

Cook Islands Laws

SCHEDULE

R7.

FORMS

H.C.1.

GENERAL FORM OF TITLE OF PROCEEDINGS

(Where not otherwise provided in this Schedule)

Actions: Plaint No.....

In the High Court of the Cook Islands
held at
.....Division

Between

....., of....., Occupation,
Plaintiff,

and

....., of....., Occupation,
Defendant.

OR

Matters:-

In the High Court of the Cook Islands O.A. No.....
held at
..... Division

In the matter of (Here state the title
of any Act, by which the Court is
given power to entertain the
proceedings)

and

In the matter of (Here refer to the
particular matter in respect of which
the proceedings are brought)

Between

....., of....., Occupation,
Applicant,

and

....., of....., Occupation,
Respondent.

(Or as the case may be.)

H.C.2.

R.14

PLAINT-BOOK

High Court at
.....Division

Date of Filing	No.	Plaintiff	Defendant	Claim

SCHEDULE - continued

R.15

H.C.3.

MISCELLANEOUS-APPLICATION BOOK

High Court at.....

.....Division

Date of Filing	No.	Applicant	Respondent	Nature of application	Decision	Judge, Justice, Registrar.	Fees

R.17

CIVIL-RECORD BOOK

H.C.4.

High Court at.....

.....Division

Date	No.	Plain-tiff	Defen-dant	Claim	Judgment				
					For Whom	Amount	Court Costs	Witnesses' Allowances	Solicitor's Costs
				\$. c .		\$. c .	\$. c .	\$. c .	\$. c .

R.18

WARRANT-BOOK

H.C.5.

High Court at.....

.....Division

Warrant No.	Plaint No.	Date of Issue	Plaintiff	Defendant	Nature of Warrant	Amount	Initials of Baliff, and Date	Foreign Court to which sent	Date sent	Date of Return	Result	Amount Received
						\$. c .						\$. c .

SCHEDULE - continued

R.19 FOREIGN-PROCESS BOOK H.C.6.
 High Court at.....
Division

Received from	Date of Receipt	Plaintiff	Defendant	Date of Document	Nature issued for	Initials of Bailiff and Date of Receipt	How Dealt with	Date of Return to Foreign Court

R.20 SEARCH-BOOK H.C.7.
 Search of.....
 Signature of person making search:
 Initials of Clerk:

R.47 (2) H.C.8.
UNDERTAKING BY NEXT FRIEND OF INFANT TO BE RESPONSIBLE FOR COSTS

(General title - Form 1)

I, the undersigned, of [Occupation] being the next friend of an infant (or a mentally defective person) the plaintiff (or the claimant in an interpleader proceeding) in this action, hereby undertake to be responsible for the costs of the defendant (or plaintiff) in the manner following - viz.: If the said plaintiff (claimant) fails to pay to the defendant (plaintiff) when and in such manner as the Court orders all such costs of such action as the Court directs him to pay to the said defendant (plaintiff), I will forthwith, after notice of such default, pay the same to the Registrar of the Court.

Dated at....., this.....day of....., 19.....

.....
 Next Friend of Plaintiff
 (or Claimant)

SCHEDULE - continued

Signed by the above-named in my presence:-

.....
Registrar
Justice of the Peace.

R.49 APPLICATION ON BEHALF OF INFANT OR MENTALLY DEFECTIVE PERSON FOR APPOINTMENT OF GUARDIAN H.C.9.

AD LITEM.

(General title - Form 1)

I, the undersigned,, of, Occupation, hereby apply to have myself (or....., of....., Occupation) appointed to act as guardian ad litem to the defendant in this action, who is an infant (or a mentally defective person).

Dated at....., this..... day of....., 19.....

Signed:

I, the above-named,.....(being a person who has no interest in the matter in question in this action adverse to that of the defendant), hereby consent to be appointed and to act as guardian ad litem to the above-named defendant.

Dated at....., this..... day of....., 19.....

Signed:

Signed by the above-named.....in my presence:-

.....
Registrar
Justice of the Peace

R.67 (1) PLAINT-NOTE H.C.10.

(General title - Form 1)

Class of action:.....*

THE plaintiff claims the relief set out in the statement of claim filed herein and requests that an ordinary summons be issued forthwith.

Dated at....., this..... day of....., 19.....

Date of filing:

.....
Plaintiff.

Cook Islands Laws

SCHEDULE - continued

Amount of Stamps affixed	Nature of Fee	Date of Issue
	Summons	
	Service fee	

*Specify "Ordinary action" or "Default action" + Delete as required
 /Endorsement on plaint-note/

Plaint No.....
 19.....

In the High Court at.....

ORDINARY ACTION

Plaintiff
 \$
 (or.....)
 Defendant

Date of hearing (if any):.....

JUDGMENT FOR PLAINTIFF /DEFENDANT/ BY
 CONSENT, CONFESSION

On.....				\$ c.
For	..	..	..	.....
Costs	..	..	..	.....
Witnesses' expenses	..	..	..	.....
Solicitor's fee	..	..	..	.....
				<u>\$....</u>

(Name of Judge /or Registrar/

Mr.....for Plaintiff

Mr.....for Defendant

PARTICULARS OF SERVICE

Outward	Inward		Plaintiff or Solicitor notified of Result, and Date
	Date	Date Result	
To local court officer To High Court (police-station) at By registered post For private service			

SCHEDULE - continued

R.67 (2)

H.C.11.

