

RULES FOR REGULATING CIVIL PROCEDURE (WRITS OF SUMMONS).⁽¹⁾

1. The Chief Magistrate⁽²⁾ shall have power at any time, and at any place in the Possession, to issue any writ, instrument, or document, and to perform any act that could be performed by any officer of the Central Court,⁽³⁾ and that whether there is such an officer appointed or not.

2. Any writ, instrument, or document issued by the Chief Magistrate⁽²⁾ may be in such form as the Chief Magistrate⁽²⁾ shall determine.

3. A writ of summons issued by the Chief Magistrate⁽²⁾ need not contain nor have indorsed upon it an address for service.

4. The period within which the defendant named in such a writ of summons may file a notice of defence shall be such period as the Chief Magistrate⁽²⁾ shall determine and shall insert in the writ of summons.

5. In the case of such a writ of summons the Chief Magistrate⁽²⁾ may, by indorsement under his hand made on the said writ, order all or any of the following things:—

- (1) That the notice of defence, counterclaim or set-off is not to be filed but to be delivered to the Chief Magistrate;⁽²⁾
- (2) That the notice of defence need not contain an address for service;
- (3) That the notice of defence, counterclaim, or set-off need not be served on the plaintiff.

6. The trial of an action begun by such a writ of summons may, whether the action be defended or undefended, be held at such time and place as the Chief Magistrate⁽²⁾ may direct.

(1) Particulars of these Rules of British New Guinea (which were continued in force in the Territory of Papua by Section 6(1) of the *Papua Act 1905*) are as follows:—

Ordinance under which made.	Date on which made by Chief Magistrate.	Date on which approved by Legislative Council.	Date on which published in British N.G. Govt. Gaz.	Date on which took effect.
Unspecified; <i>semble</i> , <i>The Courts and Laws Adopting Ordinance of 1888</i>	23.10.1899	30.10.1899	16.12.1899	16.12.1899 (British N.G. Govt. Gaz. of 16.12.1899)

(2) See Section 4 of the *Central Court Ordinance, 1925*.

(3) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940*.