

LN221-E

L.N. 221 of 2001

Rules of the District Court (Amendment) Rules 2001
(Made by the District Court Rules Committee under section 72
of the District Court Ordinance (Cap. 336))

1. Citation, etc., application, interpretation and forms

Order 1, rule 2 of the Rules of the District Court (Cap. 336 sub. leg.) is amended---

(a) in paragraph (2), in the Table---

(i) by repealing---

"1. Matrimonial Matrimonial Causes Ordinance
proceedings. (Cap. 179), sections 10 and 54.";

(ii) by repealing---

"4. Proceedings Employees' Compensation
for the Ordinance (Cap. 282), section
recovery of 50.";
employees'
compensation.

(b) by repealing paragraph (2A) and substituting---

"(2A) These Rules shall not have effect in relation to---

(a) proceedings under Part III of the Landlord and Tenant (Consolidation) Ordinance
(Cap. 7);

(b) matrimonial proceedings (except for an appeal against any judgment, order or
determination of a judge to which Order 58 shall apply);

(c) proceedings---

(i) for the recovery of employees' compensation; and

(ii) in respect of which rules are made under section 50 of the Employees'
Compensation Ordinance (Cap. 282).".

2. Right to act in person

Order 5A, rule 2(2)(c) is amended by repealing "a copy of such resolution duly
certified by its secretary." and substituting---

"---

(i) the original of the resolution authorizing the director to act on behalf of
the corporation; or

(ii) a copy of such resolution duly certified by another person who must either
be a director or the secretary of the corporation.".

3. Costs

Order 62, Schedule 2 is amended---

(a) in Part I---

(i) in paragraph 1, by repealing "entered" and substituting "indorsed";

(ii) in paragraph 2---

(A) by repealing "entered" and substituting "indorsed";

(B) by repealing subparagraph (c) and substituting---

"(c) \$350 for substituted service effected on every defendant.";

(iii) by repealing paragraph 3;

(b) in Part II---

(i) by repealing "entered on" and substituting "indorsed on";

(ii) in subparagraph (1)---

(A) by repealing sub-subparagraph (a) and substituting---

"(a) on failure to give notice of \$300";

intention to defend

(B) in sub-subparagraph (b), by repealing "; or";

(C) by adding---

"(d) under Order 14, rule 3, either \$300";

unconditionally or unless the debt

or liquidated demand indorsed on

the writ is paid into court or to

the plaintiff's solicitors

(iii) by adding---

"(3) In the case of judgment in default of \$80...

defence and the plaintiff makes an

affidavit of service for the purpose of

the judgment (the allowance to

include the search fee)

(4) In the case of judgment under Order 14, \$80...

rule 3, where an affidavit of service of

summons is required

(5) In the case of judgment on failure to

give notice of intention to defend on all

applications by summons under Order

83A, rule 4 (which applies to money

lenders' actions)---

(a) where judgment is given for \$800";

interest at a rate exceeding 48 per

cent per annum on production of

an affidavit justifying the rate

(b) in any other case \$400";

(c) for every defendant after the first defendant \$200";

(6) Where service out of the jurisdiction \$150 ;

is ordered and effected for every "

defendant";

(c) in Part III, by repealing "entered" and substituting "indorsed";

(d) by adding---

"PART IV

Garnishee Orders and Charging Orders

1. Where upon the application of any person who has obtained a judgment or order against a debtor for the recovery or payment of money a garnishee order is made under Order 49 against a garnishee attaching debts owing or accruing from him to the debtor, the following costs shall be allowed---

(a) to the garnishee, to be deducted by him from any debt owing by him as aforesaid before payments to the applicant---

(i) if no affidavit is used \$40".

(ii) if an affidavit is used \$70".

(b) to the applicant, to be retained unless the Court otherwise orders, out of the money recovered by him under the garnishee order and in priority to the amount of the debt owing to him under the judgment or order---

(i) basic costs \$100".

(ii) additional costs where the \$40".

garnishee fails to attend the

hearing of the application

and an affidavit of service

is required

2. Where a charging order is made---

(a) in respect of any stock, funds, annuities or shares, or any dividends or interest thereon or produce thereof, under Order 50; or

(b) in respect of any partnership property or profits, under section 25 of the Partnership Ordinance (Cap. 38),

there shall be allowed---

ii(i) basic costs \$400".

i(ii) additional costs where an \$40".

affidavit of service is required

Made this 21st day of August 2001.

Andrew LI
The Hon. Chief Justice
H. H. Judge FUNG H. H. Judge LONGLEY
Chief District Judge
H. H. Judge MUTTRIE Malcolm MERRY Esq.
Junius HO Esq. Ms. Queeny AU YEUNG
Registrar, District Court

Explanatory Note

The purpose of these Rules is to amend the Rules of the District Court (Cap. 336 sub. leg.)---

(a) so that the Rules of the District Court (Cap. 336 sub. leg.) shall not apply to---

(i) matrimonial proceedings except for an appeal against any judgment of a judge (in which case Order 58 shall apply) (rule 1);

(ii) proceedings for the recovery of employees' compensation in respect of which rules are made under section 50 of the Employees' Compensation Ordinance (Cap. 282) (rule 1);

(b) to enable a director of a corporation who is acting on its behalf in court proceedings to exhibit either the original or a certified copy of the resolution authorizing him so to act (rule 2);

(c) to provide for fixed costs for judgment on failure to give notice of intention to defend on all applications under Order 83A, rule 4, substituted service and other matters (rule 3); and

(d) to provide for fixed costs for garnishee orders and charging orders (rule 3).