



## Code of Civil Procedure (Notification of Land Division Applications) Amendment Rules 2021

Sir Tom J. Marsters, KBE

Queen's Representative

### Order in Executive Council

At Avarua, Rarotonga this            7<sup>th</sup>            day of            September            2021

**Present:**

### His Excellency the Queen's Representative in Executive Council

Pursuant to section 102 of the Judicature Act 1980-81 and on the recommendation of the Rules Committee, His Excellency the Queen's Representative, acting on the advice and with the consent of the Executive Council, makes the following rules—

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### Rules

- 1     **Title**  
These rules are the Code of Civil Procedure (Notification of Land Division Applications) Amendment Rules 2021.
  
- 2     **Commencement**  
These rules come into force on the day after the date on which they are made.
  
- 3     **Principal rules**  
These rules amend the Code of Civil Procedure of the High Court 1981.
  
- 4     **Rule 326 replaced (Proceedings in Land Division)**  
Replace rule 326 with:

**“326 Proceedings in Land Division**

- “(1) This Part applies to all proceedings in the Court exercising the jurisdiction of the Land Division of the Court, subject to subclause (2).
- “(2) This Part does not apply if it is expressly provided in or under any enactment that it does not apply.

**5 Rule 332 replaced (Notifying applications)**

Replace rule 332 with:

**“332 Notifying applications**

- “(1) This rule applies to any stage of an application that is required to be heard in public.
- “(2) The Registrar must set down the application for hearing at a sitting of the Court.
- “(3) The Registrar may decide at which sitting the application will be heard, subject to any direction by a Judge.
- “(4) The Registrar must give public notice of the hearing of the application in accordance with this rule.
- “(5) Not later than 14 days before the date fixed for the commencement of the Court sitting during which the application will be called, the Registrar must ensure that notice of the sitting is—
  - “(a) published in a daily newspaper circulating in Rarotonga; and
  - “(b) published on a website maintained by or on behalf of the Ministry of Justice (and the notice must remain on the website until the Court sitting is completed); and
  - “(c) posted in the foyer of the court house in Rarotonga.
- “(6) Not later than 10 days before the date fixed for the commencement of the Court sitting during which the application will be called, the Registrar must ensure that, on each of the inhabited islands other than Rarotonga, Aitutaki, Suwarrow, Nassau, and Palmerston, notice of the sitting is, —
  - “(a) posted on relevant village noticeboards; or
  - “(b) posted by the Deputy Registrar resident on the island at his or her office or at the nearest court house on the island; or
  - “(c) sent to the Island Council; or
  - “(d) published in any other manner that the Registrar thinks will best bring the notice to the attention of the residents of the island.
- “(7) The notice must be in English but the Registrar may, in his or her discretion, also publish the notice or key words in the notice in a Maori dialect that the Registrar believes will best bring the content of the notice to the attention of the public.
- “(8) The notice must include the following information:
  - “(a) the name of the applicant and any person named as respondent in the application (however, the term “the Landowners” is sufficient for respondents in their capacity as owners of freehold land);
  - “(b) the nature of the application;
  - “(c) the name of the land affected and the district where the land is situated;
  - “(d) the time within which the Notice Disputing Claim Form setting out the nature of any objections must be filed with the Registrar:

- “(e) the date and Court sitting (morning or afternoon) during which the application is set down to be called;
- “(f) the court at which the application will be called;
- “(g) if confirmation of a resolution of assembled owners to grant a lease is sought, the name of the prospective lessee.”

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**JJ Harold Browne**  
**Clerk of the Executive Council**

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These rules are administered by the Ministry of Justice.  
These regulations were made on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.