

*56. Interpreters.*

If an interpreter is required to interpret the evidence of a Maori or foreign witness to the Court, such interpreter shall be procured by the party desiring to use such evidence. If a Maori or foreign defendant neglects or refuses so to procure an interpreter, the plaintiff may do so.

Where the Act requires particulars, summonses, or other processes to be translated into Maori before service or execution, the plaintiff may employ an authorized interpreter to translate the same, who shall certify to the correctness of such translation, and the cost of such translation shall be added to the costs at the foot of the summons or warrant, as the case may be, and be recoverable as costs. For either interpreting in Court or translating documents the interpreter may be allowed fees not exceeding the fees authorized to be paid to Maori interpreters by the scale in Appendix C hereto. All such fees may, if the Court so orders, be costs in the action; provided that where the Clerk is competent he may translate documents or interpret in Court without charge.

*57. Appraisers.*

Where any person is appointed by a Magistrate to act as appraiser under either section 122 or section 127 of the Act, the appointment shall be in writing, and shall fix the remuneration to be paid to such person for such appraisal, the amount of which shall be costs in the action if the Court so orders.

*58. Trust Money Accounts.*

The account of moneys paid into or out of Court, which is to be kept by the Clerk under section 13 of the Act, shall be kept in the manner prescribed by the Treasury Regulations for the time being in force, and the law trust cash-book of the Clerk shall be in the form prescribed by the said regulations.

*59. Non-compliance with Rules.*

Non-compliance with any of these rules shall not render any proceedings void, but such proceedings may be amended or otherwise dealt with, in such manner and upon such terms as the Court thinks fit, under section 93 of the Act.

*60. Rules for Conduct of Business.*

Every Magistrate shall from time to time make such rules as he thinks proper for regulating the conduct of business in the Court over which he presides, and in the office of such Court, provided that such rules shall not be repugnant or contrary to the Act or these rules.

*61. Order and Conduct of Hearing.*

The Court shall decide at the hearing of each action which party shall have the right to begin or to reply, and as to the order and number of addresses by counsel; but unless the Court otherwise directs at the hearing, and in default of any general rule for the purpose being made by the Magistrate, the following shall be the order of proceeding when both parties appear: The defendant shall be asked by the Clerk if the case is defended. If undefended, judgment shall be entered up by consent, subject to such terms as may be imposed by the Court under section 92. If defended, the plaintiff (or his counsel) shall state his case, and adduce evidence in support of it. The defendant (or his counsel) shall then state his case and adduce evidence, and also sum up the evidence; after which the plaintiff may reply on the whole case. If the defendant does not at the close of the plaintiff's case state his intention to adduce evidence the plaintiff shall sum up his evidence, and the defendant shall reply generally. Where a case not merely answering the case of the plaintiff is set up by the defendant and evidence is adduced in support thereof, the plaintiff may adduce rebutting evidence, and shall postpone his general reply until he has called such rebutting evidence and the defendant has replied on his new evidence.

*62. Cases not provided for.*

If any case arises for which no form of procedure has been provided by the Act or these rules, the Court shall dispose of such case as nearly as may be in accordance with the provisions of the Act or the rules affecting any similar case, and if there is no such provision, then in such manner as the Court deems best calculated to promote the ends of justice.

*63. Where no Forms in Appendix.*

All proceedings and documents shall be in form similar to forms in Appendix A and Appendix B hereto, where the same are applicable; and in cases where no forms are provided, parties shall frame the proceedings or documents, using as guides those contained in Appendix A or Appendix B.

*64. Allowances to Witnesses and Solicitors' Fees.*

The expenses to be allowed to witnesses in accordance with section 81 of the Act, and the fees to which solicitors are entitled by virtue of section 162 of the Act, shall be in accordance with the scales of witnesses' expenses and of solicitors' fees respectively in Appendix C hereto.

*65. Fees of Court.*

The fees to be taken in respect of proceedings under the Act shall be those in Appendix D hereto, and the Clerk shall require all fees to be prepaid (as directed by section 166 of the Act) in stamps only, and shall affix and cancel the stamps in accordance with the regulations for the time being in force under the Stamp Duties Act, 1908, as to the payment of fees in stamps and the cancellation of the same.