ORDINARY SUMMONS

(General title - Form 1)

YOU are hereby summoned to attend at the High Court to be held at..... on day, the..... day of..... 19...., at the hour of..... in the forenoon, to answer the plaintiff's claim, the particulars of which are set out in the statement of claim annexed hereto.

Dated at, this.....day of..... 19.....

.....
Registrar.

To the Defendant

NOTICES TO DEFENDANT

(These notices should be read carefully)

If the claim is for money only and you admit the whole claim, you may, within days of service of this summons on you, inclusive of the day of service, either -

- (a) File in the office of the Court and serve on the plaintiff a confession for the full amount and the costs noted on this summons; or
- (b) Pay into Court the full amount of the claim and the costs noted on this summons -

	\$. c.
Claim
Cost of summons
Service Fee
Solicitor's fee for preparing statement of claim

and no further costs will be incurred. Note particularly that the Court cannot accept cheques.

If you dispute the whole of the claim, you should, within days of service of this summons on you, inclusive of the day of service, file in the office of the Court and serve on the plaintiff a notice of intention to defend.

If you dispute part of the claim, you may, within days of service of this summons on you, inclusive of the day of service, either -

- (a) File in the office of the Court and serve on the plaintiff a confession for the part you admit; or
- (b) Pay the part you admit into Court, and serve notice of payment into Court on the plaintiff.

You should also, within the same period, file in the office of the Court and serve on the plaintiff a notice of intention to defend in respect of the part of the claim you dispute.

SCHEDULE - continued

If you have a counter-claim, you should, within days of service of this summons on you, inclusive of the day of service, file in the office of the Court and serve on the plaintiff a statement of such counter-claim.

If you do not file a notice of intention to defend or a counter-claim the plaintiff may proceed with his "claim and" judgment may be given against you for the amount of the plaintiff's claim and his costs.

Forms of notice of intention to defend, confession, and notice of payment into Court may be obtained at any office of the Court. No fee is payable on the filing of these documents.

The filing of a notice of intention to defend or a counter-claim does not relieve you from attendance at the Court on the day named in the summons.

If you do nothing, the plaintiff may have judgment entered against you, and may proceed to enforce that judgment.

Failure to observe the time-limits mentioned in these notices may add to the costs.

[A printed form of affidavit of service (see form 20) is to be endorsed hereon.] The following information is printed in the left-hand margin of the form:-

The office of the Court is open to the public from..... to.....on Mondays to Fridays inclusive.

If you are in doubt, consult the Registrar immediately.

R.67 (2)

ORDINARY SUMMONS

H.C.12.

(Where no money is claimed)

(General title - Form 1)

YOU are hereby summoned to attend at the High Court to be held at....., on.....day, the.....day of....., 19....., at the hour of.....in the forenoon, to answer the plaintiff's claim, the particulars of which are set out in the statement of claim annexed hereto.

If you dispute the claim or have a counter-claim, you should, within days after the service on you of this summons, inclusive of the day of service, file in the Court and serve on the plaintiff a notice of intention to defend, or a statement of your counter-claim. Forms of notice of intention to defend are obtainable at any office of the Court.

Judicature

SCHEDULE - continued

The filing of either of these documents does not relieve you from appearing in Court on the day named, but delay in filing may add to the costs.

Dated at....., this..... day of....., 19.....

.....
Registrar.

To the Defendant.

	\$. c.
Cost of summons
Service fee
Solicitor's fee for preparing statement of claim

A printed form of affidavit of service (see form 20) is to be endorsed hereon. The following information is printed in the left-hand margin of the form:-

The office of the Court is open to the public from..... to on Mondays to Fridays inclusive.

If you are in doubt, consult the Registrar immediately.

R.67 (2) SUMMONS FOR POSSESSION OF SPECIFIC CHATELS H.C.13.

(General title - Form 1)

YOU are hereby summoned to attend at the High Court to be held at..... on..... day, the..... day of....., 19....., at the hour of..... in the forenoon, to answer the plaintiff's claim for possession of..... (certain chattels) or the sum of.....dollars.....cents, being the value thereof (and the sum of.....dollars.....cents as compensation for the wrongful detention thereof (or damage thereto) -

Particulars of the plaintiff's claim are contained in the statement of claim annexed hereto.

Dated at....., this.....day of....., 19.....

.....
Registrar.

SCHEDULE - continued

To the Defendant.

NOTICES TO DEFENDANT

(These notices should be read carefully.)

If you admit the whole of the plaintiff's claim, you may, within days of service of this summons on you, inclusive of the day of service, either -

- (a) Deliver possession of the chattels to the plaintiff and pay into Court the amount of his money claim (if any) and the costs noted on this summons; or
- (b) File in the office of the Court and serve on the plaintiff a confession -

	\$. c.
Value of chattels
Money claim (if any)
Cost of summons
Service fee
Solicitor's fee for preparing statement of claim

and no further costs will be incurred. Note particularly that the Court cannot accept cheques.

