

New Zealand.

## ANALYSIS.

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| Title.<br>Preamble.<br>1. Short Title.<br>2. When Committee unanimously report the preamble not proved, and that opponents have been unreasonably or vexatiously put to expense, opponents to be entitled to recover costs. | 3. When Committee unanimously report the preamble proved, and that the opposition was vexatious, promoters to be entitled to recover costs.<br>4. Costs to be taxed. Proviso.<br>5. Recovery of costs when taxed.<br>6. Persons paying costs may recover a proportion from other persons liable thereto.<br>7. Definition of "promoters."<br>Schedule. |
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1882, No. 24.

## AN ACT for awarding Costs in Certain Cases of Private and Local Title. Bills. [13th September, 1882.]

WHEREAS it is expedient to empower Committees of both Houses of Parliament on Private or Local Bills to award costs in certain cases:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

**1.** The Short Title of this Act is "The Private and Local Bills Costs Act, 1882." Short Title.

**2.** When the Private Bills Committee or the Local Bills Committee shall decide that the preamble is not proved, or shall insert in such Bill any provision for the protection of any opponents, or strike out or alter any provision of such Bill for the protection of opponents, and further unanimously report, with respect to any or all of the opponents against the Bill, that such opponents have been unreasonably or vexatiously subjected to expense in defending his or their rights proposed to be interfered with by the Bill, such opponents shall be entitled to recover from the promoters of such Bill his or their costs in relation thereto, the amount thereof not to exceed the amount prescribed by the Schedule hereto. When Committee unanimously report the preamble not proved, and that opponents have been unreasonably or vexatiously put to expense, opponents to be entitled to recover costs.

**3.** When the Private Bills Committee or the Local Bills Committee shall decide that the preamble is proved, and further unanimously report that the promoters of the Bill have been vexatiously subjected to expense in the promotion of the said Bill by the opposition of any persons opposing the same, then the promoters shall be entitled to recover from the opponents, or such of them as the Committees shall think fit, so much of the costs of the promotion of the Bill as the Committees may think fit, not exceeding the sum prescribed by the Schedule aforesaid. When Committee unanimously report the preamble proved, and that the opposition was vexatious, promoters to be entitled to recover costs.

In their report to the Council or House the several Committees shall state what sum for costs they shall so think fit to award, together with the names of the parties liable to pay the same and the names of the parties entitled to receive the same.

*Costs to be taxed.*

4. The Chairman of the several Committees shall deliver to the parties affected, or either or any of them, a certificate setting forth the amount of costs awarded, with the name of the party liable to pay the same and the name of the party entitled to receive the same; and such certificate shall be conclusive evidence as well of the amount of the demand as of the title of the party therein named to recover the same from the party therein stated to be liable for the payment thereof; and the party claiming under the same shall, upon payment thereof, give a receipt at the foot of such certificate, which shall be a sufficient discharge for the same: Provided that no solicitor promoting or opposing any Bill in Parliament shall be entitled to recover from the promoters or opponents, as the case may be, any larger sum than the sums authorized under the said certificate, and such certificate shall not authorize the payment of any costs beyond the amounts fixed by the Schedule aforesaid.

*Recovery of costs when taxed.*

5. The party entitled to costs, or his executors or administrators, may demand the whole amount thereof, so certified as above, from any one or more of the persons liable to the payment thereof; and, in cases of non-payment thereof on demand, may recover the same by action in any Court of competent jurisdiction within the colony.

In such action it shall be sufficient for the plaintiff to state or declare that the defendant is indebted to him in the sum mentioned in the said certificate; and the said plaintiff shall, upon filing the said statement or declaration, together with the said certificate and an affidavit of such demand as aforesaid, be at liberty to sign judgment and take out execution for the said sum so mentioned in the said certificate, together with the costs of the said action, according to the due course of law: Provided always that the validity of such certificate shall not be called in question in any Court.

*Persons paying costs may recover a proportion from other persons liable thereto.*

*Definition of "promoters."*

6. In every case it shall be lawful for any person from whom the amount of such costs has been so recovered to recover from the other persons, or any of them, who are liable to the payment of such costs a proportionate share thereof, according to the number of persons so liable, and according to the extent of the liability of each person.

7. When a Bill is not promoted by a company already formed, all persons whose names shall appear in such Bill as promoting the same, and, in the event of the Bill passing, the company thereby incorporated, shall be deemed to be the promoters of such Bill for all the purpose of this Act.

*Schedule.*

## SCHEDULE.

### FEES AND COSTS.

(a.) The scale of fees to be paid by parties promoting private Bills shall be as follows:—

	£	s.	d.
On the first reading	...	...	10 0 0
On the second reading	...	...	10 0 0
On the third reading	...	...	5 0 0

The said fees shall be paid to the Treasury, to the credit of the Library Fund, at the respective stages of the Bill in the House in which the Bill shall have been introduced, and a certificate of the due payment of such fees shall be produced to the Clerk of such House at each stage of the Bill; and the Bill shall be stopped by the Speaker of such House at any stage if any fee then due is unpaid.

*As to Local Bills.*

(b.) Costs shall be allowed when certified by the Chairman of Local or Private Bills Committee, upon the following scale:—

Costs of solicitor promoting opposed local Bill, such a sum as Chairman shall certify, not to exceed £10 10s., exclusive of costs of advertising and sums paid out of pocket for expenses of witnesses, according to the scale agreed to by the Speakers of both Houses, 3rd August, 1882 (whose attendance shall be certified as necessary by Chairman), for services of notices and for fees of Parliament.

(c.) If Bill unopposed, fee of solicitor not to exceed £5 5s., exclusive of sums paid out of pocket, as in last paragraph.

(d.) In case of an opposed Bill, Committee to report whether opponents entitled to costs. If Committee so report, Chairman to certify for a sum not exceeding £10 10s., exclusive of sums paid out of pocket, to be certified as necessary by the Chairman.

*As to Private Bills.*

(e.) Costs of solicitor promoting opposed private Bills, such a sum as Chairman shall certify, not exceeding £70, exclusive of costs of advertising and sums paid out of pocket for expenses of witnesses, according to the scale agreed to by the Speakers of both Houses, 3rd August, 1882 (whose attendance shall be certified as necessary), for service of notices and for fees of Parliament.

(f.) If private Bill unopposed, solicitor's fee not to exceed £20, exclusive of sums paid out of pocket, as before provided.

(g.) The Committee to report whether opponents entitled to costs. If the Committee so report, Chairman to certify for a sum not exceeding £50, exclusive of witnesses' expenses and other payments out of pocket, as certified.