

Court Rules against a garnishee who is not within the jurisdiction of the court in which the judgment or order was obtained. [New.]

Execution against Goods.

6.—(1) An application for leave to issue execution against goods, if made at the time when the judgment or order is entered or made, may, where the judgment or order is entered or made by the registrar, be made to him, subject to the provisions of Rule 16.

(2) An application for leave to issue execution against goods, if made after the judgment or order has been entered or made, may be made to the registrar, subject to the provisions of Rule 16. [A.R., 3.]

Appointment of Receiver.

7.—(1) These Rules shall not affect *ex-parte* applications for the appointment of receivers; but if an order is made on any such application it shall be an *interim* order only (with or without an injunction), and such order shall be served on the debtor in accordance with Rule 21.

(2) A final order for the appointment of a receiver shall not be made unless notice of the intention of the creditor to apply for such order, according to the form in the Appendix, has been served on the debtor in accordance with these Rules. [New.]

Other Applications for Leave to Proceed.

8. Any other application for leave to proceed under paragraph (a), not in these Rules provided for, shall be made to the judge. [A.R., 3.]

Applications under Paragraph (b).

9. Rule 2 of the principal Rules shall have effect subject to the following modifications, viz.:—

(a) An application for leave to take, resume, or enter into possession of any property, or to exercise any right of re-entry, may be made to the county court where

(i.) the amount of the sum for enforcing payment or recovery whereof, or in default of payment or recovery whereof, the remedy is sought to be enforced, does not exceed one hundred pounds; and

(ii.) In the case of lands, tenements, or hereditaments, neither the value of the premises nor the rent payable in respect thereof exceeds one hundred pounds a year.

(b) An application for leave to foreclose or to realise any security may be made to the county court where the amount of the principal sum secured does not exceed five hundred pounds. [New.]

10.—(1) Applications to the County Courts under paragraph (b) may be made:—

(i.) in the case of an application for leave to levy any distress, to the court in the district of which the premises are situate;

(ii.) in the case of an application to take, resume, or enter into possession of any property, or to exercise any right of re-entry, or to foreclose or realise any security on any premises, to the court in the district of which the property or premises is or are situate;

(iii.) in any other case, to any court which would have jurisdiction in the matter without leave granted under section 74 of the County Courts Act, 1888, if the creditor were a plaintiff and the debtor a defendant in an action brought to enforce the remedy which the creditor desires to enforce.

(2) Provided as follows:—

(i.) If in any case any other court would, if the creditor were a plaintiff and the debtor were a defendant in an action brought to enforce the remedy which the creditor desires to enforce, have jurisdiction in the matter if leave were granted under section 74 of the County Courts Act, 1888, to commence the action in such other court, the creditor may apply to such other court for leave to make his application therein, on filing an affidavit showing that the court would have such jurisdiction;

(ii.) The provisions of Order V., Rule 13, of the County Court Rules shall, with the necessary modifications, apply to any application under this paragraph; and if leave is granted a copy of the affidavit, with a copy thereon of the order granting leave, shall be annexed to and served with the summons mentioned in the next following rule. [Substituted for E.P., 5 (1).]

11. Applications under paragraph (b) shall be made by means of a summons according to the form in the Appendix, entitled "In the Matter of the Courts (Emergency Powers) Act, 1914. [E.P., 5 (2).]

12. A summons under paragraph (b) shall be served on every person affected thereby four clear days at least before the day fixed for the hearing of the summons, unless the judge or registrar gives leave for shorter service. Service shall be effected in accordance with the County Court Rules as to service of notice of an interlocutory application. [A.R., 4.]

13. An application under paragraph (b) may be made to the registrar, subject to the provisions of Rule 16. [E.P., 5 (3).]

14. Where rent is claimed under section one hundred and sixty of the County Courts Act, 1888, and the bailiff is required to distrain for the same, leave so to distrain shall not be required. [New.]

Substituted Service.

15. The practice of the courts as to substituted service of notices and summonses shall apply to notices of applications and summonses under these Rules. [Substituted for E.P., 3 (4).]

Applications to Registrar.

16. Where under these Rules an application may be made to the registrar, the following provisions shall apply:—

(i.) the registrar may in any case refer the matter to the judge;

(ii.) where the amount of the subject matter of the application exceeds five pounds, the registrar shall, on the application of either party, refer the matter to the judge; and

(iii.) the judge may vary or rescind any order made by the registrar, and may make such order as may be just. [E.P., 5 (3).]