If you dispute the whole of the claim, you should, within days of service of this summons on you, inclusive of the day of service, file in the office of the Court and serve on the plaintiff a notice of intention to defend.

If you dispute part of the claim, you may, within days of service of this summons on you, inclusive of the day of service, either -

- (a) File in the office of the Court and serve on the plaintiff a confession for the part you admit; or
- (b) Deliver to the plaintiff the chattels to which you admit his claim, and pay into Court the part of his money claim (if any) you admit, and serve notice of payment into Court on the plaintiff.

You should also, within the same period, file in the office of the Court and serve on the plaintiff a notice of intention to defend in respect of the part of the claim you dispute.

If you have a counter-claim, you should, within days of service of the summons on you, inclusive of the day of service, file in the office of the Court and serve on the plaintiff a statement of such counter-claim.

If you do not file a notice of intention to defend or a counter-claim, judgment may be given against you for the plaintiff's claim, and his costs.

Forms of notice of intention to defend, confession, and notice of payment into Court may be obtained at any office of the Court.

Judicature

SCHEDULE - continued

No fee is payable on the filing of these documents.

The filing of a notice of intention to defend or a counter-claim does not relieve you from attendance at the Court on the day named in the summons.

If you do nothing, the plaintiff may have judgment against you, and may proceed to enforce that judgment.

Failure to observe the time-limits mentioned in these notices may add to the costs.

[A printed form of affidavit of service (see form 20) is to be endorsed hereon.] The following information is printed in the left-hand margin of the form:-

The office of the Court is open to the public from..... to.....on Mondays and Fridays inclusive.

If you are in doubt, consult the Registrar immediately.

R.76 (2)

H.C.14.

SUMMONS FOR RECOVERY OF LAND

(General title - Form 1)

YOU are hereby summoned to attend at the High Court to be held at..... on.....day, the.....day of....., 19....., at the hour of.....in the forenoon, to answer the plaintiff's claim to recover.....situate at....., on the grounds stated in the statement of claim annexed hereto, and also to recover the sum of, mentioned in the said statement of claim.

Dated at.....,this.....day of....., 19.....

..... Registrar.

To the Defendant

NOTICES TO DEFENDANT

(These notices should be read carefully.)

If you dispute the whole or part of the claim, you should, within days of service of this summons on you, inclusive of the day of service, file in the office of the Court and serve on the plaintiff a notice of intention to defend, for which forms may be obtained at any office of the Court.

	\$. c.
Claim
Cost of summons
Service fee
Solicitor's fee for preparing statement of claim

Cook Islands Laws

SCHEDULE - continued

If you dispute part only of the money claim, you may pay into Court the amount admitted. Note particularly that the Court cannot accept cheques.

Filing of the notice of intention to defend does not relieve you from appearing on the day named in the summons.

No fee is payable on the filing of the notice.

If you have a counter-claim, you should, within days of service of the summons on you, inclusive of the day of service, file in the office of the Court and serve on the plaintiff a statement of such counter-claim. The filing of the counter-claim does not relieve you from attendance at the Court on the day named in the summons.

If you admit the whole or part of the claim and desire time for giving possession, you should, within days of the service of the summons upon you, inclusive of the day of service, send to the Registrar a confession (for which a form may be obtained from any Court office) and forward a copy of your confession to the plaintiff.

Failure to observe the time-limit mentioned in these notices may add to the costs.

Take notice that if you hold the above-mentioned premises as the tenant of any person other than the plaintiff you must give notice to that person of this summons immediately it comes to your knowledge.

[A printed form of affidavit of service (see form 20) is to be endorsed hereon.] The following information is printed in the left-hand margin of the form:-

The office of the Court is open to the public from..... to.....on Mondays to Fridays inclusive.

If you are in doubt, consult the Registrar immediately.

R.68 (3) R.126 (1)

H.C.15.

Ex parte APPLICATION TO HIGH COURT OR
TO A JUDGE

(General title - Form 1)

THE above-named plaintiff (defendant, or as the case may be) will apply to the High Court (or to a Judge) at....., on [To be filled in by the Registrar] day, the..... day of....., 19....., at o'clock in the noon, for an order that [State precisely the nature of the order sought] on the grounds [Specify grounds on which application is

SCHEDULE - continued

made, following the wording of the Act or regulation as closely as may be, and referring to the Act or authority relied on.

Signature:

To the Registrar of the High Court at.....

This application is filed by....., whose address for service is at.....

R.68 (3); R.126 (1)

H.C.16.

NOTICE OF APPLICATION TO HIGH COURT OR TO JUDGE

(General title - Form 1)

TAKE notice that the above-named plaintiff (defendant, or as the case may be) will apply to the High Court (or to a Judge) at..... on /To be filled in by the Registrar/ day the..... day of....., 19....., at..... o'clock in thenoon, for an order /State precisely the nature of the order sought/ on the grounds /Specify grounds on which application is made, following the wording of the Act or regulation as closely as may be, and referring to the Act or authority relied on./

Signature:

To the Registrar of the High Court at.....

and

To the above-named:

This notice of application is filed by....., whose address for service is at.....

