

# RULES OF THE CENTRAL COURT FOR REGULATING CIVIL PROCEDURE AND THE ADMISSION OF BARRISTERS AND SOLICITORS. <sup>(1)</sup>

RULES OF THE CENTRAL COURT FOR REGULATING CIVIL PROCEDURE  
MADE UNDER "THE COURTS AND LAWS ADOPTING ORDINANCE OF 1888."

1. Rule 121<sup>(2)</sup> of 23rd September, 1889, is repealed.

2. If a dispute arises, or the Chief Judicial Officer<sup>(3)</sup> entertains any doubt, as to the due service of a summons or document, he may make inquiries, either on oral evidence or on affidavits, whether the service was good or otherwise; and the Chief Judicial Officer<sup>(3)</sup> may, under special circumstances, order that a person who has not been regularly served, if notice of the summons has come to his knowledge, shall be deemed to have been sufficiently served, and the case or matter shall proceed as though such person had been regularly served.

3. When any matter is not provided for in the Rules of Civil Procedure, or by any Ordinance of the Territory, the practice and procedure of the District Courts of the State of Queensland, as regulated by the District Court Acts of the said State, 55 Vic. No. 33,<sup>(4)</sup> and the Rules made thereunder known as the District Court Rules, 1891,<sup>(5)</sup> shall, so far as circumstances will admit of, govern the matter, or, if they do not apply, then the practice and procedure

(1) Particulars of these Rules are as follows:—

Ordinance under which made.	Date on which made by Chief Judicial Officer.	Date on which approved by Legislative Council.	Date on which published in Papua Govt. Gaz.	Date on which took effect.
<i>The Courts and Laws Adopting Ordinance of 1888</i> <sup>(a)</sup>	(Undated)	13.1.1910	2.2.1910	2.2.1910 (Papua Govt. Gaz. of 2.2.1910)

(a) Continued in force in the Territory of Papua by Section 6(1) of the *Papua Act* 1905.

(2) *Semble*, Rule 131, and not Rule 121, was intended to have been repealed. See footnote (12) to the *Rules of Civil Procedure*, printed on p. 616.

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

(4) See *The District Courts Act*, 1891 (Queensland, adopted), printed on p. 671.

(5) See *The District Court Rules*, 1891 (Queensland, adopted), printed on p. 727.

## COURTS—

of the Supreme Court of the State of Queensland<sup>(6)</sup> for the time being shall, so far as circumstances will admit of, govern the matter:

Provided in all cases that any practice or procedure as aforesaid can be followed and applied, without contravening any Ordinance, rule, or regulation of the Territory.

4. If it appears to the Chief Judicial Officer<sup>(3)</sup> that a defendant has left the Territory for the purpose of escaping service, or of evading liability for indebtedness incurred in the Territory, he may, on application by the plaintiff, dispense with service or make such order for substituted service as he may consider necessary.

### FOR REGULATING THE ADMISSION OF BARRISTERS AND SOLICITORS.

5. Any person may, in the discretion of the Court, be admitted to practise as a Barrister and Solicitor of the Central Court<sup>(7)</sup> of Papua who, under the Rules of the 10th day of March, A.D. 1897,<sup>(8)</sup> is entitled to be admitted as either a Barrister or a Solicitor of the said Central Court.<sup>(7)</sup>

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

(6) *The District Courts Act*, 1891 (Queensland) and *The District Court Rules*, 1891 (Queensland) have been printed in this Annotated Reprint, but *The Rules of the Supreme Court* (Queensland), made applicable to the extent that the *Rules of Civil Procedure of Papua* and *The District Courts Act*, 1891 (Queensland) and *The District Court Rules*, 1891 (Queensland) do not apply, have not been printed. *The Rules of the Supreme Court* (Queensland) may be found in *The Public Acts of Queensland (Reprint)* 1828-1936, Vol. 7, p. 123.

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

(8) See the *Rules of the Central Court for Regulating the Admission of Barristers and Solicitors and their Fees*, printed on p. 629. These Rules were, however, dated 19th March, 1897. The figures and letters "10th" have now been omitted from Rule 5 and the figures and letters "19th" inserted in their stead by the Fourth Schedule of the *Ordinances Reprint and Revision Ordinance* 1947 of the Territory of Papua-New Guinea.