

on the recommendation of the Right Honourable the Chief Justice, and of the Honourable Mr. Justice Reed and the Honourable Mr. Justice Ostler, Judges of the Supreme Court, and with the advice and consent of the Executive Council, doth hereby make the regulations hereinafter set out.

#### REGULATIONS.

1. These regulations may be cited as the Mortgagors Relief Costs Regulations, 1936, and shall come into force on the date of publication hereof in the *Gazette*.
2. The Mortgagors Relief Costs Regulations, 1932, are hereby revoked.
3. The maximum fees that any solicitor may charge and be allowed against his client, being a mortgagor or lessee within the meaning of the Mortgagors and Tenants Relief Act, 1933, in respect of proceedings under that Act shall be as follows:—
  - (a) Work apart from appearances, viz., preparing, filing, and serving application; preparing necessary affidavits; obtaining fixtures; conferences with parties receiving report of Commission; drawing, sealing, and serving Court Orders: A reasonable charge not exceeding in the case of Magistrates' Court applications £3 3s., and Supreme Court applications £5 5s.; but the Court may in difficult cases allow a reasonable charge in excess of those mentioned.
  - (b) Appearances before Commissions: £1 1s. per hour or part of an hour.
  - (c) Appearances before Court: £1 11s. 6d. per hour or part of an hour.
  - (d) Disbursements may be added in all cases.
  - (e) In cases where a solicitor reasonably employs an agent in another town, the agent's charges (not exceeding the above scale) shall be allowed in addition to the solicitor's charges as a disbursement.
  - (f) If the solicitor has to travel more than twenty miles, appearance fees shall be increased by 50 per cent.
  - (g) In the event of several applications being made between the same parties or being heard together, then a charge not exceeding £2 2s. may be made for each extra application, but appearances shall be charged for on one application only.

C. A. JEFFERY,  
Clerk of the Executive Council.

#### *Rules of Procedure under the Law Practitioners Amendment Act, 1935.*

GALWAY, Governor-General.

#### ORDER IN COUNCIL.

At the Government House at Wellington, this 1st day of April, 1936.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to section sixteen of the Law Practitioners Amendment Act, 1935, and every other power him enabling, His Excellency the Governor-General, with the advice and consent of the Executive Council and with the concurrence of the Right Honourable the Chief Justice and all of the other members of the Rules Committee constituted under the Judicature Amendment Act, 1930 (four of such other members being Judges of the Supreme Court), doth hereby make the following rules.

#### RULES.

1. These rules may be cited as the Law Practitioners (Disciplinary) Appeal Rules, 1936.
2. These rules shall come into force on the day following publication hereof in the *Gazette*.
3. All appeals to the Supreme Court made in pursuance of section 16 of the Law Practitioners Amendment Act, 1935, shall be brought by notice of motion.
4. The appellant may appeal from the whole or any part of any order or decision of the Disciplinary Committee, and in the latter case shall specify in his notice what part of the order or decision is appealed from.
5. Any notice of appeal may be amended at any time as the Court thinks fit.
6. The notice of appeal shall be filed in the proper Registry of the Supreme Court within fourteen days after the date on which notice of the order or decision appealed against was given to the appellant; and a copy of the notice of appeal shall within the same period of time be served upon the opposite party.
7. The Registry of the Supreme Court in which the notice of appeal is to be filed shall be the Registry, or, as the case may require, the principal Registry in the district of any

District Law Society by which the proceedings before the Disciplinary Committee were preferred, or if such proceedings were preferred by the New Zealand Law Society or by a practitioner shall be the Registry, or, as the case may require, the principal Registry in the judicial district in which the practitioner concerned has his sole or principal place of business.

8. The appellant shall within ten days after the latest day upon which he could have properly given notice of appeal file six copies of a case on appeal in the office of the Supreme Court where the notice of appeal was filed and serve two copies of the case on appeal upon the opposite party.

9. The case on appeal shall consist of a copy of the proceedings before the Disciplinary Committee and of the notes of evidence and of the order or decision of the Committee and of the notice of appeal.

10. The appeal shall be heard at such time and place as the Court or a Judge may direct, and the notice of appeal and case on appeal shall forthwith be forwarded to the Registrar at the place so directed by the Registrar at the office of the Court where they were filed.

11. If at the hearing the appellant does not appear to prosecute such appeal it shall be deemed to be abandoned and shall be dismissed.

12. The Court shall have power to take additional evidence either orally or by affidavit or by deposition taken before an examiner or commission, and shall have power to rehear the whole case.

13. The Court shall have power to draw inferences of fact.

14. The Court or a Judge shall have power to enlarge or abridge the time appointed by these rules or fixed by any order enlarging time for doing any act or taking any proceeding on such terms (if any) as the justice of the case may require; and any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed.

15. The Court or a Judge shall have power to dispense with personal service of any notice, document, or proceeding and to authorize such form of substituted service as the Court or Judge may think fit.

16. The Court shall have all the powers of the Disciplinary Committee and shall have power to give any judgment and make any order which in its opinion ought to be made and to make such further or other order as the case may require. The powers aforesaid may be exercised notwithstanding that the notice of appeal may seek that part only of the order or decision of the Disciplinary Committee be reversed or varied, and such powers may also be exercised in favour of all or any of the respondents or parties although such respondents or parties may not have appealed from or complained of such order or decision. The Court shall have power to make such order as to the whole or any part of the costs of the appeal, or of any other proceedings in the Court, as may seem just.

C. A. JEFFERY,  
Clerk of the Executive Council.

*Revoking a License held by George Laing, of Waimauku, authorizing the use of Water for the Purpose of generating Electricity and the erection of certain Electric Lines.*

GALWAY, Governor-General.

#### ORDER IN COUNCIL.

At the Government House at Wellington, this 1st day of April, 1936.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred on him by the Public Works Act, 1928, and of any other powers enabling him in that behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, and with the consent of the licensee, doth hereby revoke the license dated the twenty-fifth day of June, one thousand nine hundred and twenty-three, and published in the *Gazette* of the twenty-eighth day of the same month, at pages 1776 and 1777, authorizing F. J. Povey, of Waimauku, to use water for the purpose of generating electricity and to erect certain electric lines, which license was assigned to G. Laing, of Waimauku, with the consent of the Governor-General in Council dated the twentieth day of November, one thousand nine hundred and thirty-three, and published in the *Gazette* of the thirtieth day of the same month, at page 3160.

C. A. JEFFERY,  
Clerk of the Executive Council.

(P.W. 26/1090.)