The following information is printed in the left-hand margin of the form:-

If in doubt, consult the Registrar immediately.

R.81

NOTICE OF SERVICE OF SUMMONS

H.C.17.

(General title - Form 1)

TAKE notice that the defendant was served with the summons issued in this action on.....

.....

Registrar.

...../...../19.....

To the Plaintiff.

Cook Islands Laws

SCHEDULE - continued

R.82 (1)

H.C.18.

BAILIFF'S NOTICE OF NON-SERVICE OF SUMMONS

(General title - Form 1)

THE summons in this action has not been served, for the following reason:

Dated at....., this..... day of.....,19.....

.....
Court Officer or Constable

To the Registrar of the High Court at.....

R.82 (2)

H.C.19.

NOTICE OF NON-SERVICE OF SUMMONS

(General title - Form 1).

TAKE notice that the summons in this action has not been served for the following reason:

.....
Registrar.
...../...../19.....

To the Plaintiff.

R.84 (1)

H.C.20.

AFFIDAVIT OF SERVICE

I, of....., [Occupation], do swear that I served..... with a summons (originating application, or as the case may be), a true copy of which is within written (or is hereunto annexed) marked "A" (together with a copy of the statement of claim) (or as the case may be) which is hereunto annexed marked "B", by delivering the same to him personally at....., on the..... day of....., 19..... (or by sending the same to the said..... by registered letter (numbered.....) addresse to him at his last known or usual place of abode - namely, on the..... day of....., 19.....; and I attach hereto a receipt for such registered letter given to a Post officer and purporting to be signed by the said..... on the..... day of....., 19.....) (or by delivering the same at..... on the day of , 19....., to , who stated that he was a partner in the firm of (or who carries on)

SCHEDULE - continued

(or who stated that he carried on) business in the name of the firm of.....)

(or by leaving the same on the day of, 19....., at, the registered office of, with, the managing director (or as the case may be) of the said company (or as the case may be) (or, as the case may be, setting out the mode of service, and annexing extracts from newspapers, etc., where service by advertisement has been authorized).

Signature of deponent:

Sworn at....., this..... day of....., 19, before me -

.....
Registrar
Justice of the Peace
Solicitor

R.102 (1)

H.C.20.

CONFESSION OF CLAIM

I, the above-named defendant, do hereby confess that the sum of \$....., the amount claimed (or the sum of \$....., being part of the amount claimed) together with costs \$..... (as set out in the statement appended hereto) is due to the plaintiff from me.

Dated at....., this..... day of....., 19.....

Signed in the presence of -

.....
Registrar
Justice of the Peace
Solicitor.

.....
Defendant

	\$. c.
Amount of claim confessed	.....
Court fees	.....
Solicitor's fee	.....

.....
=====

SCHEDULE - continued

To the Registrar of the High Court at
and

To the above-named Plaintiff.

I, the above-named plaintiff, accept this confession in satisfaction of my claim, and I request that judgment be entered accordingly.

.....
Plaintiff.

R.102 (1)

H.C.21

CONFESSION OF CLAIM FOR RECOVERY OF LAND OR CHATTELS

(General title - Form 1)

I, THE above-named defendant, do hereby confess and admit the plaintiff's right to immediate possession of the land (or chattels) mentioned in the statement of claim in the action, and I will give up possession of the same on or before the day of 19

I further confess that the sum of \$....., the amount claimed (or the sum of \$, being part of the amount claimed), together with costs \$ (as set out in the statement appended hereto), is due to the plaintiff from me (and I have paid into Court \$..... in satisfaction of the plaintiff's claim and costs).

Dated at, this day of, 19

Signed in the presence of -

.....
Registrar
Justice of the Peace
Solicitor.

.....
Defendant

	\$. c.
Amount of claim confessed	.....
Court fees	.....
Solicitor's fee	.....

.....
=====

I, the above-named plaintiff, accept this confession in satisfaction of my claim, and I request that judgment be entered accordingly.

.....
Plaintiff.

Judicature

SCHEDULE - continued

R.103 (1)

H.C.22.

NOTICE OF INTENTION TO DEFEND
(General title - Form 1)

I, THE above-named defendant, hereby give notice that I intend to defend this action.

(If the defendant intends to raise the defence of infancy, Statute of Limitations, or discharge in bankruptcy, he must give notice thereof to the Court and to the plaintiff. The space below may be used for this purpose. If an intention to set up such a defence is not indicated in this form or by separate notice, the defendant will not afterwards be permitted to set up that defence except by leave of the Court granted on special grounds, and subject to such terms as to costs and otherwise as the Court thinks fit.)

.....
.....

Dated at, this day of, 19

.....
Defendant.

To the Registrar of the High Court at.....
and
To the above-named Plaintiff.
My address for service is at.....

R.115 (1)

H.C.23.

NOTICE OF PAYMENT INTO COURT
(General title - Form 1)

TAKE notice that I, the above-named defendant (or I,, one of the above-named defendants), have paid into Court the sum of \$..... in satisfaction of the claim in this action (or in satisfaction of the cause of action for.....)

.....
Defendant.

