

[LEGAL NOTICE No. 186]

SUPREME COURT ORDINANCE
CHAPTER 9
THE SUPREME COURT RULES, 1968

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**SUPREME COURT ORDINANCE
(CHAPTER 9)**

THE SUPREME COURT RULES, 1968

In exercise of the powers conferred by section 25 of the Supreme Court Ordinance, I hereby make the following Rules:—

1. These Rules may be cited as the Supreme Court Rules, 1968, and shall come into force on the 3rd day of March, 1969. Citation and commencement.

2. Subject as hereinafter provided, the provisions of the rules of court in force in the Supreme Court of Judicature in England on the 1st day of January, 1967, entitled the "Rules of the Supreme Court 1965" (being the rules enacted by Statutory Instrument 1965 No. 1776 as amended by Statutory Instruments 1966 No. 559 and 1966 No. 1055), hereinafter referred to as the "Applied Rules", shall be in force in Fiji and have effect in relation to proceedings in the Supreme Court of Fiji. Application of English Rules of the Supreme Court.

3.—(1) In their application to Fiji as aforesaid, the Applied Rules shall be construed and have effect subject to and with all necessary modifications, and, in particular, subject to and with the modifications specified in Appendix I hereto. Modifications.

(2) For the purposes of this rule, the expression "modifications" includes exceptions, qualifications, deletions, substitutions and additions.

4. The Rules in force on 1st January, 1967, in the Principal Registry of the Probate Division of the High Court of Justice in England, and the practice and procedure of such Court on that date with respect to non-contentious business shall apply so far as the same may be applicable, with such modifications as may be necessary, to grants of probate and administration issued in common form from the Registry of the Supreme Court of Fiji. Non-contentious Probate Rules.

5. Where no express provision is made by these Rules with respect to the practice or procedure in any circumstances arising in any cause or matter, then the powers, duties, authority and jurisdiction of the Supreme Court of Fiji shall be exercised in conformity with the practice and procedure for the time being adopted in the like circumstances in Her Majesty's High Court of Justice in England. Practice where no express provision.

6.—(1) Where, for the time being, by or under any law in force in Fiji, specific provision is made for regulating the practice or procedure in, or in relation to, any particular form of proceedings in the Supreme Court of Fiji, these Rules shall not apply thereto except in so far as any such provision applies, incorporates, or imports the application of these Rules (whether by express reference thereto or by reference to the rules of court of, or the practice or procedure in, the Supreme Court of Fiji). Proceedings to which these Rules do not apply.

(2) These Rules shall not apply to any criminal proceedings in the Supreme Court of Fiji.

7.—(1) The fees set out in Appendix 2 hereto shall be paid to and received in the Registry of the Supreme Court in respect of the matters set out therein. Fees payable and receivable in respect of any matters not specifically set out therein shall be as directed by the Chief Justice: Fees, costs, etc.

Provided that no fees shall be payable by a public officer in connection with any proceeding by or against him in his official capacity but any fee which would have been payable but for this proviso shall be recoverable from any other party ordered to pay the costs of such public officer in any such proceeding.

(2) The fees set out in Appendix 3 hereto shall be paid to and received by the Sheriff or his deputies concerned in the execution of any process directed to the Sheriff, in the several proceedings mentioned therein.

(3) (a) Subject to any special order made in any proceedings by the trial judge there shall be allowed to barristers and solicitors in the Supreme Court of Fiji costs amounting to not less than those prescribed under the Lower Scale and not exceeding those prescribed under the Higher Scale in Part I of Appendix 4 hereto in relation to the matters set out therein, in the discretion of the taxing officer.

(b) In exercising his discretion under paragraph (a) of this Rule the taxing officer shall have regard to all relevant circumstances and in particular to—

- (i) the complexity of the item or of the cause or matter in which it arises and the difficulty or novelty of the questions involved;
 - (ii) the skill, specialised knowledge and responsibility required of, and the time and labour expended by, the barrister and solicitor;
 - (iii) the number and importance of the documents (however brief) prepared or perused;
 - (iv) the place and circumstances in which the business involved is transacted and whether the barrister and solicitor concerned was in the circumstances obliged to act through his agent in Suva;
 - (v) the importance of the cause or matter to the client;
 - (vi) where money or property is involved, its amount or value;
 - (vii) any other fees and allowances payable to the barrister and solicitor in respect of other items in the same cause or matter, but only where work done in relation to those items has reduced the work which would otherwise have been necessary in relation to the item in question.
- (c) Fixed costs shall be allowed as provided in Part 2 of the said Appendix 4.

Existing rules
revoked.

8. The following Rules are hereby revoked:—

- (a) The Supreme Court Rules;
- (b) The Inheritance (Family Provision) Rules;
- (c) The Supreme Court (Exchange Control) Rules;
- (d) The Supreme Court (Time for Appearance) Rules;
- (e) The Supreme Court (Instrument of Cession) Rules.

Transitional
provision.

9. Pending causes and matters in the Supreme Court shall be conducted in accordance with these Rules so far as conveniently may be, subject to any directions given by the Court or a judge in any particular case.

Made at Suva this 3rd day of December, 1968.

C. J. HAMMETT,
Chief Justice.

Fiji Bill

APPENDIX 1 (Rule 3 (1))
MODIFICATIONS OF THE APPLIED RULES IN THEIR
APPLICATION TO FIJI

ORDER 1

CITATION, APPLICATION, INTERPRETATION AND FORMS

Rules 2 and 3—Delete these rules.

Rule 4—(a) In para. (1), for the list of definitions there given, substitute the following—

"an Act" means an enactment;

"the appropriate office" means the Registry of the Supreme Court;

"assisted person" means a party proceeding in *forma pauperis* or with legal aid;

~~"cause book" means the cause book kept in the Registry;~~

~~"Central Office" means the Registry of the Supreme Court;~~

"the Court" means the Supreme Court or any judge thereof, whether sitting in court or in chambers, or where appropriate the Chief Registrar; and this definition shall not be taken as affecting any provision of these Rules and, in particular, the provisions of Order 32 rule 11 by virtue of which the authority and jurisdiction of the Chief Registrar are defined and regulated;

"Court of Appeal" means the Fiji Court of Appeal;

~~"Crown Office" means the Registry of the Supreme Court;~~

"Debtors Acts, 1869 and 1878" means the Debtors Ordinance;

"Exchange Control Act, 1947" means the Exchange Control Ordinance and includes any Ordinance which amends or replaces the Exchange Control Ordinance;

"folio" means 120 words, each figure being counted as one word;

"High Court" or "High Court in the Royal Courts of Justice" or "The Royal Courts of Justice" means the Supreme Court;

"the Long Vacation" means any vacation;

"master" means the Chief Registrar;

"moneylender's action" has the meaning assigned to it by Order 83;

"officer" means a public officer of the Judicial Department;

"the Ordinance" means the Supreme Court Ordinance;

"originating summons" means every summons other than a summons in a pending cause or matter;

"pleading" does not include a petition or summons;

"probate action" has the meaning assigned to it by Order 76;

~~"proper officer" means the Chief Registrar;~~

"Registrar" means the Chief Registrar of the Supreme Court and a deputy registrar when lawfully discharging any of the duties of the Chief Registrar;

"Registry" means the Registry of the Supreme Court;

"the scheduled territories" has the meaning assigned to it by the Exchange Control Ordinance;

"seal" means a seal or stamp authorised by the Ordinance;

"Solicitor" means barrister and solicitor;

"Supreme Court" means the Supreme Court of Fiji;

Chief Registrar

District Registrar

Principal Registrar

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" Treasury " means Minister of Finance;

" Vacation " means any vacation directed by order made under Ordinance;

" writ " means a writ of summons.

(b) Delete para. (2).

Rule 7--Delete this rule.

Rule 9--Add the following--

" Provided that --

(i) in Form No. 1 in Appendix A the words " Witness Chief Justice of Fiji " shall be substituted for the words " Witness Lord High Chancellor of Great Britain " ;

(ii) the Court or a judge may permit departures from the forms in Appendix A;

(iii) Appendix B (Admiralty Forms) shall have effect in Fiji subject to the legislation for the time being in force in Fiji with respect to Admiralty proceedings."

*Amended
p 27/71*

ORDER 2

EFFECT OF NON-COMPLIANCE

(NOTE.—Applied without modifications)

ORDER 3

TIME

Rule 1--For " section 3 of the Interpretation Act " substitute " the provisions of any Ordinance affecting the interpretation of subsidiary legislation "

Rule 2--In para. (5), for " bank holiday, Christmas Day or Good Friday " substitute " public holiday " ; and delete the definition of " bank holiday "

Rule 4--For " a Sunday " substitute " a Saturday or Sunday " .

Rule 5--Delete para. (4).

ORDER 4

CONSOLIDATION OF PROCEEDINGS

Heading--Substitute new heading as above.

Rules 1 to 9 inclusive--Delete these rules.

Rule 10--For " in the same Division " substitute " in the Court " .

ORDER 5

MODE OF BEGINNING CIVIL PROCEEDINGS IN HIGH COURT

(NOTE.—Applied without modifications).

ORDER 6

WRITS OF SUMMONS: GENERAL PROVISIONS

Rule 1--Delete the figure " 2 " and add the following --

" but shall be tested in the name of the Chief Justice of Fiji " .

Rule 4--Delete this rule.

Rule 7--(a) Delete para. (2).

(b) In para. (3), delete " of the office out of which it is issued " .

(c) In para. (5), for " the office at which it is tendered " substitute " the Registry " .

ORDER 7

ORIGINATING SUMMONSES: GENERAL PROVISIONS

Rule 2--In para. (1), delete the figure " 9 " .

Rule 5--Delete this rule.

Rule 7--In para. (1), for " Rules 2 (1), 3 (1) and 5 (1) and (2) " substitute " Rules 2 (1) and 3 (1) " .

ORDER 8

ORIGINATING AND OTHER MOTIONS: GENERAL PROVISIONS

Rule 3—Delete para. (4), except the sentence commencing " Issue of the notice . . .".

ORDER 9

PETITIONS: GENERAL PROVISIONS

Rule 3—Delete this rule.

Rule 4 (1)—Delete paras. (a) and (b) and substitute therefor the words " by the Chief Registrar ".

ORDER 10

SERVICE OF ORIGINATING PROCESS: GENERAL PROVISIONS

(NOTE.—Applied without modifications).

ORDER 11

SERVICE OF PROCESS ETC., OUT OF THE JURISDICTION

Rule 1—(a) In para. (1), delete the words " and provided that the writ does not contain any such claim as is mentioned in Order 75 rule 2 (1) (a)".

(b) In para. (1) (e), for " English law " substitute " the law of Fiji ".

(c) In para. (1) (f), delete " against a defendant not domiciled or ordinarily resident in Scotland ".

(d) In para. (1) (f) (iii), for " English law " substitute " the law of Fiji ".

(e) In para. (1) (g), delete " against a defendant not domiciled or ordinarily resident in Scotland or Northern Ireland ".

(f) For para. (1) (l) substitute—

" if the action begun by the writ is brought under the Carriage by Air Act 1932, the Carriage by Air Act 1961 or the Carriage by Air (Supplementary Provisions) Act 1962 ".

(g) Delete paras. (2) and (3).

Rule 3—(a) In para. (1), insert immediately before " Scotland " the words " England, Wales,".

(b) In para. (2), delete " or 7 "; and delete also " whichever is appropriate ".

Rule 4—Delete para. (3).

Rule 5—In para. (6), for " Secretary of State " substitute " Chief Secretary ".

Rule 6—(a) In para. (1) (a), insert immediately before " Scotland " the words " England, Wales,".

(b) In para. (7), for " sent by the Senior Master to the Parliamentary Under-Secretary of State to the Foreign Office " substitute " sent by the Chief Registrar to the Chief Secretary ".

Rule 7—(a) In para. (1) (a), for " Secretary of State " substitute " Chief Secretary ".

(b) In para. (2), for " United Kingdom " substitute " Fiji ".

(c) In para. (4), for " sent by the Senior Master to the Secretary of State with a request that the Secretary of State " substitute " sent by the Chief Registrar to the Chief Secretary with a request that the Chief Secretary ".

Order 11 CS - Minister 542/70

Rule 8—For “incurred by the Secretary of State” substitute “incurred by the Chief Secretary”; and for “Finance Officer of the office of the Secretary of State” substitute “Chief Secretary”.

Rule 9—In para. (5), for “Rule 4 (1), (2) and (3)” substitute “Rule 4 (1) and (2)”.

ORDER 12

ENTRY OF APPEARANCE TO WRIT OR ORIGINATING SUMMONS

Rule 1—In para. (3), delete “or sending them by post to”.

Rule 2—Delete this rule.

Rule 3—In para. (2), for “Form No. 14 or 15 in Appendix A, Part II, as is appropriate” substitute “Form No. 14 in Appendix A, Part II”.

Rule 4—(a) In para. (1), delete sub-paras. (a) and (b) and substitute “hand back that copy of the memorandum”.

(b) In para. (2), delete “by handing in the requisite documents at the appropriate office”.

(c) In para. (2), for “send by post to” substitute “serve on or send by post to”.

Rule 5—In para. (b) delete “Order 11 rule 1 (3)”.

Rule 8—In para. (2), for sub-paras. (a) and (b) substitute “by Summons”.

Rule 9—(a) Delete para. (3).

(b) In para. (4), delete “(except paragraphs (2) and (5) (c) of rule 2)”; and for “Order 11 rules 1 (3) and 4 (4)” read “Order 11 rule 4 (4)”.

ORDER 13

DEFAULT OF APPEARANCE TO WRIT

Rule 8—Delete this rule.

ORDER 14

SUMMARY JUDGMENT

Rule 1—In para. (1), delete “in the Queen’s Bench Division or Chancery Division”.

Rule 5—In para. (1), delete “in the Queen’s Bench Division or Chancery Division”.

Rule 6—Delete para. (2).

ORDER 15

CAUSES OF ACTION, COUNTERCLAIMS AND PARTIES

Rule 3—(a) In para. (4), delete the words “except that” and all succeeding words down to the end of the paragraph.

(b) In para. (5), delete the words “and (Order 75 rule 4)”.

(c) In para. (6), delete sub-para. (c).

Rule 8—New para. (5) (added by S.I. 1966 No. 1055)—

“(5) The foregoing provisions of this rule shall apply in relation to an action begun by originating summons as they apply in relation to an action begun by writ.”

Rule 11—For “in the central office, or, if the writ or originating summons is to issue out of a district registry, in that registry” substitute “in the Registry”.

ORDER 16

THIRD PARTY AND SIMILAR PROCEEDINGS

Rule 3—(a) In para. (3), delete the words “except that” and all succeeding words down to the end of the paragraph.

(b) In para. (4), delete the words “and Order 75 rule 4”.

ORDER 17

INTERPLEADER

Rule 4—Delete this rule.

Rule 9—Delete “in several Divisions, or”; and delete also “of the same Division”.

ORDER 18

PLEADINGS

Rule 6—In para. (1)—

(a) in sub-para. (a), delete “letter and”;

(b) delete sub-para. (c).

