

47. Instructions respecting appeals will be given, and the costs thereof will be borne, by the Department initiating the prosecution.

48. The costs allowed in proceedings in the Supreme Court under or relating to the above-named Act, whether by way of appeal, certiorari, mandamus, or otherwise (prohibition excepted) shall not exceed £7 7s. This sum will include all the charges of the solicitor employed on behalf of the Crown, and also counsel's fee, but will be exclusive of fees of Court and expenses of witnesses (if any).

49. The regulations under this head will apply whether the Crown be appellat or respondent; and if the conviction be affirmed, or judgment be otherwise obtained, no further costs will be claimed on behalf of the Crown than would be allowed under this scale.

50. The costs to be allowed in prohibition cases arising out of proceedings under the Justices of the Peace Act, 1927, will be regulated by the scale applicable to civil proceedings in the Supreme Court under these regulations.

(4) Bankruptcy.

51. For investigating a case submitted to the Crown Solicitor under section 144 of the Bankruptcy Act, 1908, and giving or refusing a certificate thereon, a fee of £1 1s. will be allowed.

PART III.—CIVIL PROCEEDINGS.

(1) In the Court of Appeal.

52. The scale of costs to be allowed to counsel and solicitors employed by the Crown in matters before the Court of Appeal shall, subject to the terms of these regulations, be such as may from time to time be allowable, or allowed, between party and party, according to the rules of practice and procedure in the Court of Appeal for the time being in force under the Judicature Act, 1908, but without any allowance as for cases from a distance, unless allowed to the Crown by the Court.

53. Subject to the foregoing provisions, Regulations 55 to 58 hereof shall, so far as applicable, apply to costs in the Court of Appeal.

(2) In the Supreme Court.

54. The scale of costs to be allowed to counsel or solicitors employed by the Crown in matters before the Supreme Court shall, subject to the terms of these regulations, be such as may from time to time be allowable between party and party in the Supreme Court according to the rules of practice and procedure in force under the Judicature Act, 1908:

Provided that where the Crown is respondent and is successful the costs, unless recovered from the suppliant, shall be fixed according not to the amount claimed but to the amount which the suppliant would, in the opinion of the Solicitor-General, have been reasonably expected to recover.

55. When the proceedings have terminated the solicitor shall prepare an abstract of his costs and transmit the same to the Registrar of the Supreme Court, who shall forward it to the Department directing the proceedings, with his certificate as to the number of witnesses subpoenaed or examined, Court fees paid, and other disbursements charged, and that the charges are in accordance with these regulations.

56. Witnesses' expenses will be allowed at the same rate as in civil cases between subject and subject.

57. In all other cases not herein provided for, the scale of costs for the time being payable under the rules of practice and procedure as aforesaid shall be followed and observed as nearly as may be in all matters to which they may be applicable.

58. If there are exceptional circumstances rendering it necessary that more than the usual scale should be allowed to any witness the solicitor may make such additional allowance as he thinks reasonable, but the reason for the addition must be stated when the abstract of costs is rendered.

(3) In Workers' Compensation Cases in the Court of Arbitration.

59. The costs to be allowed to counsel or solicitors employed by the Crown in workers' compensation cases before the Court of Arbitration shall, subject to the terms of these regulations, be such as may from time to time be usually allowed between party and party in that Court:

Provided that where the Crown is respondent and is successful the costs, unless recovered from the suppliant, shall be fixed according not to the amount claimed but to the amount which the suppliant would, if successful, in the opinion of the Solicitor-General, have been reasonably expected to recover.

(4) In other Inferior Courts.

60. The costs payable to a solicitor employed by the Crown in all cases in the Magistrates' Courts in their civil jurisdiction and in cases in Wardens' Courts held under the Mining Act, 1926, and not herein otherwise provided for, shall, subject to these regulations, not exceed the party and party costs which would be payable by a litigant party in such Court if successful.

