



SUPPLEMENT
TO THE
NEW ZEALAND GAZETTE
OF
THURSDAY, MAY 14, 1931.

Published by Authority.

WELLINGTON, MONDAY, MAY 18, 1931.

The Hawke's Bay Adjustment Court Rules, 1931.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 14th day of May, 1931.

Present :

THE RIGHT HONOURABLE G. W. FORBES, PRESIDING IN COUNCIL.

IN exercise of the powers conferred on him by the Hawke's Bay Earthquake Act, 1931, 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, doth hereby make the following rules of Court determining the practice, procedure, and powers of the Hawke's Bay Adjustment Court.

RULES.

1. THESE rules may be cited as the Hawke's Bay Adjustment Court Rules, 1931.
2. Every proceeding in the Adjustment Court shall be intituled in the manner set out in the form numbered 1 in the Schedule hereto or to the like effect.
3. Every proceeding in the Court shall be instituted by a claim in the form of a written application signed by the applicant or his solicitor or agent.
4. Such claim shall set out—
 - (a) The subject-matter thereof ;
 - (b) The nature of the relief which is sought and the section of the Act under which it is sought ;

- (c) A short statement of the grounds on which the application is made, including material facts ;
- (d) A list of the names of all persons likely to be affected by the application or by any order made thereon, with the description and full postal address of every such person ;
- (e) An address for service to which notices may be sent or at which documents may be served.

5. Every such claim shall be verified by the affidavit of the applicant, his solicitor, or agent, or some other person able substantially to verify the facts therein set out.

6. Such affidavit may be appended or annexed to the claim, and shall be in the form numbered 2 in the Schedule hereto or to the like effect.

7. The claim and affidavit shall be filed with the Registrar at Napier.

8. A copy of the claim shall be served by the applicant on each of the parties named by him as likely to be affected.

9. Any party shall be entitled to file in the Court a statement in reply to that of the applicant setting out any grounds, including material facts, on which such party opposes or desires, a modification of the relief sought by the applicant.

10. Any reply comprising a statement of facts shall be verified by affidavit in like manner to the claim.

11. A copy of the reply shall be served by the party filing the same on the applicant and each of the other parties to the proceeding.

12. A party shall not be disentitled to attend the proceedings or take any step therein by reason only of the fact that he has not filed or served a reply.

13. Service of any document may be effected either personally or by registered post, and a document so served by post shall be deemed to be served at the time when it would reach its address in the ordinary course of registered post.

14. Any document to be lodged or filed in the Court may be forwarded to the Registrar by registered post.

15. Any party may send by registered post to the Registrar a summary application to be considered without appearance of parties, and the Court may in its discretion deal with such application and notify its decision to the Registrar, who shall communicate the effect thereof to the party making the application, and in such case it shall not be necessary for the validity of such decision that a formal order be prepared and sealed, but the Court may in its discretion require that any such application be supported by personal appearance.

16. Except as provided by Rule 15 hereof every order of the Court shall be reduced to writing by the party for whose benefit it is made or by such party as the Court directs, and a copy thereof shall be lodged in the Court and sealed with the seal of the Court, and the Registrar shall verify with his seal and issue to any party requiring the same a copy thereof for that party and such further copies as may be required for service upon any other party or for any other purpose under the said Act.

17. Any application for joinder of parties or any other interlocutory application may be made in the form numbered 3 in the Schedule hereto or to the like effect or may be made orally in Court during the course of any proceedings before the Court.

18. The Court may in its discretion admit any document not in accordance with these rules or waive any irregularity.

19. Any party may act in any proceedings before the Court or appear upon the hearing thereof either in person or by a barrister or solicitor, or with the leave of the Court by any other duly authorized representative.

20. Every solicitor signing a claim, reply, or other document or appearing before the Court for any party shall be deemed to warrant his authority to act on behalf of the party for whom he purports to act.

21. An affidavit may be sworn before any Registrar, solicitor, Justice of the Peace, Registrar, or Deputy Registrar of the Supreme Court or Clerk of a Magistrate's Court, and no fee shall be taken for the swearing of an affidavit.

22. No person shall be entitled to inspect any documents filed or lodged in the Court in any proceeding unless the Registrar is satisfied that he is a party thereto or the solicitor of a party or the clerk of such solicitor or otherwise an agent of the party authorized to make such inspection.

SCHEDULE.

[Form No. 1.]

General Heading for all Proceedings.

Number :

In the Hawke's Bay Adjustment Court.

THE application of [*Full name, address, and description*].

[Form No. 2.]

I, [*Full name, address, and description*], make oath and say as follows :—

1. I am (the applicant) (the solicitor for the applicant) named in the above written (*or annexed*) claim—*or* I am (the party) (the solicitor for the party) named in the above-written (*or annexed*) reply.

2. So much of the said claim (*or reply*) as relates to my own acts and deeds and to facts within my own knowledge is true.

3. So much of the said claim (*or reply*) as relates to the acts and deeds of any other person and to facts not within my own personal knowledge I verily believe to be true.

Sworn, &c.

[Form No. 3.]

(Insert Heading of Proceedings.)

TAKE notice that [*Name of party*] will apply to the Court at [*Name of place*] on [*Date of proposed application*] for [*State nature of application*] upon the grounds [*Set out grounds shortly*].

This notice is given to the Registrar and to [*Names of other parties (if any) to be served*].

Dated at this day of , 19 .

[*Signature of Applicant, his Solicitor, or Agent.*]

F. D. THOMSON,
Clerk of the Executive Council.