Rule 22—Delete this rule.

ORDER 19

DEFAULT OF PLEADINGS

(NOTE. Applied without modifications).

ORDER 20

AMENDMENT

(NOTE.—Applied without modifications).

ORDER 21

WITHDRAWAL AND DISCONTINUANCE

Rule 2 (a) In para. (1), delete the full stop at the end and add “and filing in the Registry a copy thereof.”

(b) In para. (2), delete the full stop at the end and add “and filing in the Registry a copy thereof.”

(c) In para. (4), delete sub-paras. (a) and (b) and for the words “by producing” substitute “by filing in the Registry”.

(d) In para. (4), delete the last sentence commencing “In this paragraph”.

ORDER 22

PAYMENT INTO AND OUT OF COURT

Rule 1—In para. (6)—

(a) for “the Fatal Accidents Acts 1846 to 1959” substitute “the Compensation to Relatives Ordinance”;

(b) for “the Law Reform (Miscellaneous Provisions) Act 1934” substitute “the Law Reform (Miscellaneous Provisions) (Death and Interest) Ordinance”;

(c) for “the said Acts” substitute “the said Ordinances”.

Rule 3—In para. (2), delete “or if the trial is with a jury before the judge begins his summing up”.

Rule 4—(a) Delete para. (1) (c).

(b) In para. (1) (d)—

(i) for “the Fatal Accidents Acts 1846 to 1959” substitute “the Compensation to Relatives Ordinance”;

(ii) for “the Law Reform (Miscellaneous Provisions) Act 1934” substitute “the Law Reform (Miscellaneous Provisions) (Death and Interest) Ordinance”; and

(iii) for "the first mentioned Acts" substitute "the first mentioned Ordinance".

Rule 8—In para. (1), for "a master or associate" substitute "the Chief Registrar".

Rule 10—Delete paras. (1), (2) and (3) of this rule and substitute the following new rule—

"10. Payment out of money in Court shall be made to the person entitled or, on his written authority, to his solicitor or if the Court orders, to his solicitor without such authority."

Rules 12 and 13—Delete these rules.

ORDER 23

SECURITY FOR COSTS

(NOTE.—Applied without modifications).

ORDER 24

DISCOVERY AND INSPECTION OF DOCUMENTS

(NOTE.—Applied without modifications).

ORDER 25

SUMMONS FOR DIRECTIONS

Rule 1—In para. (2), delete sub-paras. (f), (g), (h) and (i).

Rule 2—(a) In para. (5), for "the county court or some other court" substitute "a magistrate's court or some other court or tribunal".

(b) Delete para. (6).

Rule 3—(a) For "section 1 (2) of the Evidence Act 1938" substitute "section 3 (2) of the Evidence Ordinance".

(b) Delete "and Order 75 rule 25 (4)".

ORDER 26

INTERROGATORIES

(NOTE.—Applied without modifications).

ORDER 27

ADMISSIONS

(NOTE.—Applied without modifications).

ORDER 28

ORIGINATING SUMMONS PROCEDURE

Rule 2—In para. (1), for the words commencing with "sealed with the seal" and continuing to the end of the paragraph, substitute "sealed with the seal of the Court".

Rule 4—In para. (2), for "a county court or some other court" substitute "a magistrate's court or some other court or tribunal".

Rule 9—(a) In para. (1), for "a county court or some other court" substitute "a magistrate's court or some other court or tribunal".

(b) Substitute for para. (2) the following—

"(2) The Court shall make such order as to the hearing or trial as may be appropriate, but any such order may be varied by a subsequent order of the Court made at or before the hearing or trial."

(c) Delete para. (3).

(d) Delete para. (4).

ORDER 29

INTERLOCUTORY INJUNCTIONS, INTERIM PRESERVATION OF PROPERTY ETC.
(NOTE.—Applied without modifications).

ORDER 30
RECEIVERS

Rule 2—For para. (4), substitute the following—

“(4) The guarantee or undertaking must be filed in the Registry, and it shall be kept as of record until duly vacated.”.

Rule 4—For para. (4), substitute the following—

“(4) The passing of a receiver's account must be certified by the Chief Registrar or as otherwise directed by the Court.”.

ORDER 31

SALES, ETC. OF LAND BY ORDER OF COURT, ETC.

Heading—Substitute new heading as above.

Rule 1—In para. (1), delete “ in the Chancery Division ”.

Rule 2—(a) Delete paras. (2) and (3).

(b) In para. (4), delete “ On the hearing of the summons ”.

(c) Delete para. (4) (4).

Rule 3—For para. (2), substitute the following—

“(2) The solicitor of the party or person having the conduct of the sale must file the certificate and affidavit (if any) in the Registry within 7 days of the sale.”.

Rules 5, 6, 7 and 8—Delete these rules.

ORDER 32

APPLICATIONS AND PROCEEDINGS IN CHAMBERS

Heading—Delete the heading “ 1. General ”.

Rule 2—Delete para. (3).

Rule 7—For this rule substitute the following—

“ 7. A writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum* to compel the attendance of a witness for the purpose of proceedings in chambers may be issued out of the Registry by or on the authority of the Chief Registrar.”.

Rule 8—For this rule substitute the following—

“ 8. The following officers of the Judicial Department, namely the Chief Registrar, any officer being a Commissioner for Oaths or a Magistrate, and any officer specially authorised by the Chief Justice in that behalf shall have authority to administer oaths and take affidavits for the purpose of proceedings in the Supreme Court.”.

Rule 9—Delete this rule.

Rule 10—Delete this rule.

Heading—Delete the heading—

“ 11. Queen's Bench Division and Probate, Divorce and Admiralty Division.”.

Rule 11—For this rule substitute the following—

“ 11. Subject to the right of any party to have an adjournment to a judge, without any fresh summons for the purpose, the Chief Registrar shall have the powers, authority and jurisdiction of a judge in chambers with respect to the following matters—

Replaced p 345/71

- (a) the place, time for setting down for trial, and mode of trial and other matters usually arising on a summons for directions;
- (b) the discovery of documents, and production of documents for inspection, and discovery by interrogatories;
- (c) the amendment of a writ, pleading, memorandum of appearance, or other document;
- (d) extension or enlargement of time;
- (e) renewal of a writ;
- (f) addition, omission or substitution of parties;
- (g) substituted service within the jurisdiction;
- (h) garnishee orders nisi, orders to third persons to attend garnishee proceedings (under Order 49 rule 6), and garnishee orders absolute;
- (i) security for costs;
- (j) leave to enter judgment for costs under Order 13 rule 6 (2);
- (k) judgment under Order 14;
- (l) leave to defend, under Order 14, absolute or conditional and consequential directions;
- (m) leave to withdraw summons, under Order 21 rule 6;
- (n) judgment or order on an admission, or on a summons under Order 27 rule 3, for a sum of money only;
- (o) adjournments by consent."

Rule 12 --For this rule substitute the following --

" 12. The Chief Registrar may refer to a judge any matter which he thinks should properly be decided by a judge and the judge may either dispose of the matter or refer it back to the Chief Registrar with such directions as he thinks fit."

Heading --Delete the heading " III. Chancery Division "

Rule 14 --Delete this rule.

Rule 15 --(a) In para. (1), delete " of the Chancery Division ".

(b) For para. (4), substitute the following--

" (4) The Chief Registrar may examine any party or witness either orally or on interrogatories."

Rule 17 --Delete " in the Chancery Division " ; and add, at the end of the rule --

" and provide every other party with a copy of the affidavit not less than two clear days before the hearing ".

Rule 18 --Delete this rule.

Rule 20 --Delete this rule.

Rules 23 to 26 inclusive --Delete these rules.

ORDER 33

PLACE AND MODE OF TRIAL

Rule 1 --For this rule substitute the following --

" 1. Subject to the provisions of these Rules, the place of trial of a cause or matter, or of any question or issue arising therein, shall be determined by the Court."

Rule 2 --For this rule substitute the following--

" 2. Subject to the provisions of these Rules, a cause or matter, or any question or issue arising therein, may be tried before—

- (a) a judge alone; or
- (b) a judge with the assistance of assessors."

Rule 4—Delete para. (3).

Rule 5—Delete this rule.

Rule 6—Delete " under section 98 of the Act ".

ORDER 34

SETTING DOWN FOR TRIAL ACTION BEGUN BY WRIT

Rule 1—Delete para. (2).

Rule 2—(a) In para. (1), delete " whether the trial is to be with or without a jury and "

(b) For para. (3) substitute the following—

" (3) Every order for trial shall contain an estimate of the length of the trial."

Rule 3—For this rule substitute the following—

" 3.—(1) In order to enter an action for trial the party seeking to enter it for trial shall take out a summons returnable before a judge in chambers applying for an order that the action be entered for trial at the place specified in the order made on the summons for directions. *Replaced p 345/11*

(2) The party taking out the summons shall file in the Registry a copy of the following documents, bound up in book form in chronological order—

- (a) the writ,
- (b) the pleadings (including any affidavits ordered to stand as pleadings), any request or order for particulars and the particulars given, and
- (c) all orders made on the summons for directions,

for use of the judge, together with a duplicate thereof which shall serve as the record.

(3) At the hearing of the summons it shall be the duty of the judge in chambers to enquire of the parties whether the assistance of a judge or an officer would be likely to facilitate a settlement or compromise of the action before it is entered for trial.

(4) Where the parties agree that further time is required for consideration of a settlement of the action the judge shall adjourn the hearing to such time and place as he thinks fit.

(5) Where at the hearing of the summons or any adjournment thereof the parties agree that assistance is desirable to facilitate a settlement the judge may in his discretion either afford such assistance himself, or direct that the summons be listed before another judge for this purpose, or adjourn the hearing of the summons and direct that the matter be referred to an officer designated by him for the purpose of facilitating a settlement.

(6) (a) Where the summons is heard by another judge he may, after hearing the parties with a view to a settlement, deal with it as provided in paragraph (11) of this rule.

(b) Where the summons is referred to an officer, he shall hear and discuss the matter with the parties in an attempt to facilitate a settlement and shall report to the judge in chambers either the terms of settlement that have been reached or that no settlement appears to be likely. The judge in chambers shall then deal with the summons as provided in paragraph (11) of this rule.

(7) Save and except where a party having been duly served with the summons fails to attend at the hearing, no order to enter an action for trial shall be made unless the judge is satisfied that the parties have had a reasonable opportunity to consider and reach a settlement or that no settlement appears to be likely or possible to be reached between them.

(8) No court record shall be kept of any such discussions held with a view to a settlement and no statements, concessions or admissions made thereat shall be admissible in evidence at the trial of the action or the trial of any other action.

(9) Any such discussions with a view to a settlement shall, unless a settlement is reached and entered by consent as a judgment of the court, be without prejudice and shall be deemed to be held in confidence on an occasion of absolute privilege.

(10) No process of the court shall be issued for the purpose of enforcing the attendance at any court or tribunal of any person as a witness to give evidence of anything said or disclosed at the hearing of a summons for an order for the entry of an action for trial, or any adjournment thereof, or at any discussion between the parties by an officer under paragraph (6) (b) of this rule.

(11) At the hearing of the summons or any adjournment thereof the judge, after hearing the parties, may either enter judgment by consent on any terms agreed or order that the case be entered for trial or make such other order as may be appropriate.

(12) In this rule the words "party" and "parties" mean, where a plaintiff or defendant is legally represented, his solicitor, and where he is not so represented, the plaintiff or defendant in person. In any case where the plaintiff or defendant is legally represented he may, if he wishes, be present in chambers in person with his solicitor or, if his solicitor consents, without his solicitor."

Rules 4 to 8 inclusive—Delete these rules.

Rule 9—Delete para. (3).

ORDER 35

PROCEEDINGS AT TRIAL

Rule 4—For this rule, substitute the following—

"4. If the judge at any place is of opinion that any cause or matter set down for trial at that place cannot, for any sufficient reason, be conveniently tried at that place, or at that place and at the appointed time, he may, upon or without an application for that purpose, change the place of trial or postpone the trial."

Rules 5 and 6—Delete these rules.

Rule 7—In para. (1), delete "(whether with or without a jury)".

Rule 8—Delete para. (2).

Rule 10—Delete this rule.

Rule 12—For "or the House of Lords", where those words twice appear, substitute "or the Privy Council".

Rule 13—In para. (1), delete "or the Director of Public Prosecutions".

ORDER 36

INQUIRIES BY CHIEF REGISTRAR AND SPECIAL REFERERS

Heading—Substitute new heading as above.

Rule 1—Delete this rule.

Rule 2—For this rule substitute the following—

“ (1) In any cause or matter the Court may refer to the Chief Registrar, or to a special referee (being a person nominated by the Court) for inquiry and report any question or issue of fact or mixed law and fact arising therein, and, unless the Court otherwise orders, further consideration of the cause or matter shall stand adjourned until the receipt of the report.

(2) Before a special referee enters upon the reference, the Chief Registrar shall supply him with—

(a) a certified copy of the order of reference;

(b) a copy of the pleadings; and

(c) a copy of such other documents as may be directed by the Court.

(3) The Court may make such order as it thinks fit to provide for the remuneration of a special referee and may give such directions as may be necessary for the collection thereof from the parties and for the payment thereof to the special referee.”

Rule 3—For “ an official referee ” and for “ the official referee ”, wherever appearing in this rule, substitute “ the Chief Registrar or special referee ”.

Rule 4—(a) For “ an official referee ” and for “ the official referee ”, wherever appearing in this rule, substitute “ the Chief Registrar or special referee ”.

(b) In para. (1) (a), for “ disposing of any cause or matter ” substitute “ dealing with any matter ”.

(c) In para. (1) (b), delete the words “ every trial and all other ”.

(d) For para. (2), substitute the following—

“ (2) No steps or proceedings shall be taken to enforce any order made or direction given by the Chief Registrar or special referee in the exercise of any of the powers referred to in rule 4 (1) (a) until such order or direction has been confirmed by a judge.”

(e) In para. (3), delete the words “ trial or any other ”.

Rules 5 to 9 inclusive—Delete these rules.

ORDER 37

ASSESSMENT OF DAMAGES

Rule 1—(a) In para. (1), delete “ in the Chancery Division or the Queen’s Bench Division ”.

(b) In para. (3), delete “ of the Chancery Division ”.

Rule 2—For this rule substitute the following—

“ 2. Where in pursuance of this Order or otherwise damages are assessed by the Chief Registrar, he shall certify the amount of the damages and file the certificate in the Registry.”

Rule 4—(a) In sub-para. (a), delete “ to an official referee or ”.

(b) In sub-para. (b), delete “ (with or without a jury) ”.

ORDER 38

EVIDENCE: GENERAL

Rule 1—For “ Evidence Act 1938 ” substitute “ Evidence Ordinance ”.

Rule 5—Delete “ for special reasons ”.

Rule 6—In para. (1), after the words "the Court otherwise orders" insert the words "or no objection is raised thereto".

Rule 10—(a) In para. (1), for "High Court" substitute "Supreme Court or the Court of Appeal".

