondary evidence of the contents of the said documents may be given by or on behalf of the party who gave such notice.

NOTICE TO ADMIT.

12. Either party may give to the other party a notice in writing to admit any documents (saving all just exceptions); and in case of neglect or refusal to admit after such notice, the party so neglecting or refusing shall be liable for all the costs of proving such documents, whatever the result may be, unless the Court is of opinion that the refusal to admit was reasonable; and no costs of proving any document shall be allowed unless such notice be given, except where the omission to give the notice is, in the opinion of the officer by whom the costs are taxed, a saving of expense.

JURISDICTION OF COURT.

13. A Court of Survey shall, within the scope of its jurisdiction, have all the powers of a Commission of Inquiry under the Commissions of Inquiry Act, 1908, and the provisions of that Act shall, so far as applicable, apply to proceedings before a Court of Survey accordingly.

PROCEEDINGS IN COURT.

14. At the hearing, the Minister of Marine, or person appearing on his behalf, shall first call his witnesses, and having done so shall state in writing what order he requires the Court to make.

15. The complainant, if he has appeared, shall then call his witnesses, and having done so shall state in writing what order he requires the Court to make.

16. The appellant shall then call his witnesses, and having done so shall state in writing what order he requires the Court to make.

17. After the appellant has examined all his witnesses, the Minister of Marine or other person on his behalf and the complainant may, on cause shown to the satisfaction of the presiding Magistrate, call further witnesses in reply.

18. After all the witnesses have been examined, the Court shall first hear the appellant, then the complainant (if any), and afterwards such officer or officers of the Marine Department as it thinks fit.

19. The presiding Magistrate may adjourn the Court from time to time and from place to place, as may be most convenient.

20. The presiding Magistrate may deliver the decision of the Court either *viva voce* or in writing; and, if in writing, it may be sent or delivered to the respective parties, and it shall not be necessary to hold a Court merely for the purpose of giving the decision.

21. The presiding Magistrate shall report to the Minister of Marine in the form No. 4 in the Schedule hereto.

COSTS AND DAMAGES.

22. The Court may, if the parties consent thereto in writing, decide whether costs or costs and damages are due, and to and from whom, and may assess the amount thereof.

23. The order for the payment of costs, or of costs and damages, shall be in the form No. 5 in the Schedule hereto.

SERVICE OF NOTICES, ETC.

24. Any notice, summons, or other document issuing out of the Court may be served by post.

25. The service of any notice, summons, or other document may be proved by the oath or affidavit of the person by whom it was served.

TABLE OF FEES.

26. The fees, a table whereof is in the Second Schedule hereto, shall be demanded and taken in any proceedings before a Court of Survey.

PUBLICATION OF RULES.

27. A copy of these rules shall be kept at the office of the Secretary of the Marine Department at Wellington, and also at the office of the Clerk of every Magistrate's Court situated at a port in New Zealand. Every such copy shall be open to inspection by the master or owner of any ship in New Zealand and by any person deputed by the master or owner.

28. These rules may be cited as the Rules of the Court of Survey, 1917.

FIRST SCHEDULE.

Form No. 1.

NOTICE OF APPEAL TO COURT OF SURVEY.

In the matter of the Shipping and Seamen Act, 1908; and in the matter of [State subject-matter of appeal].

To the Clerk of the Court of Survey for the port of
TAKE notice that I [Name and address of appellant], the owner [or as the case may be] of the ship _____, of the port of _____, do hereby appeal from [Specify subject-matter of appeal] on the grounds following, viz.: [Set out grounds of appeal].

The address at which all notices and documents may be served on me is _____

Dated this _____ day of _____, 19 _____
[Signature of Appellant.]

Form No. 2.

SUMMONS TO COURT OF SURVEY.

In the matter of the Shipping and Seamen Act, 1908; and in the matter of [State subject-matter of appeal].

To _____
IN pursuance of the Shipping and Seamen Act, 1908, and of the Rules of the Court of Survey thereunder, I summon you to attend as presiding Magistrate [or assessor] on this appeal, at _____, on _____, the _____ day of _____, 19 _____, at _____ o'clock of the _____ noon.
Dated this _____ day of _____, 19 _____

Clerk of the Court of Survey
for the Port of _____

Form No. 3.

NOTICE OF SITTING OF COURT OF SURVEY.

In the matter of the Shipping and Seamen Act, 1908; and in the matter of [State subject-matter of appeal].

To _____
TAKE notice that the Court of Survey for the Port of _____ will meet at _____, on _____, the _____ day of _____, 19 _____, at _____ o'clock in the _____ noon, to hear the appeal in the above matter.
Dated this _____ day of _____, 19 _____

Clerk of the Court of Survey
for the Port of _____

Form No. 4.

ORDER OF MAGISTRATE.

In the matter of the Shipping and Seamen Act, 1908; and in the matter of [State subject-matter of appeal].

I, _____, do report that, having heard this appeal, I did, with the concurrence of _____, order [Set out particulars as to order], for the reasons set forth in the annexed statement.

I am also of opinion that the costs of this appeal should be paid by _____ to _____ [or that all parties shall pay their own costs].

Dated this _____ day of _____, 19 _____

Stipendiary Magistrate
(presiding at Court of
Survey for the Port
of _____)

We or I concur in the above report.

_____, Assessor.
_____, Assessor.

Form No. 5.

ORDER FOR PAYMENT OF COSTS, OR OF COSTS AND DAMAGES.

In the matter of the Shipping and Seamen Act, 1908; and in the matter of [State subject-matter of appeal].

THE parties to this appeal having by agreement in writing consented to refer the question whether any costs or costs and damages are due, and to and from whom, to me [or us], with liberty to assess the amount thereof, I order—

(1.) That the Minister of Marine do pay to the appellant the sum of _____ for the costs [or the costs and damages] incurred by reason of such detention and survey; or