To the Registrar of the High Court at.....
and
To the Plaintiff.

Cook Islands Laws

SCHEDULE - continued

R.120 (3)

H.C.24.

THIRD-PARTY NOTICE

In the High Court		Plaint No.....
held at.....	Between	
	....., Plaintiff	
	and	
	....., Defendant	
	and	
	....., Third Party.	

TAKE notice that this action has been brought by the plaintiff against the defendant. In it the plaintiff claims against the defendant \$..... for, as appears by the statement of claim, a copy of which is annexed to the summons, which is delivered herewith.

The defendant claims against you -

- (a) That he is entitled to contribution from you to the extent of.....; or
- (b) That he is entitled to be indemnified by you against liability in respect of..... or
- (c) That he is entitled to the following relief or remedy relating to or connected with the original subject-matter of the action, namely:; or
- (d) That the following question or issue should properly be determined as between the plaintiff and the defendant and the third party, namely:

The grounds of the defendant's claim against you are:

And take notice that if you dispute the plaintiff's claim against the defendant or the defendant's claim against you, you must, within days of service of this notice on you, inclusive of the day of service, file in the office of the Court at, and serve on the plaintiff and the defendant at their respective addresses for service a notice of intention to defend, for which a form may be obtained from any office of the Court. In default of your so doing, you will be deemed to admit -

- (1) The plaintiff's claim against the defendant; and
- (2) The defendant's claim against you; and
- (3) Your liability to contribute to the extent claimed or indemnify the defendant):

Judicature

SCHEDULE - continued

- (4) The defendant's right to the relief or remedy claimed in paragraph (c) above; and
- (5) The validity of any judgment in the action.

And you are hereby summoned to attend at the High Court at....., on.....day, the..... day of....., 19...., at the hour of..... in the forenoon, when the plaintiff's claim against the defendant, and the defendant's claim against you, will be heard and determined. In default of your appearing the action may be heard and determined in your absence, and you will be bound by the judgment in the action, which may be enforced against you.

Dated at....., this day of, 19....

.....
Registrar.

To the above-named Third Party.
This notice is filed by the defendant, whose address for service is at

The plaintiff's address for service is shown on the statement of claim which is delivered herewith.

R.139 (2)

H.C.25.

ORDER FOR DISCOVERY OF DOCUMENTS

(General title - Form 1)

IT is ordered that the plaintiff (defendant, or as the case may be) do within. days from the service of this order upon him answer on affidavit stating what documents are or have been in..... possession or power relating to the matters in question in these proceedings, and return such affidavit for filing, and deliver a copy thereof to the defendant (or as the case may be), and that the costs of and incidental to this order be reserved

Dated at....., this..... day of....., 19....

.....
Registrar.

To the Plaintiff (Defendant).

*Cook Islands Laws*SCHEDULE - continued

R.139 (3)

H.C.26.

AFFIDAVIT OF DOCUMENTS

(General title - Form 1)

I,....., of Occupation, the defendant (or as the case may be) in this action, make oath and say as follows:-

- (1) I have in my possession or power the documents relating to the matters in question in these proceedings set forth in the first and second parts of the First Schedule hereto:
- (2) I object to produce the said documents set forth in the second part of the said First Schedule hereto:
- (3) That Here state upon what grounds the objection is made and verify the facts as far as may be:
- (4) I have had, but have not now, in my possession or power the documents relating to the matters in question in these proceedings set forth in the Second Schedule hereto:
- (5) The last-mentioned documents were last in my possession or power on
- (6) That Here state what has become of the lastmentioned documents, and in whose possession they now are:
- (7) According to the best of my knowledge, information, and belief, I have not now and never had in my possession, custody, or power, or in the possession, custody, or power of my solicitor or agent, or of any other person on my behalf, any deed, account, book of account, voucher, receipt, letter, memorandum, paper, or writing, or any copy of or extract from any such document, or any other document whatsoever relating to the matters in question in this action, or any of them, or wherein any entry has been made relative to such matters or, any of them, except the documents set forth in the First and Second Schedule hereto.

FIRST SCHEDULE

Part 1

Part 2

SECOND SCHEDULE

Signature of Deponent:

Judicature

SCHEDULE - continued

Sworn at, this day of, 19,
before me -

.....
Registrar.
Justice of the Peace
Solicitor

R.140 (1)

H.C.27.

NOTICE TO PRODUCE DOCUMENTS FOR INSPECTION
(General title - Form 1)

TAKE notice that the defendant (plaintiff, or as the case may be)
requires you to produce for his inspection the following documents:-
[Describe documents required].

Dated at....., this day of, 19....

.....
Defendant
(Plaintiff)

To the Plaintiff (Defendant)

R.152

H.C.28.

NOTICE TO ADDED OR SUBSTITUTED DEFENDANT
(General title - Form 1)

TAKE notice that by order of the Court, dated the
day of, 19....., a copy of which order is hereunto annexed,
together with a copy of the summons and statement of claim in the
action, you were ordered to be added as one of the defendants (or
substituted as a defendant).

And further take notice that the hearing has been adjourned to
the day of....., 19....., at..... o'clock in
the forenoon; and if you do not then attend at the High Court.....,
such judgment will be given as the Court thinks fit.