(b) In para. (2), immediately after "Supreme Court" insert "or the Court of Appeal".

Rule 13—In para. (1), for "Crown" substitute "Court".

Rule 14—(a) For para. (3), substitute the following—

"(3) Where a writ of subpoena is to be issued in a cause or matter the appropriate office for the issue of the writ is the Registry."

(b) Delete para. (4).

(c) In para. (5), add the following words—

"and the name of the person to be summoned."

(d) Insert new paras. (6) and (7)—

"(6) Unless the Court shall otherwise direct every writ of subpoena which is issued or served less than seven clear days before the date of hearing shall bear the following endorsement—

"NOTE.—If this subpoena is served less than 7 clear days before the hearing you are not obliged to attend if, as a result of short notice, it is inconvenient for you to do so. In this event you should so inform the Court."

(7) Unless a writ of subpoena is duly served on the person to whom it is directed not less than 7 clear days, or such other period as the Court may fix, before the date of hearing together with appropriate conduct money that person shall not be liable to any penalty or process for failing to obey the writ."

Rule 19—(a) In para. (1), for "the Crown Office" substitute "the Registry".

(b) In para. (4), for "4 days" substitute "7 days".

(c) In para. (5), for "may be heard by a master of the Queen's Bench Division" substitute "shall be heard by a judge".

ORDER 39

EVIDENCE BY DEPOSITION: EXAMINERS OF COURT

Rule 1—In para. (1), delete "or examiner of the Court".

Rule 2—In para. (2) (b), substitute "Attorney-General" for "Secretary of State".

Rule 3—(a) In para. (6), for "Secretary of State", where it first appears, substitute "Attorney-General".

(b) In para. (6), for "Finance Officer of the office of the Secretary of State" substitute "Attorney-General".

Rule 4—In sub para. (a), delete "or examiner of the Court".

Rule 5—In para. (1), for "in the district registry (if any) in which the cause or matter is proceeding and otherwise in the Central Office" substitute "in the Registry".

Rule 11—In para. (4), for "district registry etc." to the end of the paragraph substitute "Registry and shall be filed therein".

Rule 12—For "the district registry or the Central Office" substitute "the Registry".

Rule 14—For "the official solicitor" substitute "the Chief Registrar".

Rules 16 to 18 inclusive—Delete these rules.

Rule 19—For this rule substitute the following—

“ 19. —(1) The party prosecuting the order must pay all reasonable expenses as certified by the Chief Registrar in addition to the prescribed fees for an examination.

(2) The Chief Registrar may require an amount estimated by him to cover the expenses of the examination to be deposited before the order for the examination is sealed.”.

ORDER 40

COURT EXPERT

Rule 1—In para. (1), delete “ which is to be tried without a jury and ”.

ORDER 41

AFFIDAVITS

Rule 3 (a) Re-number this rule as para. (1) of the rule.

(b) Add the following para.—

“ (2) Where it appears to the person administering the oath that the deponent does not understand the English language he must certify in the jurat that—

(a) the affidavit was read, explained and interpreted, either by himself or through the medium of a sworn and named interpreter in his presence, to the deponent in a specified language with which the deponent was familiar,

(b) the deponent seemed perfectly to understand it, and

(c) the deponent made his signature or mark in his presence;

and the affidavit shall not be used in evidence without such a certificate.”.

Rule 8—Delete “ Without prejudice to section 1 (3) of the Commissioners for Oaths Act, 1889 ”.

Rule 9—Delete paras. (1), (2) and (3).

Rule 10—(a) In para. (1), delete “ in the Chancery Division with the leave of the Court, and in any other proceedings without such leave,”.

(b) In para. (2), for “ with the judicature fee stamp ” substitute “ with the stamp duty ”.

Rule 11—(a) In para. (1), delete “ and not annexed,”.

(b) In para. (2) delete the last sentence.

Rule 12—For “ outside England and Wales ” substitute “ outside Fiji ”.

ORDER 42

JUDGMENTS AND ORDERS

Rule 1—In para. (3), for “ referee or master ” substitute “ or other person ”.

Rule 3—(a) In para. (1), delete “ or of an official or special referee ”.

(b) In para. (2), delete “ or referee, as the case may be,”.

Rule 5—For this rule substitute the following —

“ 5.—(1) Every judgment given in a cause or matter and every order required under rule 4, to be drawn up shall be settled by or under the direction of the Chief Registrar before being entered or drawn up.

(2) The party seeking to enter a judgment or to have an order drawn up may and shall if so required by the Chief Registrar prepare a draft of the judgment or order and present the draft to the Chief Registrar.

(3) If the party in whose favour a judgment is given or an order is made does not prepare it, have it settled and enter it within 21 days after it is given or made any other party affected by the judgment or order may prepare it, have it settled and enter it.

(4) Every judgment when entered shall be endorsed with the date of entry."

Rules 6 and 7—Delete these rules.

Rule 8—For this rule substitute the following—

"8. If any party fails to attend any appointment made by a judge or the Chief Registrar for settling any judgment or order or fails to produce any documents required by the judge or the Chief Registrar in order to enable him to settle the judgment or order, the judge or the Chief Registrar may settle and pass the judgment or order in the absence of that party."

Rule 9—Delete this rule.

ORDER 43

ACCOUNTS AND INQUIRIES

Rule 7—(a) In para. (2), for the words "the official solicitor", where they first appear, substitute "appoint a suitable person".

(b) In para. (2), for the words "the official solicitor's costs", where they next appear, substitute "any costs incurred".

ORDER 44

PROCEEDINGS UNDER JUDGMENTS AND ORDERS

Heading—In the heading, delete "Chancery Division".

Rule 2—For this rule substitute the following—

"2.—(1) Where in order to carry out any directions contained in, or to carry into effect, a judgment given in any cause or matter it is necessary to proceed in chambers under the judgment, the party entitled to prosecute the judgment shall, within 21 days after entry of the judgment, take out a summons to proceed under the judgment.

(2) If the party entitled to prosecute the judgment fails to comply with paragraph (1), any other party to the cause or matter shall thereupon become entitled to prosecute the judgment."

Rule 3—Delete paras. (3) and (7).

Rule 15—In para. (4), delete "and (7)".

Rule 18—(a) In para. (1) (b), for "£4" substitute "five".

(b) In para. (2), for "£4" substitute "five".

Rule 19—For "£4" substitute "five".

Rule 20—(a) In para. (1), for "the proceedings before the master" substitute "any proceedings before the Chief Registrar or a special referee".

(b) In para. (2), delete all the words following "the Court of Appeal".

Rule 21—In para. (1), for "before the master" substitute "before the Chief Registrar or special referee"; and for "by the master" substitute "by the Chief Registrar or special referee".

Rule 22—For this rule substitute the following—

"22. A draft of the certificate shall be settled by the parties before the Chief Registrar or special referee, and the signed certificate shall be filed in the Registry."

Rule 23—(a) For para. (1), substitute the following—

“(1) Any party to proceedings before the Chief Registrar or special referee may, not later than 21 clear days after the filing of the certificate, apply by summons to a judge for an order discharging or varying the certificate.”

(b) In para. (3), delete “ of a master ”.

Rules 24 and 25—Delete these rules.

ORDER 45

ENFORCEMENT OF JUDGMENTS AND ORDERS: GENERAL

Rule 1—In para. (3), for “ under section 139 of the County Courts Act 1959 to have the judgment or order enforced in a county court ” substitute “ under any enactment to have the judgment or order enforced in a magistrate's court ”.

Rule 3—In para. (3), delete sub-para. (b) and delete also the word “ and ” immediately preceding it.

Rule 8—Delete “ under section 47 of the Act and its powers ”.

ORDER 46

WRITS OF EXECUTION: GENERAL

Rule 2—In para. (2), delete “ section 2 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, or any other ” ; and insert “ any ” before “ enactment ”.

Rule 6—Delete para. (6).

ORDER 47

WRITS OF FIERI FACIAS

Rule 1—In para. (1), delete “ 2 or ”.

Rule 2—Delete this rule.

Rule 3—In para. (1), for “ the judgment or order is issued, the writ may ” substitute “ payment of the sum (other than for costs) ”.

Rules 4, 5 and 6—Delete these rules.

ORDER 48

EXAMINATION OF JUDGMENT DEBTOR, ETC.

Rule 1—(a) In para. (1), for “ such master, registrar or nominated officer ” substitute “ the Chief Registrar or such Magistrate ”.

(b) In para. (2), add the words “ and appropriate conduct money must be paid or tendered ”.

(c) Delete paras. (3) and (4).

ORDER 49

GARNISHEE PROCEEDINGS

Rule 1—Delete para. (3).

Rule 9—(a) Delete para. (2).

(b) In para. (4), delete “ Subject to Order 75 rule 24 ”.

ORDER 50

CHARGING ORDERS, STOP ORDERS, ETC.

Rule 1—(a) For para. (1), substitute the following—

“(1) This rule shall apply to any order which by virtue of any enactment the Court is empowered to make imposing a charge on any land or interest in land of a judgment debtor or levying execution thereon.”

(b) In para. (3), for " under the said section 35 " substitute " to which this rule applies ".

(c) In para. (4), for " under the said section 35 " substitute " to which this rule applies ".

(d) Add the following new paragraph (9) —

" (9) This rule shall have effect subject to the provisions of the enactment where under any such order as aforesaid may be made."

Rule 2—(a) In para. (3), for " any general Act of Parliament, including such stock standing in the name of the Accountant-General " substitute " any enactment ".

(b) In para. (4), for " the United Kingdom " substitute " Fiji ".

Rule 4—(a) In para. (2) (a), for " Bank of England " substitute " Minister of Finance ".

(b) Delete para. (2) (c).

Rule 5—(a) In para. (2), for " Bank of England " substitute " Minister of Finance ".

(b) In para. (3), for " on the Bank of England or a company the Bank or company permits " substitute " on the Minister of Finance or a company the Minister or company permits ".

(c) In para. (3), for " it shall be liable " substitute " he or it shall be liable ".

*Rule 8—*In para. (4), for " Accountant-General " substitute " Chief Registrar ".

*Rule 9—*For this rule substitute the following—

" 9. An application for an injunction ancillary or incidental to a charging order under rules 1, 2 or 8 may be joined with the application for such order."

*Rule 10—*In para. (3), for " and on the Accountant-General " substitute " and on the Chief Registrar ".

Rule 11—(a) In para. (2), for " Central Office or in a district registry " where those words twice appear, substitute " the Registry ".

(b) In para. (2) (b), for " Bank of England " substitute " Minister of Finance ".

(c) In para. (2), for " on the Bank " substitute " on the Minister ".

(d) In para. (4), for " Bank of England " substitute " Minister of Finance ".

*Rule 12—*For " Bank of England " and " Bank ", wherever those words appear, substitute " Minister of Finance ".

*Rule 13—*For " Bank of England " and " Bank " substitute " Minister of Finance ".

Rule 14—(a) In para. (1), for " Bank of England " substitute " Minister of Finance ".

(b) In para. (4), delete " in the Chancery Division ".

Rule 15—(a) In para. (1), for " any general Act of Parliament " substitute " any enactment "; and for " Bank of England " substitute " Minister of Finance ".

(b) In para. (2), delete " in the Chancery Division ".

ORDER 51

RECEIVERS: EQUITABLE EXECUTION

*Rule 2—*Delete this rule.

ORDER 52
COMMITTAL

Rule 1—(a) In para. (1), delete " or Court of Appeal ".

(b) For para. (2), substitute the following—

" (2) This Order applies to contempt of court—

(a) committed in connection with—

- (i)* any civil proceedings before the Supreme Court; or
- (ii)* civil proceedings in an inferior court;

(b) committed otherwise than in connection with any proceedings."

(c) For para. (3), substitute the following—

" (3) An order of committal may be made by a single judge."

(d) In para. (4), delete " of the Queen's Bench Division ".

Rule 2—(a) In para. (1), delete " to a Divisional Court ".

(b) In para. (2), delete " to a Divisional Court, except in vacation when it may be made ".

(c) Delete paras. (4) and (5).

Rule 3— In para. (1), for " a Divisional Court " substitute " the Court ".

Rule 4— Delete this rule.

Rule 6—(a) In para. (1) *(b)*, delete " within the meaning of the Mental Health Act, 1959 ".

(b) In para. (3), delete " or as the case may be in the notice of motion under rule 4 ".

Rule 7— In para. (1), delete " by whom an order of committal is made ".

ORDER 53

APPLICATIONS FOR ORDER OF MANDAMUS, PROHIBITION, CERTIORARI, ETC.

Heading— In heading delete " Divisional Courts, Court of Appeal etc. ".

Rule 1—(a) In para. (2), delete " Divisional Court of the Queen's Bench Division, except in vacation when it may be made to a ".

(b) Delete para. (3).

(c) Delete paras. (6) and (7).

Rule 2—(a) Delete para. (1).

(b) In para. (2), for the words " the Court or judge ", where they twice appear, substitute " the judge ".

Rule 3—(a) In para. (1), for " a Divisional Court of the Queen's Bench Division " substitute " the Court ".

(b) In para. (3), insert " and " before the words " the other parties to the proceedings " and delete the words " and where any objection to the conduct of the judge is to be made, on the judge ".

Rule 6— In para. (2), for " Queen's Bench Division " substitute " Court ".

Rule 7— Delete " from a county court or " and also delete " other ".

Rule 9—(a) In para. (1), for " applications under section 9 of the Administration of Justice (Miscellaneous Provisions) Act, 1938 " substitute " applications for an injunction to restrain a person from acting in an office in which he is not entitled to act ".

(b) In para. (2), for " An application under the said section 9 " substitute " Any such application " : and delete the words " under that section ".

(c) In para. (2) *(a)*, delete " Divisional ".

Rules 10, 11 and 12— Delete these rules.

ORDER 54

APPLICATIONS FOR WRIT OF HABEAS CORPUS

Rule 1—In para. (1), for “ a Divisional Court of the Queen's Bench Division or, if no such Court is sitting, to a single judge in court ” substitute “ the Court ”.

Rule 2—(a) In para. (1) (a), for “ a Divisional Court or to a judge in court ” substitute “ the Court ”.

(b) Delete para. (1) (b).

(c) In para. (1) (c), for “ a Divisional Court ” substitute “ the Court ”.

Rule 4—Delete para. (2).

ORDER 55

APPEALS TO HIGH COURT FROM COURT, TRIBUNAL OR PERSON: GENERAL

Rule 1—For this rule substitute the following—

“ 1.—(1) Subject to paragraphs (2) and (3), this Order shall apply to every appeal which by or under any enactment lies to the Supreme Court from any court, tribunal or person.

(2) This Order shall not apply to—

(a) any appeal by case stated; or

(b) any appeal under any enactment for which rules governing appeals have been made thereunder, save to the extent that such rules do not provide for any matter dealt with by these rules.

(3) The following rules of this Order shall, in relation to appeals to which this Order applies, have effect subject to any provision made specifically in relation to such appeals by these rules or by or under any enactment.