Where the Crown is a party to several cases heard at the same sitting of the Court, such sum shall be fixed in each case as may be agreed upon between the head of the Department directing the proceedings and the solicitor employed.

(5) In Compensation Cases under the Public Works Act, 1928.

61. The following shall be the scale of costs allowed to solicitors and counsel in respect of all proceedings to determine compensation payable by the Crown under the Public Works Act, 1928, and its amendments:—

Where the compensation claimed is under £100, a sum not exceeding £5.

Where it exceeds £100, then a like fee and £2 per centum on the sum claimed up to and including £2,500.

Where the sum claimed exceeds that amount, then a further fee of 1 per centum on the excess over £2,500 will be allowed, but so that the total fee payable shall not, unless specially authorized, exceed £100 in any one case.

This scale is exclusive of all Court fees, Assessors' fees, witnesses' expenses, and other actual disbursements.

62. Where proceedings are taken under section 229 of the Public Works Act, 1928, the costs to be allowed shall be at the same rate as those paid in summary proceedings under these regulations.

63. Where the Crown is respondent in a series of compensation cases arising in respect of any public work, the Minister of Public Works shall fix such sum by way of costs to be allowed to the solicitor employed, and the amount of fees to be allowed to counsel engaged, as may be agreed between the Minister and the solicitor.

PART IV.—CONVEYANCING.

64. The costs to be allowed for the preparation, completion, and registration of any instrument for the assurance to the Crown or for lease to or by the Crown of land or any estate or interest therein—(a) if payable by the Crown shall (subject to Regulation 66 hereof) be one-half of the appropriate fee prescribed under the Conveyancing Scale of the New Zealand Law Society made on the 8th day of July, 1927, and the amendments thereof heretofore made, with a minimum charge of £3 3s. and a maximum charge of £21; and (b) if payable by any other party shall not exceed the appropriate fee prescribed under the Conveyancing Scale aforesaid.

65. The costs to be allowed for perusal and obtaining execution on behalf of the Crown of any instrument properly prepared by or on behalf of any other party—(a) if payable by the Crown shall (subject to Regulation 66 hereof) be one-half of the fee prescribed by the last-preceding regulation with a minimum charge of £1 1s.; and (b) if payable by any other party shall not exceed the appropriate fee prescribed under the Conveyancing Scale aforesaid.

66. Where a printed form of instrument is available and capable of being used without alteration or with only minor alteration the costs of preparation, completion, and registration of such instrument, or the costs of perusal and obtaining execution thereof (as the case may be)—(a) if payable by the Crown shall be £1 1s., save that in special circumstances a fee not exceeding £2 2s. may be charged; and (b) if payable by any other party shall not exceed £3 3s.

67. For conveyancing matters not herein provided for the charge shall bear the same proportion to the usual and customary charge to a private client as the charges hereinbefore set out bear to the usual and customary charges to a private client for the matters to which they relate.

68. Where by the ordinary course of practice the costs of preparing and completing any instrument or a counterpart thereof ought to be borne by one of the parties thereto, other than the Crown, solicitors will arrange that the costs properly chargeable to such party are paid by him.

69. Where it is necessary to investigate titles to land, or any interest therein, without preparing instruments of title, the following fees will be allowed for each title investigated, viz.:—

	£	s.	d.
Under the Land Transfer Act, not exceeding	1	11	6
In other cases, not exceeding	..	3	3
		0	0

These fees are intended to cover cases where land, or any interest therein, has been acquired, or agreed to be acquired, on behalf of the Crown under the provisions of the Public Works Act, 1928, or otherwise, and it is necessary to settle the title before payment of purchase-money or compensation.

70. The fees above prescribed are inclusive of all charges for attendances, correspondence, reports, searches and investigation of title, but exclusive of actual and necessary out-of-pocket disbursements.

71. Where it is proper that an instrument should be registered or deposited, such registration or deposit shall be regarded as part of the work necessary to the completion of the transaction.