Dated at....., this day of....., 19....

.....
Registrar.

(You are advised to read carefully the notices printed on the
summons which is delivered to you herewith.)

SCHEDULE - continued

To, of, Occupation7.

The plaintiff's address for service is at, and the address for service of the other defendant in this action is at.....

R.156 (2)

H.C.29.

NOTICE IN ACTION FOR RECOVERY OF LAND THAT
A PERSON NOT ORIGINALLY A DEFENDANT WILL
APPEAR AND DEFEND

(General title - Form 1)

TAKE notice that....., of....., Occupation7, has filed an affidavit, a copy of which is hereto annexed, and that, leave having been granted by the Court, he will appear at the hearing as a defendant.

Dated at....., this day of....., 19....

.....
Registrar

To the above-named plaintiff and defendant.

This notice is issued by....., whose address for service is at.....

R.162

H.C.30.

NOTICE OF DAY OF HEARING BY COURT TO WHICH
ACTION HAS BEEN TRANSFERRED

(General title - Form 1)

TAKE notice that the above action (or matter) has been transferred from the High Court at..... to this Court, and will be heard at the High Court at..... on day, the day of....., 19...., at o'clock in the forenoon.

Dated at....., this 'day of, 19....

.....
Registrar.

To the plaintiff (applicant, etc.)

and

To the defendant (respondent, etc.)

SCHEDULE - continued

R.163 (1)

H.C.31.

NOTICE OF DISCONTINUANCE

(General title - Form 1)

TAKE notice that I shall not proceed further in this action (or matter), and that I hereby withdraw from the same (add, if so, as against the defendant.....).

Or, -

TAKE notice that I hereby withdraw so much of my claim in this action (or matter) as relates to Specify the claim which is withdrawn, and in an action for recovery of land the definite part of the land mentioned in the statement of claim in respect of which the claim is withdrawn (and add, if so, as against the defendant.....).

.....
Plaintiff.

To the Registrar of the High Court at.....

and

To the Defendant.

Add, if applicable:-

I hereby consent to this action being discontinued by the plaintiff.

Dated at....., this..... day of....., 19....

.....
Defendant.

R.167 (2)

H.C.32.

REGISTRAR'S ORDER

Before the Registrar at _____ in Chambers
day the _____ day of _____ 19_____

UPON reading the writ of summons and statement of claim in the action and the application of the plaintiff (or as the case may be) dated the _____ day of _____ 19_____, and the affidavit of A.B. filed herein Refer also to any other documentary evidence and it appearing that, etc. and upon hearing the plaintiff Or Mr. _____ of counsel (or Solicitor) on behalf of the plaintiff and the defendant Or Mr. _____ of counsel (or Solicitor) on behalf of the defendant consenting hereto Or as the case may be

Cook Islands Laws

SCHEDULE - continued

Mr Registrar , acting under rules and of the Code of Civil Procedure, hereby orders that , and hereby further orders that the defendant pay to the plaintiff the sum of \$, and disbursements for his costs of and incidental to the said application and this order (or as the case may be).

Seal of the Court.

Registrar.

R.171 (1)

H.C.33.

ORDER OF REFERENCE FOR INQUIRY AND REPORT

(General title - Form 1)

IT is ordered that these proceedings and all questions arising therein (or the following question arising in these proceedings [State the question]) be referred to the Registrar of this Court (or to Mr, of,) for inquiry and report, pursuant to Rule 171 of the Code of Civil Procedure of the High Court.

[Add directions, if any, as to how reference is to be conducted.]

And it is ordered that the Registrar (or referee) is to complete his inquiries and file his report and give notice to the parties by the day of, 19....., unless the time is further enlarged by the Court.

And it is further ordered that these proceedings stand adjourned for the consideration of the report until the day of, 19...., at the hour of in the forenoon, or, if the time for filing the report is enlarged, to such later day as may hereafter be fixed.

Dated at....., this..... day of, 19.....

..... Registrar

R.172

H.C.34.

NOTICE FOR APPOINTMENT FOR HOLDING INQUIRY

(General title - Form 1)

TAKE notice that all parties concerned are required to attend me at the High Court at..... (or at.....) on..... day, the day of, 19....., at the hour of in the noon, to proceed with the inquiry directed to be held herein

Judicature

SCHEDULE - continued

by order dated the.....day of.....,19....

.....
Registrar
(Referee)

To all the parties.

R.179

H.C.35.

SUMMONS TO WITNESS

In the High Court held at..... Plaintiff No.:.....

Between
.....,of.....(Occupation)
Plaintiff
and
.....,of.....(Occupation)
Defendant

YOU are hereby summoned to appear before the High Court at.....
on....., the.....day of.....,19.....,at.....

O'Clock in thenoon, there to give evidence as to the matters
in question in this action; and you are further required to bring
with you and produce to the Court the following documents, namely:

Herein fail not at your peril.
Registrar

(SEAL)

To

R.179A

H.C.35A

WARRANT OF ARREST FOR FAILING TO
ANSWER WITNESS SUMMONS
(GENERAL TITLE - FORM 1)

To every constable (or To (Full name), Constable)
(Full name), of (Address, Occupation) (hereinafter called "the
witness"), a witness whose evidence is required in this action
and who has failed to attend at the time and place appointed in
the summons served upon him:

NOW THEREFORE I(We) Direct you, the said Constable to arrest the
witness and bring him to the High Court, atOn.....
day, theday of.....19....., ata.m.(p.m.)