(4) In this Order references to a tribunal shall be construed as references to any tribunal constituted by or under any enactment other than any of the ordinary courts of law.”

Rule 2—Delete this rule.

ORDER 56

APPEALS TO HIGH COURT BY CASE STATED: GENERAL

Rule 1—For this rule substitute the following—

“ 1.—(1) Subject to paragraphs (2) and (3), this Order shall apply to every appeal which by or under any enactment lies to the Supreme Court by case stated from any court, tribunal or person.

(2) This Order shall not apply to any appeal by case stated under any enactment for which rules governing such appeals have been made thereunder save to the extent that such rules do not provide for any matter dealt with by these rules.

(3) This Order shall, in relation to an appeal to which it applies, have effect subject to any provision made specifically, in relation to such appeals, by or under any enactment.

(4) In this Order references to a tribunal shall be construed as references to any tribunal constituted by or under any enactment other than any of the ordinary courts of law.”

Rule 2—For “ a court of quarter sessions ” substitute “ the court, tribunal or person ” ; and delete “ signed by the person who presided over the court of quarter sessions ”.

Rules 3, 4 and 5—Delete these rules.

Rule 6—For para. (1) (a), substitute the following—

“(a) within 10 days after receiving the case, lodge it in the Registry, and ”.

Rule 7—(a) For para. (1) of this rule, substitute the following—

“(1) This rule and the following rules of this Order shall apply to proceedings for the determination of a case stated by, or a question of law referred to the Court by a Minister of the Crown, government department, tribunal or other person.”.

(b) Delete para. (4).

Rule 10—Delete para. (6).

ORDER 57

SUPPLEMENTARY PROVISIONS IN RESPECT OF PROCEEDINGS BEFORE A SINGLE JUDGE

Heading—Substitute new heading as above.

Rule 1—For this rule substitute the following—

“1. This Order shall apply to—

(a) any proceedings before a single judge under Order 52 rule 2, Order 53 and Order 54, and

(b) any proceedings before a single judge, being proceedings which consist of or relate to an appeal to the High Court from any court, tribunal or person including an appeal by case stated and the reference of a question of law by way of case stated.”.

Rule 2—Delete paras. (3) and (4).

Rule 3—For paras. (a) and (b) substitute “in the Registry”.

Rule 4—(a) In para. (1), delete “Except as provided by Order 41, rule 9 (2) and (3)”.

(b) In para. (2), delete “in the Queen’s Bench Division”.

Rule 6—Delete this rule.

ORDER 58

APPEALS FROM CHIEF REGISTRAR AND DEPUTY REGISTRARS

Heading—Substitute new heading as above.

Rule 1—For para. (1), substitute the following—

“(1) An appeal shall lie to a judge in chambers from any judgment, order or decision of the Chief Registrar or Deputy Registrar.”

Rules 2 to 8 inclusive—Delete these rules.

ORDER 59

APPEALS TO THE COURT OF APPEAL

Delete the whole of this Order.

ORDER 60

APPEALS TO COURT OF APPEAL FROM THE RESTRICTIVE PRACTICES COURT

Delete the whole of this Order.

ORDER 61

APPEALS FROM TRIBUNALS TO COURT OF APPEAL BY CASE STATED

Delete the whole of this Order.

ORDER 62
COSTS

Rule 1—In para. (1)—

(a) for the definitions of “contentious business” and “non-contentious business” substitute the following—

“ “contentious business” means business done as a barrister and solicitor in or for the purposes of proceedings begun before a court, tribunal or arbitrator”; and

“ non-contentious business” means any other business done as a barrister and solicitor”;

(b) in the definition of “the court”, for “any master, registrar, or registrar of a district registry” substitute “the Chief Registrar”;

(c) delete the definition of “proceedings in the Probate, Divorce and Admiralty Division”;

(d) delete the definition of “registrar”;

(e) delete the definition of “taxing master”;

(f) for the definition of “taxing officer” substitute the following—

“ “taxing officer” means the Chief Registrar or any officer for the time being authorized by the Chief Justice to act as a taxing officer.”

Rule 2 (a) Delete para. (1).

(b) In para. (2), for “rules 22 to 26” substitute “rule 22, rules 25 and 26”.

(c) In para. (2), delete “other than proceedings in the Probate, Divorce and Admiralty Division”.

(d) For para. (3), substitute the following—

“(3) This Order shall have effect subject to the provisions of any enactment which limit the costs recoverable.”

(e) For para. (4), substitute the following—

“(4) The powers and discretion of the Court as to costs shall be exercised subject to and in accordance with this Order.”

Rule 4—In para. (3), for “county court”, where those words twice appear, substitute “magistrate’s court”.

Rule 6—In para. (1)—

(a) delete “or in section 50 of the Act”;

(b) delete sub-paras. (a), (b) and (c);

(c) in sub-para. (e), delete “under section 23, 24 or 25 of the Patents Act, 1949”.

Rule 7—Delete para. (6).

Rule 8—(a) In para. (3), for “responsible registrar or master” substitute “Chief Registrar”.

(b) In para. (4), for “direct” substitute “request”; and for “official solicitor” substitute “Attorney-General”.

(c) In para. (8), for “an official referee or master” substitute “a special referee or the Chief Registrar”; and for the words “official solicitor”, where they twice appear, substitute “Attorney-General”.

(d) Delete para. (9).

Rule 9—In para. (2), delete “under section 45 of the Act”.

Rule 12—(a) In para. (1), for " Subject to paragraphs (2) and (3), each of the following taxing officers, that is to say, a taxing master, a registrar of the Principal Probate Registry and the Admiralty registrar " substitute " A taxing officer ".

(b) For para. (2), substitute the following—

" (2) Where by or under any enactment any costs are directed to be taxed or settled in or by the Supreme Court, a taxing officer shall have power to tax those costs."

(c) Delete paras. (3) to (7) inclusive.

Rule 13 Delete this rule.

Rule 20—For para. (1), substitute the following—

" (1) Where the Court refers any matter to any person or under Order 32 rule 16 obtains the assistance of any person the fees payable in respect of the work done in connection with the reference or in assisting the Court, as the case may be, may be fixed by a taxing officer."

Rule 21 (a) In para. (1), delete " the requisite document and " down to the end of the paragraph, and substitute therefor " his bill of costs and a copy thereof ".

(b) Delete para. (2).

(c) In para. (3), delete " other than proceedings in the Probate, Divorce and Admiralty Division " ; and for " 7 " , where that figure twice appears, substitute " 21 " .

(d) Delete paras. (4) and (5).

Rule 22 —(a) For para. (1), substitute the following—

" (1) Where proceedings for taxation have been duly begun in accordance with rule 21, then, subject to paragraph (3) of this rule, the party beginning the proceedings shall obtain an appointment for the taxation and shall serve a copy of the bill of costs endorsed with the date and time appointed for the taxation on every other party entitled to be heard in the taxation not less than seven days before the said appointment."

(b) Delete para. (2).

(c) In para. (3), for " notice " substitute " copy of the bill of costs " and delete " under section 69 of the Solicitors Act, 1957 " .

(d) Delete para. (4).

Rule 23 Delete this rule.

Rule 24—Delete this rule.

Rule 28—For para. (6), substitute the following—

" (6) The foregoing provisions of this rule shall be without prejudice to the provisions of any enactment which limit, or enable the court to limit, the amount of costs allowable or payable in respect of any proceedings."

Rule 29—(a) In para. (1), delete " a bill to be paid out of the legal aid fund under the Legal Aid and Advice Act, 1949, or " .

(b) For para. (4), substitute the following—

" (4) In paragraphs (2) and (3), references to the client shall be construed, whenever necessary, as references to his committee, guardian *ad litem* or next friend."

(c) Delete para. (5).

Rule 30—(a) In para. (1) (a), delete " within the meaning of the Mental Health Act, 1959 " .

(b) In para. (1) (b), for " the Fatal Accidents Acts 1846 to 1959 " substitute " the Compensation to Relatives Ordinance " ; and for " the said Acts " substitute " the said Ordinance ".

(c) In para. (3) (b), delete " within the meaning of the Mental Health Act, 1949 ".

(d) Delete para. (6).

(e) For para. (7), substitute the following--

" (7) This rule shall apply *mutatis mutandis* to counterclaims."

Rule 32--(a) Delete para. (1).

(b) In para. (2), for " at the discretion of the taxing officer " substitute " on the special order of a judge ".

(c) In para. (2), for sub-paras. (a) and (b) substitute the following--

" (a) in relation to items not mentioned in the scales of costs for the time being in force; or

(b) of an amount greater than that prescribed by the higher scale of costs for the time being in force."

(d) In para. (3), for " any general orders for the time being in force under the Solicitors Act 1957 " substitute " any enactment or rules made thereunder for the time being in force " ; and delete " notwithstanding anything in the scale contained in Appendix 2 of this Order ".

(e) Delete para. (4).

Rule 34--(a) Delete para. (1).

(b) Delete para. (5).

Rule 35--(a) In para. (5), delete " under section 98 of the Act ".

(b) Delete para. (7).

Appendix 1--Delete this Appendix.

Appendix 2--Delete this Appendix.

Appendix 3--Delete this Appendix.

ORDER 63

FILING, INSPECTION, ETC. OF DOCUMENTS IN REGISTRY

Heading - Substitute new heading as above.

Rules 1 and 2--Delete these rules.

Rule 3--(a) In para. (1), add the words " the fees paid and the Revenue Receipt number ".

(b) Delete para. (2).

Rule 4--Delete para. (2).

Rule 5--For " unless the order directs that the documents be so lodged by being deposited at the Bank of England " substitute " unless the Court otherwise directs ".

Rules 6 to 8 inclusive--Delete these rules.

Rule 9--For " county court " substitute " magistrates' court ".

Rules 10 to 14 inclusive--Delete these rules.

ORDER 64

SITTINGS, VACATIONS AND OFFICE HOURS

Rule 1--For this rule substitute the following--

" 1. The Chief Registrar shall give notice in the Gazette of any vacation directed by the Chief Justice to be observed under section 28 of the Ordinance."

Rule 2—Delete this rule.

Rule 3—For this rule substitute the following—

“3. A judge shall sit in vacation to hear and deal with all such causes, matters and applications as require to be heard or dealt with in vacation by a judge.”.

Rules 4 to 6 inclusive—Delete these rules.

Rule 7—For this rule substitute the following—

“7.—(1) The offices of the Supreme Court shall be open on every day of the year except Saturdays, Sundays and public holidays and such other days as the Chief Justice may direct.

(2) On such days as the offices of the Supreme Court are open the Registry shall be open for the filing of documents, the issue of process and the transaction of other public business from 9.00 a.m. to 1.00 p.m. and from 2.00 p.m. to 3.00 p.m.”.

Rule 8—Delete this rule.

ORDER 65

SERVICE OF DOCUMENTS

Rule 5 (a) In para. (1) (b), for “ by post ” substitute “ by registered post ”.
(b) In para. (2), for “ section 26 of the Interpretation Act, 1889 ” substitute “ any enactment relating to service of documents ”.

Rule 6—For this rule substitute the following—

“6. Where for the purpose of or in connection with any proceedings in the Supreme Court, not being civil proceedings by or against the Crown within the meaning of Part II of the Crown Proceedings Ordinance, any document is required by any enactment or these rules to be served on the Government of Fiji, a Minister, a government department or a public officer within the meaning of the Constitution, the document must be served on the Attorney-General in accordance with the provisions of Order 77 rule 4.”.

ORDER 66

PAPER, PRINTING, NOTICES AND COPIES

(NOTE.—Applied without modifications).

ORDER 67

CHANGE OF SOLICITOR

Rule 1—(a) In para. (1), delete the words “ lodged and ”.

(b) For para. (2), substitute the following—

“ (2) Notice of a change of barrister and solicitor must be filed in the Registry.”.

(c) In para. (3), delete “ in the appropriate office (naming it)”.

Rule 2—In para. (2), delete “ in the appropriate office (naming it)”.

Rule 5—(a) Delete all references in this rule to the Court of Appeal.

(b) In para. (3) (b) for “ district registry or other appropriate office mentioned in rule 1 (2)” substitute “ Registry ”.

(c) In para. (3) (c) for “ at that office ” substitute “ the Registry ”.

Rule 6—(a) Delete all references in this rule to the Court of Appeal.

(b) In para. (1) (b) for “ district registry or other appropriate office mentioned in rule 1 (2)” substitute “ Registry ”.

(c) In para. (1) (c), for “ at that office ” substitute “ the Registry ”.

(d) For para. (4), substitute the following—

" (4) Notwithstanding anything in paragraph (1), where the appointment of a barrister and solicitor to represent an assisted person is revoked or discharged, or the assisted person ceases to be an assisted person, such barrister and solicitor shall cease to be the barrister and solicitor acting in the cause or matter; and if the assisted person desires to proceed with the cause or matter without legal aid and appoints either that barrister and solicitor or another barrister and solicitor to act on his behalf the provisions of rule 3 shall apply as if that party had previously sued or defended in person."

Rule 7—(a) In this rule, for para. (c) substitute the following—

" (c) a barrister and solicitor ceases to be the barrister and solicitor acting in the cause or matter by virtue of rule 6 (4),"

(b) Delete the words "or certificate".

Rules 8 and 9— Delete these rules.

ORDER 68

OFFICIAL SHORTHAND NOTE

*Rule 1—*For this rule substitute the following—

" 1.— (1) An official shorthand note may be directed to be taken of any proceedings in the Supreme Court or before the Chief Registrar or a special referee.

(2) When an official shorthand note is taken the transcription thereof shall be the official record of such proceedings provided however that, where the judge, Chief Registrar or special referee, as the case may be, has taken a note of the proceedings or any part thereof, and such note conflicts with or is not included in the official record, such note shall prevail and the official record shall be amended or supplemented accordingly.

(3) Any party to the proceedings and any other person who is so authorised by the Chief Registrar, shall upon payment of the prescribed fee be entitled to be supplied with a copy of the official record.

(4) Where the Chief Registrar is satisfied that it is reasonably necessary for a party to the proceedings to be supplied with a copy of the official record and that it would be an excessive burden on that party, on account of poverty, to pay the prescribed fee therefor, he may authorise the supply of a copy of the record to such party at no fee or at such reduced fee as he thinks fit in the circumstances."

Rules 3 to 7— Delete these rules.

Rule 8— Insert a full stop after "mechanical means" and delete the remainder of this rule.

ORDER 69

SERVICE OF FOREIGN PROCESS

*Rule 1—*For "taxing master" means a taxing master of the Supreme Court" substitute "taxing master" and "senior master" means Chief Registrar".

Rule 2—(a) In para. (1), for "England or Wales" substitute "Fiji"; and for "Her Majesty's Secretary of State for Foreign Affairs" substitute *Unifc. the Chief Secretary*."

5542/70 (b) In para. (4), for "by the Treasury Solicitor with the consent of the Treasury" substitute "by or on behalf of the Attorney-General".

- (c) In para. (6) (b), for "England and Wales" substitute "Fiji".
 (d) In para. (6) (c), delete "as certified by a taxing master".
 (e) In para. (7), for "for use out of the jurisdiction and shall be sent to Her Majesty's Secretary of State for Foreign Affairs" substitute "and shall be sent to the Chief Secretary".

Rule 3—(a) In para. (1), for "England and Wales" and "England or Wales" substitute, in each case, "Fiji". *Minister P 542/70*

- (b) In para. (5) (b), delete "as certified by a taxing master".
 (c) In para. (6), delete "for use out of jurisdiction".

Rule 5—For "Lord Chancellor" substitute "Chief Registrar".

ORDER 70

OBTAINING EVIDENCE FOR FOREIGN COURTS, ETC.

Rule 1—For this rule substitute the following—

" 1.—(1) This Order applies to the powers of the Supreme Court under any enactment to make, in relation to a matter pending before a court or tribunal in a place outside the jurisdiction, orders for the examination of witnesses and for their attendance and for the production of documents, and to give directions therein.

(2) All such powers shall be exercised by a judge."

Rule 2—In para. (1), for "under the Foreign Tribunals Evidence Act, 1856, or under that Act as extended by section 24 of the Extradition Act, 1870 or under the Evidence by Commission Act, 1859" substitute "of the kind referred to in rule 1 (1)".

- Rule 3*—(a) For "Secretary of State" substitute "the Chief Secretary".
 (b) For "senior master" substitute "the Chief Registrar".
 (c) For "England" substitute "Fiji".
 (d) For "England or Wales" substitute "Fiji".
 (e) For "the senior master shall send the document to the Treasury

Solicitor and the Treasury Solicitor may with the consent of the Treasury, make an application for an order under the Foreign Tribunals Evidence Act, 1856" substitute "the Chief Registrar shall send the document to the Attorney-General and the Attorney-General may make an application for an order".

Rule 4—(a) In para. (1), delete "of the Court".

(b) In para. (3), for "one of the examiners of the Court" substitute "an examiner"; and for "rules 17, 18 and 19" substitute "rule 19".

Rule 5—(a) For "senior master", wherever those words appear, substitute "Chief Registrar".

(b) In para. (a), delete "for use out of the jurisdiction".

(c) In para. (b), for "Secretary of State" substitute "Chief Secretary".

ORDER 71

RECIPROCAL ENFORCEMENT OF JUDGMENTS

Rule 1—For this rule substitute the following—

" 1. The Reciprocal Enforcement of Judgments Rules made under the Reciprocal Enforcement of Judgments Ordinance shall apply, with necessary modifications, to proceedings under the Foreign Judgments (Reciprocal Enforcement) Ordinance."

Rules 2 to 14—Delete these rules.

ORDER 72

COMMERCIAL ACTIONS IN THE QUEEN'S BENCH DIVISION

Delete the whole of this Order.

ORDER 73

ARBITRATION PROCEEDINGS

Rule 1—Delete this rule.

Rule 2—(a) For para. (1), substitute the following—

“ (1) Every application to the Court —

(a) to remit an award under section 11 (1) of the Arbitration Ordinance; or

(b) to remove an arbitrator or umpire under section 12 (1) of that Ordinance; or

(c) to set aside an award under section 12 (2) thereof, must be made by originating motion to a judge in court.”.

(b) Delete para. (2).

(c) In para. (3), delete “ single ”.

Rule 3—(a) For para. (1), substitute the following —

“ (1) Subject to the foregoing provisions of this Order, the jurisdiction of the Supreme Court or a judge thereof under the Arbitration Ordinance may be exercised by a judge in chambers.”.

(b) In para. (2), for “ section 21 of the said Act of 1950 ” substitute “ section 15 of the said Ordinance ”.

(c) In para. (3), for “ Act of 1950 ” substitute “ Ordinance ”.

Rule 4—Delete this rule.

Rule 5—In para. (1)—

(a) for “ section 22 of the Arbitration Act, 1950 ” substitute “ section 11 (1) of the Arbitration Ordinance ”;

(b) for “ section 23 (2) of that Act ” substitute “ section 12 (2) of that Ordinance ”.

Rule 6—Delete this rule.

Rule 8—(a) For “ part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 ” substitute “ Part II of the Foreign Judgments (Reciprocal Enforcement) Ordinance ”.

(b) For “ Part II of the Administration of Justice Act 1920 ” substitute “ the Reciprocal Enforcement of Judgments Ordinance ”.

(c) For “ the said Part I ” substitute “ the said Part II ”.

(d) For “ subject however to the following modifications ” substitute “ subject to all necessary modifications ”.

(e) Delete paras. (a) and (b).

ORDER 74

APPLICATION AND APPEALS UNDER THE MERCHANT SHIPPING ACTS
1894 TO 1965

Delete the whole of this Order.

ORDER 75

ADMIRALTY PROCEEDINGS

Delete the whole of this Order.

ORDER 76

PROBATE PROCEEDINGS

Rule 1—In para. (3)—

(a) in the definition of "probate registry" delete the words "Principal Probate";

(b) for the definition of "registrar" substitute " "registrar" means the Chief Registrar".

Rule 10—In para. (3), delete " as a short cause".

Rule 14—In para. (2), delete " as a short cause".

Rule 16—Delete " as a short cause".

Rule 17—Delete this rule.

Rule 18—Delete para. (2).

Rule 24—(a) For para. (1), substitute the following—

" (1) An application for the grant of administration pendente lite shall be made to a judge by summons."

(b) In para. (2), for " is made under the said section 163 " substitute " of administration pendente lite is made ".

(c) In para. (3), delete " 23 ".

(d) In para. (4), delete " in accordance with the said section 163 ".

ORDER 77

PROCEEDINGS BY AND AGAINST THE CROWN

Rule 1—In para. (2)—

(a) in the definition of " civil proceedings by the Crown " etc., for " Act, 1947 " substitute " Ordinance " ; and for " section 23 (3) of that Act ", substitute " section 18 (3) of that Ordinance " ;

(b) in the definition of " civil proceedings to which the Crown is a party ", for " Part IV of the Crown Proceedings Act, 1947, by virtue of section 38 (4) of that Act " substitute " Part IV of the Crown Proceedings Ordinance by virtue of section 32 (3) of that Ordinance " ;

(c) in the definition of " order against the Crown ", delete " or in any proceedings on the Crown side of the Queen's Bench Division ".

Rule 2—Delete this rule.

Rule 4—For para. (2), substitute the following—

" (2) Personal service of any document required to be served on the Crown or on the Attorney-General on behalf of the Crown is not requisite and may be effected by—

(a) leaving the document at the chambers of the Attorney-General in Suva with a responsible member of his staff, or

(b) posting it by registered post in an envelope addressed to the Attorney-General at his chambers in Suva."

Rule 5—Delete this rule.

Rule 7—(a) In para. (2) (b), for " an officer " substitute " a person ".

(b) In para. (2), insert immediately after " department concerned " the following—

" or (c) a member of the Crown Law Office."

Rule 8—Delete this rule.

Rule 12—(a) In para. (2), for " section 28 (1) of the Crown Proceedings Act, 1947 " substitute " section 23 (1) of the Crown Proceedings Ordinance " ; and for " a Minister of the Crown " substitute " the Governor ".

(b) In para. (4), for " section 28 of the Crown Proceedings Act, 1947 substitute " section 23 of the Crown Proceedings Ordinance ".

Rule 13—Delete this rule.

Rule 15—In para. (2), for " section 25 of the Crown Proceedings Act, 1947 " substitute " section 20 of the Crown Proceedings Ordinance ".

Rule 16—In para. (2), for " section 27 (1) of the Crown Proceedings Act, 1947 " substitute " section 22 (1) of the Crown Proceedings Ordinance ".

Rule 17—In para. (1), for " section 9 (3) of the Crown Proceedings Act, 1947 " substitute " section 6 (3) of the Crown Proceedings Ordinance " ; and delete the words " in the Queen's Bench Division ".

Rule 18—(a) Delete para. (1).

(b) In para. (2), for " section 29 (2) of the Crown Proceedings Act, 1947 " substitute " section 24 (2) of the Crown Proceedings Ordinance ".

ORDER 78

PROCEEDINGS TRANSFERRED OR REMOVED TO SUPREME COURT

Heading—Substitute new heading as above.

Rule 1—(a) For para. (1), substitute the following—

" (1) This Order applies where an order has been made under any enactment for the transfer or removal of any proceedings from a magistrates' court to the Supreme Court."

(b) In para. (2), delete " under section 65 of the said Act of 1959 ".

(c) In para. (3), for " county court otherwise than by plaint " substitute " magistrates' court otherwise than by writ of summons ".

Rule 2—For this rule substitute the following—

" 2.—(1) On receipt by the Chief Registrar of the relevant documents from the magistrates' court he shall —

(a) file the said documents and make the appropriate entries in the cause book, and

(b) give notice in writing to all parties to the proceedings that the action has been transferred to the Supreme Court and that the plaintiff is required to take out a summons for directions.

(2) The notice by the Chief Registrar may be sent to the parties by ordinary post and shall state that the time within which the summons for directions must be taken out is within 14 days of the date of the notice."

Rule 3—For this rule substitute the following —

" 3. The plaintiff shall take out a summons for directions within the time specified by the Chief Registrar."

Rule 4—For this rule substitute the following—

" 4. Upon the hearing of the summons for directions, such directions shall be given as to the future course of the proceedings as appear best adapted to secure the just, expeditious and economical disposal thereof."

Rule 5—For this rule substitute the following—

" 5.—(1) If the plaintiff does not take out a summons for directions as provided in rule 3 the defendant or any defendant may do so or may apply for an order to dismiss the action.

(2) On the hearing of a summons taken out by a defendant the Chief Registrar may give such directions or make such other order, including an order as to costs, as he shall think fit."

ORDER 79

CRIMINAL PROCEEDINGS

Delete the whole of this Order.

ORDER 80

DISABILITY

Rule 1—(a) Delete " ' the Act ' means the Mental Health Act, 1959 ".

(b) In the definition of the word " patient " delete " within the meaning of the Act ".

Rule 2—Delete para. (3).

Rule 3—(a) In para. (3), for " under Part VIII of the Act " substitute " under any enactment ".

(b) Delete para. (7).

(c) In para. (8) (b), for " under Part VIII of the Act " substitute " under any enactment " ; and delete " of Protection " ; and for " under the said Part VIII " substitute " under the enactment ".

(d) In para. (8) (c), immediately before the word " certifying ", add " or, where such person is not represented by a solicitor, by a probation officer, or other person approved or authorised by the Court ".

(e) In para. (8) (c) (iii), for " official solicitor " substitute " Public Trustee ".

Rule 4—In para. (2), for " under Part VIII of the Act " substitute " under any enactment ".

Rule 5—(a) In para. (1), for " registrar of the Principal Probate Registry " substitute " judge ".

(b) In para. (2), for " there must be produced to the registrar " substitute " there shall be filed in the Registry ".

(c) In para. (3), for " there must be produced to the registrar " substitute " there shall be filed in the Registry ".

(d) In para. (3), delete " of Protection " ; and for " under Part VIII of the Act " substitute " under any enactment ".

Rule 6—In para. (4), delete " in the Chancery Division ".

Rule 10—For " not " substitute " no ".

Rule 11—(a) In para. (1), for " section 174 of the County Courts Act, 1959 " substitute " any enactment ".

(b) For para. (2), substitute the following—

" (2) Where in proceedings under this rule a claim is made under the Compensation to Relatives Ordinance, the originating summons must contain full particulars of the person or persons for whom and on whose behalf the action is brought and of the nature of the claim in respect of which damages are sought to be recovered."

(c) Delete para. (3).

Rule 12—(a) In para. (1), delete " , whether under section 174 of the County Courts Act, 1959, or this rule, or under both that section and this rule ".

(b) In para. (3), delete " into a county court ".

Rule 13—Delete this rule.

Rule 14—For this rule substitute the following—

" 14. Rule 12 shall apply, with the necessary modifications, to all moneys which are, by any enactment, subject to the control of the Court, and directions under rule 12 may include directions as to any payment to be made to a widow or any other person on whose behalf the claim in question was made."

Rule 15—(a) In para. (1), for “the Fatal Accidents Acts, 1846 to 1899 and the Law Reform (Miscellaneous Provisions) Act, 1934”, substitute “the Compensation to Relatives Ordinance and the Law Reform (Miscellaneous Provisions) (Death and Interest) Ordinance”.

(b) In para. (2), for “the Fatal Accidents Acts, 1846 to 1899” substitute “the Compensation to Relatives Ordinance”; and delete “then, unless the sum has been apportioned between the persons entitled thereto by a jury,”; and for “the said Acts”, where it twice appears substitute “the said Ordinances”.

Rule 16—In para. (2) (b), for “under Part VIII of the Act” substitute “under any enactment”.

ORDER 81

PARTNERS

Rule 10—(a) In para. (1), for “section 23 of the Partnership Act, 1890” substitute “section 24 of the Partnership Ordinance”; and delete “or judge thereof”.

(b) Delete para. (2).

ORDER 82

DEFAMATION ACTIONS

Rule 8—Delete this rule.

ORDER 83

MONEYLENDERS' ACTIONS

Rule 1—In para. (2), for “section 6 of the Moneylenders Act, 1900” substitute “section 2 of the Moneylenders Ordinance”.

Rule 3—(a) Insert immediately after para. (e) the following—

“(ee) whether the note or memorandum consists of a promissory note and, if so, full particulars thereof.”

(b) In para. (f), delete “or sent”.

Rule 4—In para. (4) (a), for “section 1 (1) of the Moneylenders Act, 1900, as extended by section 10 of the Moneylenders Act, 1927” substitute “sections 21 and 22 of the Moneylenders Ordinance”.

ORDER 84

ACTIONS ARISING OUT OF HIRE-PURCHASE OR CONDITIONAL SALE AGREEMENTS

Delete the whole of this Order.

ORDER 85

ADMINISTRATION AND SIMILAR ACTIONS

(NOTE.—Applied without modifications).

ORDER 86

ACTIONS FOR SPECIFIC PERFORMANCE, ETC.: SUMMARY JUDGMENT

Rule 1—In para. (1), delete “in the Chancery Division”.

Rule 3—Delete this rule.

ORDER 87

DEBENTURE HOLDERS' ACTIONS: RECEIVER'S REGISTER

Rule 6—(a) In para. (1), for “the Accountant-General shall not” substitute “no person shall”.

(b) In para. (2), delete “and send the certificate to the Accountant-General”.

ORDER 88

MORTGAGE ACTIONS

Rule 1—In para. (2), for “ In this Order ‘ mortgagee ’ includes ” substitute “ In this Order ‘ mortgage ’ includes ”.

Rules 2, 3 and 4—Delete these rules.

Rule 5—In para. (1), delete “ in the Chancery Division ”.

Rule 6—In para. (1), delete “ in the Chancery Division ”.

Rule 7—In para. (3), delete “ in the Chancery Division ”.

ORDER 89

PROCEEDINGS BETWEEN HUSBAND AND WIFE

Rule 1—For this rule substitute the following --

“ 1.—(1) Proceedings under section 20 of the Married Women’s Property Ordinance shall be commenced by originating summons.