DATED AT.....this.....day of.....19....

.....
Judge
Justice(s) of the Peace

Cook Islands Laws

R179B

H.C. 35B

WARRANT OF COMMITMENT FOR A WITNESS
REFUSING TO GIVE EVIDENCE
(General title - Form 1)

To every constable (or To (Full name), constable), and to the Superintendent of the prison at

(Full name), of (Address, occupation) (hereinafter called the witness), a witness in this action now being heard before this Court, refuses to give evidence (or refuses to be sworn or having been sworn refuses to answer questions concerning the proceedings or refuses to produce (a) document(s) that he has been required to produce) without offering any just excuse for his refusal:

I (WE) DIRECT YOU, the said constable(s), to arrest the witness and deliver him to the Superintendent of the prison at.....and you, the said Superintendent, to receive the witness into your custody and to detain him for..... days, unless he sooner consents to give evidence (or to be sworn or to answer the questions put to him or to produce the document(s) that he has been required to produce).

AND I (WE) FURTHER DIRECT YOU, the said Superintendent, to bring the witness to the High Court, atOn..... day, theday of19....., at consents to give evidence (or to be sworn or to answer the questions put to him or to produce the document(s) that he has been required to produce).

Dated at this day of 19

Judge
(or Justice(s) of the Peace)

R.180 (1)

H.C.36

NOTICE TO ADMIT FACTS
(General title - Form1)

TAKE notice that the plaintiff (defendant) in this action requires the defendant (plaintiff) to admit, for the purposes of this action only, the several facts respectively hereunder specified:.....

And the defendant (plaintiff) is hereby required, within three days after receiving this notice, to admit the said several facts, saving all just exceptions to their admissability, as evidence in this action.

Judicature

SCHEDULE - continued

Dated at....., this day of, 19.....

.....
Plaintiff (Defendant).

To the Defendant (Plaintiff).

R.180 (2)

H.C.36B

ADMISSION OF FACTS PURSUANT TO NOTICE

(General title - Form 1)

THE defendant (or plaintiff) in this action, for the purposes of this action only, hereby admits the several facts hereunder specified, subject to the qualifications or limitations, if any, hereunder specified, saving all just exceptions to the admissibility of such facts, or any of them, as evidence in these proceedings.

Facts admitted	Qualifications or Limitations, if any, subject to which they are admitted
1.....	1.....
2.....	2.....
3.....	3.....

Dated at....., this..... day of....., 19.....

Defendant (Plaintiff).

R.181 (1).

H.C.37.

NOTICE TO INSPECT AND ADMIT DOCUMENTS

(General title - Form 1)

TAKE notice that the plaintiff (defendant) in this action proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the defendant (plaintiff) or his solicitor, at..... on day, the day of, 19....., between the hours of and; and the defendant (plaintiff) is hereby required, within three days after receipt of this notice, to admit, saving all just exceptions to the admissibility of all such documents, as evidence in this action, that such of the said documents as are specified to be originals were respectively written, signed, or executed as they purport respectively to have been, that such as are specified as copies are true copies, and that

Cook Islands Laws

SCHEDULE - continued

such documents as are stated to have been served, sent, or delivered were so served, sent, or delivered respectively.

Originals

Description of Document	Date

Copies of Documents

Description of Document	Date	When, how, and by whom Original or Duplicate served, sent, or delivered

Dated at....., this..... day of....., 19.....

.....
Plaintiff (Defendant)

To the Defendant (Plaintiff).

R.182

H.C.39

NOTICE TO PRODUCE DOCUMENTS AT HEARING

(General title - Form 1)

TAKE notice that you are hereby required to produce and show to the Court at the hearing of this action all books, papers, letters, copies of letters, and other writings and documents in your custody, possession, or power, containing any entry, memorandum, or minute relating to the matters in question in this action, and particularly /Specify documents required./

Dated at....., this..... day of....., 19.....

.....
Plaintiff (Defendant)

To the Defendant (Plaintiff).

Judicature

SCHEDULE - continued

R.184 (2)

H.C.40.

NOTICE OF DESIRE TO TAKE EVIDENCE OF WITNESS
RESIDENT AT A DISTANCE FROM, OR UNABLE TO ATTEND AT,
COURT OF HEARING

(General title - Form 1)

TAKE notice that I, the above-named defendant (plaintiff) desire to use at the hearing of this action the evidence of (myself and), of....., whose place of residence is more than twenty miles from the Court where the hearing of the action is appointed to be held,

(or who is about to go and remain until after the hearing of the action at a distance of more than twenty miles from the Court of hearing), (or who is (likely to be) unable to attend the hearing because of [State cause]), and I desire you to appoint a time and place for the examination of such witnesses.

Dated at....., this..... day of....., 19.....