(2) No appearance need be entered to the originating summons.”.

Rule 2—Delete this rule.

ORDER 90

REVENUE PROCEEDINGS IN CHANCERY DIVISION

Delete the whole of this Order.

ORDER 91

PROCEEDINGS RELATING TO INFANTS

Rule 1—(a) In para. (1), for “ in the Chancery Division ” substitute “ in the Court ” ; and delete “ assigned to the Chancery Division ”.

(b) In para. (2), for “ to the chief master, or to a master designated by him ” substitute “ to a judge ”.

(c) Delete paras. (3) and (4).

Rule 2—Delete this rule.

Rule 3 --For “ under the Guardianship of Infants Act, 1886 (hereafter in this Order referred to as ‘ the Act of 1886 ’), or the Guardianship of Infants Act, 1925 (hereafter in this Order referred to as ‘ the Act of 1925 ’), with respect to ” substitute “ with respect to the guardianship or custody of ”.

Rule 4—For para. (1) of this rule, substitute the following--

“ 4.—(1) Where the infant with respect to whose guardianship or custody an application is made is not the plaintiff, he shall not, unless the Court otherwise directs, be made a defendant to the summons or, if the application is made by ordinary summons, be served with the summons, but subject to paragraph (2), any other person appearing to be interested in, or affected by, the application shall be made a defendant or be served with the summons as the case may be.”.

Rules 5, 6 and 7--Delete these rules.

Rule 8—For “ the order of a county court or magistrates’ court under the Act of 1886 or the Act of 1925 ” substitute “ any order of a magistrates’ court with respect to the custody or maintenance of an infant under any enactment ”.

Rule 9—In para. (1), delete “ in the Chancery Division ”.

ORDER 92

LODGMET, INVESTMENT, ETC. OF FUNDS IN COURT

Heading—In the heading delete “ Chancery Division ”.

Rule 1—Delete this rule.

Rule 2—(a) In para. (1), for "section 63 of the Trustee Act, 1925" substitute "section 95 of the Trustee Ordinance".
 (b) In para. (2), for "the United Kingdom" substitute "Fiji".
 (c) In para. (2), for "the Supreme Court Funds Rules for the time being in force" substitute "rules made under section 15 of the Ordinance".

Rule 3—Delete this rule.

Rule 4—For "rule 1, 2 or 3" substitute "rule 2".

Rule 5—(a) In para. (1), delete "in the Chancery Division".

(b) In para. (2), delete "made in the Chancery Division".

(c) Delete paras. (3) and (4).

ORDER 93

APPLICATIONS TO COURT FOR VARIATION OF TRUSTS

Heading—Substitute new heading as above.

Rules 1 to 5 inclusive—Delete these rules.

Rule 6—For para. (1), substitute the following—

"(1) This rule applies to proceedings for variation of trusts under section 86 of the Trustee Ordinance."

Rules 7 to 14 inclusive—Delete these rules.

ORDER 94

APPLICATIONS AND APPEALS TO HIGH COURT UNDER VARIOUS ACTS: QUEEN'S BENCH DIVISION

Delete the whole of this Order.

ORDER 95

BILLS OF SALE ACTS, 1878 AND 1882

Delete the whole of this Order.

ORDER 96

THE MINES (WORKING FACILITIES AND SUPPORT) ACT, 1923, ETC.

Delete the whole of this Order.

ORDER 97

THE LANDLORD AND TENANT ACTS, 1927 AND 1954

Delete the whole of this Order.

ORDER 98

THE LOCAL GOVERNMENT ACT, 1933, PART X

Delete the whole of this Order.

ORDER 99

THE INHERITANCE (FAMILY PROVISION) ORDINANCE

Heading—In the heading for "Act 1938" substitute "Ordinance".

Rule 1—For this rule substitute the following—

"1. This Order applies to proceedings under the Inheritance (Family Provision) Ordinance which in this Order is referred to as 'the Ordinance'."

Rule 3—For "section 1 of the Act" substitute "section 3 of the Ordinance".

Rule 4—For this rule substitute the following—

“ 4. Any application under the Ordinance in which it appears to the Court that the interests of an infant or other person under disability are affected may, if the Court thinks fit so to direct, be disposed of in chambers.”.

Rule 5—For “ section 1 of the Act ” substitute “ section 3 of the Ordinance ” ; and for “ section 4 (2) of the Act ” substitute “ section 6 (2) of the Ordinance ”.

Rule 6—(a) In para. (1), for “ section 1 or 4 of the Act ” substitute “ the Ordinance ” ; and for “ section 3 (3) of the Act ” substitute “ section 5 (3) of the Ordinance ”.

(b) For para. (2) substitute the following —

“ (2) Immediately after any such order has been drawn up and entered the Chief Registrar shall cause a memorandum of the order to be endorsed on or annexed to the probate or the letters of administration and cause an office copy of the order to be placed on the probate file in the Registry relating to the estate.”.

(c) In para. (3), for “ section 3 (3) of the Act ” substitute “ section 5 (3) of the Ordinance ”.

ORDER 100

THE TRADE MARKS ORDINANCE

Heading— In the heading for “ Act 1938 ” substitute “ Ordinance ”.

Rule 1—For this rule substitute the following—

“ 1. This Order applies to proceedings in the Supreme Court under the Trade Marks Ordinance.”.

Rule 2—(a) Delete para. (1).

(b) For para. (2), substitute the following—

“ (2) Every appeal or application to the Supreme Court under the Trade Marks Ordinance must be begun by originating motion.”.

(c) For para. (3), substitute the following—

“ (3) Notice of the motion must be served on the Registrar-General.”.

(d) For para. (4), substitute the following—

“ (4) An appeal must be entered within 28 days after the date of the decision, order or other determination against which the appeal is brought.”.

(e) For para. (5), substitute the following—

“ (5) An application under section 34 of the Trade Marks Ordinance must be made within 28 days after the date of the decision of the Registrar-General in respect of which the application is made.”.

(f) For para. (6), substitute the following—

“ (6) An application under section 62 of the Trade Marks Ordinance must be made within 28 days after the date of the certificate of registration issued under section 58 of the Ordinance.”.

Rule 3—In para. (3), for “ Comptroller ”, where it twice appears, substitute “ Registrar-General ”.

ORDER 101

THE PENSIONS APPEAL TRIBUNAL ACT, 1943

Delete the whole of this Order.

ORDER 102

THE COMPANIES ORDINANCE

Heading—In the heading for “ Act 1948 ” substitute “ Ordinance ”.

Rule 1—For this rule substitute the following—

“ 1. In this Order “ the Ordinance ” means the Companies Ordinance.”

Rule 2—(a) In para. (1), for “ the Act ” substitute “ the Ordinance ”.

(b) In para. (2) (a), for “ section 208 of the Act ” substitute “ section 155 of the Ordinance ”.

(c) In para. (2) (b), for “ section 375 of the Act ” substitute “ section 295 of the Ordinance ”.

(d) In para. (2) (c), for “ section 428 of the Act ” substitute “ section 299 of the Ordinance ”.

(e) In para. (3), for “ section 167 (4) or 441 of the Act ” substitute “ section 136 of the Ordinance ”.

(f) Delete para. (4).

Rule 3—(a) In para. (1), for “ section 116 of the Act ” substitute “ section 101 of the Ordinance ”.

(b) Delete para. (3).

Rule 4—(a) In para. (1), for “ under the Act ” substitute “ under the Ordinance ”.

(b) In para. (1) (a), for “ section 29 ” substitute “ section 28 (3) ”.

(c) In para. (1) (b), for “ section 52 (3) ” substitute “ section 43 (3) ”.

(d) In para. (1) (c), for “ section 165 ” substitute “ section 136 ”.

(e) In para. (1) (d), for “ section 167 (3) ” substitute “ section 136 (5) ”.

(f) Delete para. (1) (e).

(g) In para. (1) (f), for “ section 352 ” substitute “ section 284 ”.

(h) Delete para. (2).

Rule 5—(a) In para. (1), for “ under the Act ” substitute “ under the Ordinance ”.

(b) In para. (1) (a), for “ section 5 ” substitute “ section 7 ”.

(c) Delete para. (1) (b).

(d) Delete para. (1) (c).

(e) In para. (1) (d), for “ section 57 ” substitute “ section 48 ”.

(f) In para. (1) (e), for “ section 58 ” substitute “ section 47 ”.

(g) In para. (1) (f), for “ section 67 ” substitute “ section 57 ”.

(h) In para. (1) (g), for “ section 72 ” substitute “ section 62 ”.

(i) In para. (1) (h), for “ section 206 ” substitute “ section 154 ”.

(j) In para. (1) (i), for “ section 353 (6) ” substitute “ section 285 (6) ”.

(k) In para. (1) (j), for “ section 395 ” substitute “ section 315 ”.

(l) In para. (1) (k), for “ section 448 (2) ” substitute “ section 349 ”.

(m) Delete para. (2).

Rule 6—(a) Delete para. (1).

(b) In para. (2), for “ any such proceedings ” substitute “ any proceedings to which this Order relates ”; and for “ the Act ” substitute “ the Ordinance ”.

(c) In para. (3), for “ section 188 (1) ”, where it twice appears, substitute “ section 214 (1) ”; and for “ the Act ”, where it twice appears, substitute “ the Ordinance ”.

Rule 7—(a) In para. (2) (a), for "section 57 of the Act" substitute "section 48 of the Ordinance".

(b) In para. (2) (b), for "section 206 of the Act" substitute "section 154 of the Ordinance"; and for "section 208 of the Act" substitute "section 155 of the Ordinance".

(c) In para. (2) (c), for "section 353 (6) of the Act" substitute "section 285 (6) of the Ordinance".

(d) In para. (4), delete "the share premium account"; and for "section 67 (3) of the Act" substitute "section 57 (3) of the Ordinance"; and for "section 67 (2) of the Act" substitute "section 57 (2) of the Ordinance".

Rule 8—In para. (1), for "office of the companies court registrar" substitute "Registry".

Rule 9—In para. (1), delete "and of that solicitor's London agent, if any".

Rule 12—For "office of the companies court registrar" substitute "Registry".

Rule 14—For "section 67 (2) of the Act", wherever it appears in this rule, substitute "section 57 (2) of the Ordinance"; and for "the companies court registrar" substitute "the Chief Registrar".

Rule 17—For "section 57 of the Act" substitute "section 48 of the Ordinance".

Rule 18—Delete this rule

ORDER 103

THE PATENTS ORDINANCE: THE UNITED KINGDOM DESIGNS (PROTECTION) ORDINANCE

Heading—Substitute new heading as above.

Rule 1—For this rule substitute the following—

"1. This Order applies to proceedings in the Supreme Court under the Patents Ordinance and the United Kingdom Designs (Protection) Ordinance."

Rules 2 to 16 inclusive—Delete these rules.

Rule 17—(a) For "Comptroller", wherever this word appears in this rule substitute "Registrar-General".

(b) In para. (1), delete "under section 30 of the Act".

(c) In para. (1) (c), for "the United Kingdom" substitute "Fiji".

(d) In para. (1), for "Journal" substitute "Gazette".

(e) In para. (2), delete "under the said section 30".

(f) In para. (4), for "Patent Office" substitute "the office of the Registrar-General".

(g) In para. (4), for "the Act" substitute "the Patents Ordinance".

(h) In para. (4), for "Journal" substitute "Gazette".

Rule 18—For this rule substitute the following—

"18.—(1) Every application to the Court for—

(a) the cancellation or revocation of any letters patent under section 5 of the Patents Ordinance; or

(b) a declaration under section 28 of that Ordinance; or

(c) a declaration under section 4 of the United Kingdom Designs (Protection) Ordinance;

must be made by petition.

(2) Any person presenting such a petition must state therein particulars of the grounds on which he intends to rely.

(3) The respondent to such a petition may serve an answer on the petitioner, within 21 days after service of the petition on him.

(4) On the hearing of such a petition the respondent shall be entitled to begin and to adduce evidence in support of the patent; and if the petitioner adduces evidence impeaching the validity of the patent, the respondent shall be entitled to reply."

Rule 19—(a) In para. (3), for "section 57 of the Act" substitute "an enactment".

(b) In para. (4), delete "in pursuance of section 61 of the Act".

Rule 25—In para. (1), for "the revocation of a patent" substitute "the cancellation or revocation of any letters patent under section 5 of the Patent Ordinance, or for a declaration under section 28 of that Ordinance,".

Rule 27—In para. (1), for "the Act" substitute "the Patents Ordinance".

Rules 28 and 29—Delete these rules.

Rule 30—In para. (3), for "Comptroller", where it twice appears substitute "Registrar-General".

ORDER 104

MAINTENANCE (PREVENTION OF DESERTION AND MISCELLANEOUS PROVISIONS) ORDINANCE

Heading—Substitute new heading as above.

Rules 1 to 12 inclusive—Delete these rules.

Sub-Heading—For the heading "IV. Attachment of Earnings Order under Part II of the Act of 1958" substitute the following—

"ATTACHMENT OF EARNINGS ORDER UNDER PART III OF THE MAINTENANCE (PREVENTION OF DESERTION AND MISCELLANEOUS PROVISIONS) ORDINANCE".

Rule 13—(a) In para. (1), for "section 6 of the Act of 1958" substitute "section 12 of the Maintenance (Prevention of Desertion and Miscellaneous Provisions) Ordinance in this Order referred to as 'the said Ordinance'" and delete "if the maintenance order in connection with which the application is made is registered in the High Court under Part I of that Act,".

(b) In para. (2) (f), delete sub-para. (iii).

Rule 14—(a) For "section 6 (3) (d) of the Act of 1958" substitute "section 12 (3) (c) of the said Ordinance".

(b) For "section 11 (1) (a) of that Act" substitute "section 16 (1) (a) of the said Ordinance".

Rule 15—Delete para. (5).

Rule 16—For this rule substitute the following—

"16. The proper officer of the Court for the purposes of giving notice under section 14 (2) of the said Ordinance of the cessation of an attachment of earnings order shall, in the Supreme Court, be the Chief Registrar."

Rule 17—(a) In para. (1), insert the words "or varies" after the word "discharges" and the words "or variation" after the word "discharge".

(b) In para. (1), for "section 9 (3) of the Act of 1958" substitute section 14 (1) of the said Ordinance".

(c) Delete paras. (2) and (3).

*Rule 18—*Delete this rule.

*Rule 19—*For "section 12 (1) of the Act of 1958" substitute "section 17 (1) of the said Ordinance".

ORDER 105

THE RESTRICTIVE TRADE PRACTICES ACT, 1956

Delete the whole of this Order.

ORDER 106

PROCEEDINGS RELATING TO SOLICITORS: THE SOLICITORS ACT, 1957

Delete the whole of this Order.

ORDER 107

THE COUNTY COURTS ACT, 1959

Delete the whole of this Order.

ORDER 108

PROCEEDINGS RELATING TO CHARITIES: THE CHARITABLE TRUSTS ORDINANCE

*Heading—*Substitute new heading as above.

For the whole of this Order substitute the following—

" 1. In this Order—

"the Ordinance" means the Charitable Trusts Ordinance;

"charity proceedings" means proceedings in the Supreme Court brought under the Court's jurisdiction with respect to charities or brought under the Court's jurisdiction with respect to trusts in relation to the administration of a trust for charitable purposes.

2.—(1) Appeals to the Supreme Court under the Ordinance shall be begun by originating summons and the Registrar-General must be made a party to the proceedings.

(2) All other charity proceedings brought in the Supreme Court shall be begun by originating summons, and the Attorney-General must be made a party to the proceedings."

ORDER 109

THE ADMINISTRATION OF JUSTICE ACT, 1960

Delete the whole of this Order.

ORDER 110

THE LIMITATION ACT, 1963

For the whole of this Order substitute the following—

" ORDER 110

ASSISTED PERSONS

1. Any poor person, being a party or intending party to any cause or matter in his own right, may apply to the Court by petition for leave to sue or defend in *forma pauperis*.

2. A petition for leave to sue or defend in *forma pauperis* shall be supported by an affidavit by the petitioner, and by such further evidence as the Court may require, that the petitioner is not possessed of property to the amount of one hundred pounds in value, excepting wearing apparel, and the matter or thing claimed by him if he be the plaintiff in the cause or matter, and thereupon the application shall be referred to a solicitor to consider the case.

3. Upon the petitioner producing a certificate signed by the solicitor to whom the application was referred under the preceding rule that he has considered the case and believes the petitioner to have a good cause of action or defence, as the case may be, the Court may, subject to rule 4, admit the petitioner to sue or defend, as the case may be, in *forma pauperis*, and may appoint a solicitor to appear for him.

4. No person shall be admitted to sue or defend in *forma pauperis* unless he shall have filed in the Court an affidavit containing a full statement of all the material facts of the case to the best of his belief.

5. A solicitor to whom an application under rule 2 has been referred or who, under rule 3, has been appointed to appear for a person admitted to sue or defend in *forma pauperis*, may not refuse, or discontinue, his assistance, unless he satisfies the Court that he has some good reason for refusing or discontinuing.

6.--(1) No fee shall be taken by any solicitor assigned to assist or to appear for a person applying or admitted to sue or defend in *forma pauperis*.

(2) No fees of court shall be demanded by any officer from any person applying or admitted to sue or defend in *forma pauperis*. Provided that if a person admitted to sue or defend in *forma pauperis* shall succeed in the cause or matter and costs should be awarded to be paid by the other party, then, out of any costs subsequently recovered from the other party, the solicitor so assigned shall be entitled to and shall receive all such costs as may be allowed to him on taxation, and such fees of court as would have been chargeable, shall be charged and paid to the Registry.

7. Any person having been admitted to sue or defend in *forma pauperis*, who

- (a) becomes of means during the progress of the cause or matter; or
- (b) misbehaves himself in the proceedings by any vexations or improper conduct; or
- (c) wilfully delays the cause or matter,

shall on the same being shown to the Court be deprived of all the privileges of an assisted person.

8. In special circumstances, and subject to the availability of public funds for the purpose, legal aid may be granted to any party or intending party to any proceedings in the Supreme Court but only upon the specific authority of the Chief Justice to be obtained in each case."

ORDER 111

THE NATIONAL INSURANCE ACT, 1965: THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT, 1965

For the whole of this Order substitute the following--

"ORDER 111

ABSCONDING DEBTORS

1. An application under section 6 of the Debtors Ordinance for an order for a warrant to issue for the arrest of a defendant who is about to abscond may be made by the plaintiff in the action *ex parte*, supported by an affidavit, to a judge in chambers.

2. The Court may make the order upon such terms as it shall think fit and may make it subject to—

- (a) the giving by the plaintiff of an undertaking as to damages in like manner as in the case of an interlocutory injunction,
- (b) the payment by the plaintiff of a deposit in advance to cover the cost of the defendant's subsistence whilst in prison,
- (c) the giving of such recognisance or otherwise to secure the prosecution of the action by the plaintiff without delay, and
- (d) the release of the absconding defendant after his arrest upon him giving such security as may be ordered.

3. —(1) If the warrant or order shall have been made conditional upon the payment of money to cover the cost of the defendant's subsistence, the amount expended for that purpose shall be added to the sum recoverable under the warrant or in the action, as the case may be, without further order unless the Court shall otherwise direct.

(2) The costs of and incidental to the order of arrest and its execution shall be costs in the cause unless otherwise ordered.

4. When the Court orders that a warrant be issued it shall order that the absconding defendant shall be released from custody upon—

- (a) depositing in Court or with the Sheriff the amount mentioned in the order, or
- (b) executing a bond in the sum mentioned in the order with such sureties for such sums as may be specified therein with or without surrendering his passport, or
- (c) providing some other security satisfactory to the plaintiff, and the warrant shall be endorsed accordingly upon its issue.

5. The plaintiff may at any time apply to a judge in chambers by summons supported by affidavit to vary the security ordered or given and the judge may make such order as he thinks fit.

6. —(1) The Sheriff or other officer named in a warrant of arrest shall within two days after the arrest, endorse on the warrant the true date of such arrest and make a return accordingly to the Court.

(2) Upon payment to the Sheriff or into Court of the amount stated in the warrant or upon the security ordered being given, the Sheriff or other officer executing the warrant shall release the defendant from custody and shall make a return to the Court accordingly.

7. A warrant to arrest an absconding defendant shall be in the form set out in this rule, which shall be added to the forms in Appendix A as Form No. 107—

" FORM No. 107
WARRANT TO ARREST AN ABSCONDING DEFENDANT

(ORDER 111)
(TITLE AS IN ACTION)

To the Sheriff of Fiji:

Whereas by an Order of the Court made this day it was ordered that the above-named defendant be arrested and committed to prison there to be kept until he shall have given bail or security for his appearance at any time when called upon while the above action is pending and until execution or satisfaction of any judgment that may be made against him in the action.

These are therefore to command you in Her Majesty's name to arrest the said and convey him to the prison and deliver him to the officer in charge thereof who is hereby directed safely to keep him unless and until he shall—

- (a) deposit the sum of \$, or
- (b) surrender his passport and give to the plaintiff a bond executed by him and sufficient sureties each in the penalty of \$ or some other security satisfactory to the plaintiff that he will not go out of Fiji without the leave of the court.

Dated this day of , 19 .

Chief Registrar

The Plaintiff's address for service is

APPENDIX 2
PART 1—GENERAL FEES

NOTE.—The fees prescribed in this Part shall be taken in all causes and matters save where different fees are prescribed for the same item in any other part of this Appendix or any Ordinance or rule.

	\$
1. On filing or presenting and sealing any writ, petition, summons or notice of motion for the commencement of any action, cause, matter or proceedings other than an originating <i>ex parte</i> application	8.00
(This fee covers the filing of whatever process requires to be filed, the sealing of whatever process requires to be sealed and the issue of whatever process requires to be issued in order to commence the action, cause, matter or proceedings.)	
2. On sealing a concurrent or renewed or amended writ, petition, summons or notice	1.00
3. On an originating <i>ex parte</i> application, whether made in Court or in chambers	4.00
4. On sealing or issuing any notice of motion, summons, writ, citation, notice, fiat, certificate or other document unless otherwise provided for	2.00
(This fee covers both sealing and issuing the same document where this is required.)	

	\$
5. On issuing a summons under the Reciprocal Enforcement of Judgments Ordinance or the Foreign Judgments (Reciprocal Enforcement) Ordinance for leave to have a judgment registered	2.00
6. On entering an appearance	1.00
7. On amending an appearance	1.00
8. On filing in the Supreme Court a notice of appeal or a special case or a scheme pursuant to an Ordinance and setting down the appeal or special case or scheme for hearing, other than an appeal from a magistrates' court under the provisions of the Magistrates' Courts Ordinance and the Magistrates' Courts Rules ..	15.00
9. On sealing a notice of appeal from the Chief Registrar or a Deputy Registrar to a Judge in Chambers	2.00
10. On sealing an order for entry for trial of any action, cause, matter or proceedings for hearing in Court (other than a matrimonial cause) (This fee is not payable in respect of an appeal from a magistrate's court.)	8.00
11. On adjourning an originating summons from chambers into Court	8.00
12. On setting down a point of law for hearing in Court .. (No additional fees will be payable under Item 10 if later entered for trial.)	8.00
13. On setting down a cause on summons or motion for judgment under Order 19 Rule 7	5.00
14. On sealing a commission or letter of request for the examination of witnesses abroad	4.00
15. On the examination of a witness before an officer of the Court or a special examiner (including the examination of a judgment debtor) or before trial by a judge:— (a) In any action, cause, matter or proceedings pending in the Supreme Court (b) In any other matter	4.00 20.00
16. On entering or sealing any order made in chambers ..	2.00
17. On entering or sealing a judgment, decree or order (other than a decree in a matrimonial cause) given directed or made in Court (This includes the fee for settling the judgment, decree or order.)	5.00
18. On entering or sealing a judgment without an order or pursuant to an order made in chambers	3.00
19. On sealing a writ of subpoena (to include not more than three names)	1.00
20. On sealing a writ of execution (including a writ of attachment)	2.00
21. On sealing a garnishee order <i>nisi</i> or a charging order <i>nisi</i>	3.00
22. On filing any document unless otherwise provided for .. (This fee is not payable on filing a document already stamped with a fee prescribed in this Appendix or on filing a notice withdrawing a cause or an appeal.)	0.50

	\$
23. On any one search	0.50
24. For any certificate unless otherwise provided for ..	0.50
25. (a) For supplying a typed, carbon or duplicated copy of any judgment, order, decree, document or proceedings--with a minimum fee of \$0.50	0.15
(Provided that the Chief Registrar may, on grounds of hardship, waive, wholly or in part, any amount by which this fee may exceed \$40.)	per page (foolscap size)
(b) For a copy, other than a photocopy, in a foreign language or for a copy of a plan, map, section, drawing, photograph or diagram	The reasonable costs thereof as certified by the Chief Registrar
26. For supplying a transcript, or a duplicated or carbon copy thereof, of shorthand notes of proceedings--with a minimum fee of \$0.50	0.15
(Provided that the Chief Registrar may, on grounds of hardship, waive, wholly or in part, any amount by which this fee may exceed \$40.)	per page (foolscap size)
27. For supplying a photocopy of any document	0.20
	per page up to 14" x 9"
28. For certifying or marking any document as an office copy or a true copy--with a minimum fee of \$0.50 and a maximum fee of \$4.00	0.20
	per page up to foolscap size
29. Upon an application for the production of records or documents to be given in evidence:--	
(a) where the records or documents are sent by post ..	1.00
(b) where an officer is required to attend whether on subpoena or not, his reasonable expenses and in addition for each day or part of a day he is necessarily absent from his office	5.00
30. (a) On administering any oath or declaration (except in Court) or taking an affidavit or an affirmation: for each deponent	0.50
(b) In addition for each exhibit required to be marked	0.20
31. On taking a recognizance or a bond or vacating the same	2.00
32. On filing a bill of costs and obtaining an appointment to tax:--	
For a bill not exceeding \$100	5.00
For a bill exceeding \$100 but not exceeding \$200	8.00
For a bill exceeding \$200	14.00
(This fee is to be paid on the amount claimed in the bill. No additional fee is payable for the taxation.)	

	\$
33. On a certificate of allocatur	0.50
34. On sealing or issuing a commission to take oaths or affidavits in the Supreme Court	15.00
35. Where the Chief Registrar or a Deputy Registrar is required to perform any duties away from his office:— For his travelling, lodging and subsistence:	reasonable expenses.

PART 2—FEES APPLICABLE ONLY TO MATRIMONIAL CAUSES, PROCEEDINGS AND MATTERS

36. On settling advertisement for substituted service ..	1.00	<i>Revised</i>
37. For setting down a cause for hearing: --		
(a) if undefended	4.00	
(b) if defended	8.00	<i>\$5.05/24</i>
(This fee covers the Chief Registrar's certificate, the hearing and the decree nisi.)		

PART 3—COURT FEES IN PROBATE ACTIONS, PROCEEDINGS AND MATTERS

(CONTENTIOUS AND NON-CONTENTIOUS BUSINESS)

38. On the issue of a grant of Probate or Letters of Administration with or without the Will annexed:
If the net real and personal estate is sworn to be under the value of:—

\$	\$
2,000	1.00
4,000	3.00
6,000	6.00
8,000	8.00
10,000	10.00
12,000	12.00
14,000	14.00
16,000	16.00
18,000	18.00
20,000	20.00
24,000	22.00
28,000	24.00
32,000	26.00
36,000	28.00
40,000	30.00
50,000	34.00
60,000	40.00
70,000	46.00
80,000	50.00
90,000	54.00
100,000	58.00
120,000	66.00
140,000	72.00

\$		\$
160,000	78.00
180,000	84.00
200,000	90.00
240,000	96.00
280,000	102.00
320,000	108.00
360,000	114.00
400,000	120.00
500,000	128.00
600,000	136.00
750,000	144.00
800,000	152.00
1,000,000	162.00

	\$
For every additional \$200,000 or any fractional part of \$200,000 a further and additional fee of	20.00
39. On the issue of a duplicate or triplicate Probate or Letters of Administration with or without the Will annexed	2.00
40. On the issue of double or cessate Probate or Letters of Administration with or without the Will annexed, <i>de bonis non</i> or cessate	3.00
41. On the issue of a grant of Probate of a Codicil or Codicils, or Letters of Administration with a Codicil or Codicils annexed, being a Codicil or Codicils to a Will already proved	1.00
42. For re-sealing a grant or sealing an exemplification or copy under the British and Colonial Probates Ordinance exclusive of the fees, if any, for every issuing and collating the Will and other documents filed with the same but including sealing	3.00
43. For giving notice of re-seal	0.50
44. For making alterations in grants of Probate or Letters of Administration in pursuance of the order of a judge	1.00
45. For revocation of a grant	1.00
46. For impounding a grant, or releasing an impounded grant (inclusive fee)	2.00
47. For noting a re-swearing of value and certificate of security (inclusive fee)	1.00
48. For noting on a grant and the record the addition of a personal representative (including filing and affidavit)	1.00
49. For noting on record of grant that an executor to whom power was reserved has renounced (inclusive fee)	1.00
50. For the entry or withdrawal of a caveat	0.50
51. On the issue of a warning to a caveat	0.50
52. For service by the Chief Registrar of a warning to a caveat	0.50
53. For settling the abstract of citation for advertisement, or other advertisement	0.50

	\$
54. For settling and sealing a citation (inclusive fee) ..	1.00
55. On sealing extra copies of the citation: for each such copy	1.00
56. On the issue of an exemplification, in addition to the fees for collating	1.00
57. For collating Wills and other documents, per page ..	0.50
58. For 3 photocopies of Will for engrossment on grant, copy grant and copy oath, including impressing the seal of the Court	0.50 (not to exceed per page 14" x 9")
59. For noting renunciations, or any other necessary matter on the record of a grant	1.00
60. For perusing and settling oaths to lead to grant of Probate or Letters of Administration with or without Will or other instruments—per page	0.50
61. For perusing deeds and other documents when necessary—per page	0.10

APPENDIX 3
SHERIFF'S FEES
SERVICE

1. For receiving and entering process for service	1.00
2. For service of any process:	
(a) within 2 miles from the nearest Deputy Sheriff's office	1.00
(b) exceeding 2 miles from the nearest Deputy Sheriff's office, for every additional mile, in addition to (a)	0.10
FIERI FACIAS	
3. Receiving and entering Writ of Execution	1.00
4. Receiving and entering order of suspension of execution	0.50
5. On every enlargement of return	0.50
6. Poundage	1.00 for every \$20 or part thereof
7. Precept to bailiff	1.00
8. Seizure or collection of the sum endorsed on the Writ of of Execution without seizure:	
(a) within 2 miles of nearest Deputy Sheriff's office	2.00
(b) exceeding 2 miles from the nearest Deputy Sheriff's office, for every additional mile, in addition to (a)	0.10

	\$
9. For man:	
(a) in actual physical possession, <i>per diem</i> ..	2.00
(b) in walking possession, <i>per diem</i>	0.50
10. In the event of a <i>nulla bona</i> return being rendered after due inquiries: for time spent making inquiries ..	2.00
11. Commission on sale	1.00
	for every \$20 or part thereof
12. Delivery of goods in replevin:	
(a) within 2 miles of the nearest Deputy Sheriff's office	2.00
(b) exceeding 2 miles from the nearest Deputy Sheriff's office, for every additional mile, in addition to (a)	0.10
13. For taking a replevin bond	4.00
14. For assignment of replevin bond	2.00
15. For taking a bond of indemnity	4.00
16. When goods or animals are removed, for warehousing and taking charge of the same (including feeding of animals) \$1.00 for each \$40 or part thereof of the value of the goods or animal removed, or of the sum endorsed on the writ of execution, whichever is the less. No fee for keeping possession of the goods or animals is to be charged after they have been removed.	
17. For work done by Sheriff's officer in inquiring into any claim for rent or claim to the goods	2.00
18. Preparing notice to execution creditor to admit or dispute claim and sending same by post	0.50
ARREST	
19. Receiving and entering a Writ or Warrant	1.00
20. Precept to bailiff	1.00
21. For every arrest or collection of the amount endorsed on on the warrant by way of payment or deposit without arrest:	
(a) within 2 miles of Deputy Sheriff's office ..	2.00
(b) exceeding 2 miles from the nearest Deputy Sheriff's office for every additional mile, in addition to (a)	0.10
22. For conveying to court or to prison from place of arrest, not exceeding <i>per diem</i> , in addition to reasonable travelling expenses actually incurred	2.00
23. On a release on bail or a bond, where authorised and filing bail bond	1.00
24. For assignment of bail bond	2.00
GENERAL	
25. Receiving and entering any process not otherwise provided for	1.00

	\$
26. For executing a search warrant in bankruptcy or process for possession, attachment or committal or for collecting any sum entered on any process without execution:—	
(a) within 2 miles from the nearest Deputy Sheriff's office	2.00
(b) exceeding 2 miles from the nearest Deputy Sheriff's office per mile, in addition to (a) ..	0.10
27. For any duty not herein provided for	such sum as the Court may allow.
28. Reasonable expenses, additional or otherwise, necessarily incurred in all matters, including subsistence allowance payable to bailiff.	
29. For Sheriff or his Deputy attending court on the hearing of interpleader proceedings: per hour or part thereof	1.00

APPENDIX 4
PART I—SCALE OF COSTS

	<i>Lower Scale \$</i>	<i>Higher Scale \$</i>
1. Instructions for and writing letter before action or defence	2.00	4.00
2. Instructions to sue inclusive of preparation, issue, service on one party and affidavit of service of a writ of summons (one defendant only) ..	10.00	15.00
3. For obtaining and filing any necessary authority or consent	2.00	3.00
4. For taking instructions to sue from each additional plaintiff	2.00	3.00
5. On judgment in default of appearance or defence where no application to the Court or a judge is required including entry of a consent judgment or a judgment after discontinuance	3.00	7.00
6. On any judgment whether in default of appearance or defence or under O.XIV where application to the Court or a judge is required	8.00	15.00
7. (a) Instructions to defend inclusive of preparation, filing and service of appearance in respect of one defendant	5.00	10.00
(b) For each additional defendant represented ..	2.00	3.00
8. In addition to Item 7 for each defendant for whom a guardian <i>ad litem</i> is appointed	2.00	3.00
9. Instructions for Statement of Claim inclusive of preparation, filing and service	8.00	15.00
10. Instructions for Statement of Defence or Counterclaim or Defence and Counterclaim inclusive of preparation, filing and service	8.00	15.00

	<i>Lower Scale</i>	<i>Higher Scale</i>
	\$	\$
11. Instructions for Reply or subsequent pleading or Defence to Counterclaim or Reply and Defence to Counterclaim inclusive of preparation, filing and service	4.00	8.00
12. Instructions for Summons for Directions inclusive of preparation, filing, service, appearance and order, and also subsequent incidental notices such as a notice requiring discovery of documents: but not including a notice for further directions which if certified for is to be treated as a fresh summons for directions	6.00	10.00
13. (a) Instructions for and preparation of list of documents and service thereof	4.00	15.00
(b) Affidavit verifying list if required	2.00	2.00
14. (a) Instructions for interrogatories inclusive of preparation of application and proposed interrogatories, filing and service of same, attendance in support, preparing, filing and serving order and perusing answers	15.00	30.00
(b) Instructions to oppose application for interrogatories and attendance in chambers	7.00	20.00
15. If the interrogatories settled by the order exceed 2 pages then for each additional page or part thereof	0.75	0.75
16. Instructions for answers to interrogatories inclusive of preparation, swearing, filing and service of affidavit	6.00	13.00
17. If foregoing answers exceed 2 pages then for each additional page or part thereof	0.75	0.75
18. Instructions for notice to produce documents or admit facts or documents or any similar notice not otherwise provided for inclusive of preparation, filing and service	4.00	8.00
19. If any such notice shall exceed 2 pages then for each additional page or part thereof	0.75	0.75
20. Production or inspection of documents pursuant to notice inclusive of all services incidental thereto	4.00	8.00
21. Instructions for admission of facts pursuant to notice inclusive of preparation, filing and service	6.00	12.00
22. (a) Application for entry of action for trial and attendance thereat	10.00	15.00
(b) If pleadings exceed 5 pages for each page of pleadings in excess	0.20	0.20
23. Instructions for and preparing for trial inclusive of instructions for and preparation of brief	15.00	60.00
24. Attendance at trial of an action or proceeding	20.00	75.00

	<i>Lower Scale</i>	<i>Higher Scale</i>
	\$	\$
25. Brief fee to extra barrister and solicitor in respect of any proceeding if certified for per day ..	15.00	40.00
26. Refreshers to barrister and solicitor in respect of any proceeding per day	12.00	30.00
27. Originating Summonses or petitions inclusive of all services from instructions to completion as certified for and inclusive of barrister and solicitor's fee thereon for first day of hearing	45.00	90.00
28. Instructions to defend originating summons inclusive of all services from appearance to completion and inclusive also of barrister and solicitor's fee thereon for first day of hearing	30.00	75.00
29. (a) Instructions for and attendance on summonses, motions, and other applications inclusive of all services from instructions to completion not otherwise provided for in this scale	8.00	16.00
(b) In addition for each adjourned hearing (unless a refresher fee is allowed)	4.00	12.00
(c) In addition if necessary affidavits exceed 3 pages then for each additional page or part thereof	0.75	0.75
30. Preparing and settling a special case	8.00	20.00
31. Argument on special case or question of law as certified for	20.00	75.00
32. Taking accounts, making inquiries and other similar proceedings before the Chief Registrar or in chambers per hour	5.00	8.00
33. Matrimonial suits. In accordance with each step in action of this scale, <i>mutatis mutandis</i> ..		
34. Appeals from inferior courts or from Chief Registrar or Deputy Registrar or other persons or bodies not otherwise provided for inclusive of all services from instructions to completion (but excluding special applications such as for a stay of execution in an appeal)	30.00	75.00
35. Payment into or out of Court	2.00	2.00
36. Instructions for taxation of costs as between party and party inclusive of all services from instructions to completion	6.00	10.00
37. Instructions for any form of execution authorised by any rule of Orders 45, 46 and 47 where no application to the Court or a judge is required inclusive of all services from instructions to completion	6.00	10.00
38. Instructions for execution where an application to the Court or a judge is required, inclusive of all services from instructions to completion ..	8.00	20.00

	<i>Lower Scale \$</i>	<i>Higher Scale \$</i>
39. Instructions for attachment of debts under Order 49 inclusive of all services from instructions to completion but exclusive of execution under Rule 4 or of any trial under Rules 5 or 6 the costs of which execution or trial may be separately allowed	6.00	10.00
40. Subpoena <i>ad testificandum</i> and <i>duces tecum</i> including issue and service for each witness	4.00	4.00
41. For preparing and entering a caveat or preparing and issuing a warning thereto	5.00	5.00
42. Service fees: in addition to the above fees the following fees for service may be added in appropriate cases and where service by post is not authorised:—		
(a) For service at a distance of more than 2 miles from the nearest place of business of the serving barrister and solicitor; per mile in excess of 2 miles	0.10	0.10
(b) If a bailiff is employed— all necessary and reasonable charges properly incurred and paid.		
(c) Where in consequence of the distance involved it is necessary to instruct another barrister and solicitor to arrange for service to be effected ..	2.00	2.00
43. In any case a judge of the Supreme Court either at the trial or on notice of motion made within 14 days after judgment is pronounced may certify for an increase in any of the above charges, of such amount as he thinks fit having regard to all the circumstances of the case.		
44. Fees which may be taken by Commissioners for Oaths shall be as in Item 30 of Appendix 2.		
45. For any business not covered by the above scales such as instructions, letters, telephone calls, attendances, etc. the charges in respect thereof shall be calculated on the basis of the scale of costs in the Supreme Court in England subsisting at the 1st January, 1967, but without the addition of any percentage increase.		

PART II—FIXED COSTS

A. Fixed costs are applicable only to the following cases:—

- (1) where the claim is for a debt or liquidated sum in excess of \$600.00,
- (2) where possession of land is claimed except in suits between landlord and tenant for possession of land or houses where the annual value or rent does not exceed \$800.00,

(3) in any other case where the Chief Registrar authorises the endorsement or recovery of such fixed costs, not exceeding those set out in this part, as he may think fit.

B. Save where expressly otherwise provided the fixed costs allowed in this part include the Court fees and other disbursements recoverable from the other party.

EIGHT-DAY COSTS

1. The amount of costs indorsed on a writ of summons claiming a liquidated demand only, under Order 6, Rule 2 (1) (b), whether indorsed with a statement of claim or not shall be:—	\$
If one defendant	25.00
For each extra defendant	2.50
2. In addition to the above the following may be added to provide for the contingency of substituted service	12.00
3. Where service out of the jurisdiction is ordered the following additional allowances shall be added	20.00

JUDGMENT IN DEFAULT OF APPEARANCE OR OF DEFENCE FOR A DEBT OR LIQUIDATED AMOUNT ONLY OR FOR POSSESSION OF LAND

(The following sums apply whether or not the statement of claim is indorsed on the writ)

4. On entering judgment for a debt or liquidated amount ..	30.00
For each extra defendant served	3.00
5. On entering judgment for possession of land only or for possession of land and a liquidated sum	30.00
For each extra defendant served	3.00
6. Additional allowances applicable, unless taxation is ordered:—	
(1) Where substituted service ordered and effected ..	10.00
(2) Where service is ordered and effected out of the jurisdiction	20.00
(3) Moneylender's cases ..	
Application for leave to enter judgment under Order 83, Rule 4	8.00
(4) If separate judgments against more than one defendant are necessarily entered, for each such additional judgment	5.00

JUDGMENT UNDER ORDER 14

7. (a) Upon entering judgment after obtaining an order for judgment under Order 14 unless taxation is ordered ..	40.00
(b) For each extra defendant	2.50
8. In addition, for each adjourned hearing unless taxation is ordered	4.00

GARNISHEE PROCEEDINGS

(Order 49)

JUDGMENT CREDITOR'S COSTS

9. The costs which may be endorsed on the Garnishee Order <i>Nisi</i> shall be	20.00
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ON ISSUING A WRIT OF FIERI FACIAS, ORDER OF COMMITTAL OR WARRANT

10. The costs which may be endorsed on the Writ, Order or Warrant in addition to Court fees endorsed thereon shall be	6.00
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EXPLANATORY NOTE

(This note is not part of the Rules but is intended as a brief introduction to them).

The last revision of the Supreme Court Rules took place 35 years ago. Those Rules have served their purpose well for the greater part of this period but it has been recognised for a number of years now that a radical revision is required.

2. Much work was done by Mr. Frank Forster (who for year was Deputy Registrar of the Supreme Court) under the direction of successive Chief Justices. Repeatedly, however, completion of the work had to be deferred owing to shortages of, and changes in, personnel. In 1967 the Hon. Mr. Justice Mills-Cwens, then Chief Justice, did a great deal of preparatory work on a fresh revision based on the entirely new Rules of the Supreme Court in England which had recently come into force. I would like to pay tribute to their labour.

3. Since the last revision the Fiji Law Society has been established and incorporated. I have, as a result, had the benefit and great advantage not enjoyed by some of my predecessors in office of being able to complete this revision in close consultation with the President and Council of the Law Society whose most helpful and courteous comments and advice I gratefully acknowledge.

4. Since the last revision a number of anomalies had arisen and many items in the scales of costs have not effectively been changed since 1934. An attempt has been made to cover all these points and it is hoped that these new Rules will prove to be of service in the administration of justice. I draw attention to the new provisions which establish the machinery for facilitating the settlement of actions before trial. These provisions only apply where both sides elect to adopt this means of resolving a dispute in preference to its ventilation in open court and it is hoped that they will be found to be helpful.

Suva,

C. J. HAMMETT,
Chief Justice.

[LEGAL NOTICE No. 187]

TRUSTEE ORDINANCE
(CHAPTER 224)

[L.S.]
G. P. LLOYD,
Acting Governor.

PROCLAMATION
(No. 27 of 1968)

By His Excellency GEORGE PETER LLOYD, Companion of the Most Distinguished Order of Saint Michael and Saint George, Acting Governor and Commander-in-Chief of Fiji.

IN exercise of the powers conferred upon me by paragraph (k) of subsection (1) of section 12 of the Trustee Ordinance, I do hereby declare that loans to the Fiji Electricity Authority secured by any mortgage, debenture or registered debenture stock or otherwise, and investments in such Authority, shall be investments in which a trustee may invest trust funds.

Given under my hand and the Public Seal of Fiji at Suva this 3rd day of December, 1968.

GOD SAVE THE QUEEN