.....
Defendant (Plaintiff)

To the Registrar of the High Court at....., being the Court for examination.

I hereby appoint day the day of, 19....., at the hour of..... in the noon, and the High Court at....., as the time and place for taking the above examination.

Dated at....., this..... day of, 19.....

.....
Examining Registrar

R.184 (4)

H.C.41.

NOTICE OF TIME AND PLACE FOR EXAMINATION

(General title - Form 1)

TAKE notice that the defendant (plaintiff) has given notice that he desires to have the examination of (himself and)..... of, and, of, taken at the High Court at.....

And take notice that,..... day, the..... day of....., 19....,at

Cook Islands Laws

SCHEDULE - continued

the hour of..... in the noon, has been appointed as the time, and the High Court at..... as the place, for taking such examination and that you may appear at the time and place aforesaid, by yourself or your solicitor or counsel or, with leave of the Court, your duly authorised agent and cross-examine the person or persons there examined.

Dated at....., this..... day of....., 19.....

.....
Registrar of the Court
of Hearing.

To the above-named.....

R.184 (15)

H.C.42.

EVIDENCE OF WITNESSES EXAMINED AT ANOTHER COURT

(General title - Form 1)

EVIDENCE of witnesses taken at the High Court at..... (being the Court for examination), on day, the day of..... 19....., before the undersigned.

.....
Examining Registrar.

Mr appears for the plaintiff.

Mr appears for the defendant.

(NOTE - The depositions should be typewritten on separate sheets, which should be attached securely to this form. Commence the evidence of each witness with the words: "This deponent, on his oath says:" Each page must be signed by witness and the Examining Registrar.)

.....
Examining Registrar.

R.184 (15)

H.C.43.

[Sequel to H.C.42]

THE foregoing depositions of, written on sheets of paper, numbered consecutively from one to, and now fixed together and signed by me were taken and sworn before me in

Judicature

SCHEDULE - continued

accordance with the rules under the Code of Civil Procedure of the Cook Islands, at.....on this..... day of....., 19....

.....
Examining Registrar.

R.184 (16)

H.C.44.

CERTIFICATE OF COSTS
(General title - Form 1)

IT is hereby certified that the following are the costs allowed to the on the examination of witnesses at....., this day of, 19

.....
Examining Registrar.

		\$. c.			\$. c.
Plaintiff's costs, viz.,	-		Defendant's costs, viz.,	-	
Court fees	Court fees ..		....
Solicitor's fee	Solicitor's fee ..		....
Witness	Witness ..		....
Witness	Witness ..		....
Witness	Witness ..		....
Total		<u>....</u>	Total		<u>....</u>

R.184 (17)

H.C.45.

CERTIFICATE OF NON-APPEARANCE
(General title - Form 1)

IT is hereby certified that the application of the plaintiff (defendant) to take the evidence of was called in Court this day, but neither of the parties having appeared, the application was struck out (or the only having appeared, the application was struck out, with costs, as in the certificate annexed hereto).

Dated at....., this day of, 19....

.....
Examining Registrar.

Cook Islands Laws

SCHEDULE - continued

R.199

H.C.46.

NOTICE SETTING DOWN SPECIAL CASE

(General title - Form 1)

Please set down this special case for hearing.

.....
Plaintiff (Defendant).

To the Registrar of the High Court

R.209

H.C.47.

APPLICATION FOR NEW ORDER FOR PAYMENT

(General title - Form 1)

TAKE notice that the above-named plaintiff (defendant) will apply to the High Court at..... on day, the day of, 19....., ato'clock in the noon, for an order that the amount due and unpaid upon the judgment (or order) in this action be paid by instalments of \$..... for every (or that the amount due and unpaid under the judgment or order in this action be paid in one sum forthwith (or as the case may be).

Date of Judgment (or Order)	How Payment ordered	Amount of Debt and Costs	Amount Remaining Due
		\$. c.	\$. c.

Dated at....., this day of....., 19...

.....
Plaintiff (Defendant).

To the Registrar of the High Court at.....

and

To the Defendant (Plaintiff).

SCHEDULE - continued

R.210 (1)

H.C.48.

ORDER SUSPENDING JUDGMENT, ORDER, EXECUTION,
OR ORDER COMMITTAL, OR FOR DISCHARGE OF
DEBTOR

(General title - Form 1)

ON the application of, and the Court being satisfied that the defendant is unable to pay and discharge the sum recovered against him in this action (or the instalments due under the judgment (or order) in this action), it is ordered that the judgment (or order) be suspended (or that the execution issued in this action be suspended (or that the order of committal made in this action be suspended) for State time7, upon the following terms, namely:- State terms7. (or that the defendant be discharged from custody under the order of committal issued in this action upon the following terms, namely:- State terms, including, if so ordered, liability to rearrest if the terms are not complied with7.

Dated at....., this..... day of....., 19.....

.....
Registrar.

R.214 (3)

H.C.49.

CERTIFICATE OF JUDGMENT OR ORDER

Extract from the Civil-record Book in the High Court at.....

Date	No. of Plaint	Plaintiff	Defendant	claim	Judgment				
					For Whom	Amount	Court Costs	Wit- nesses' Allow- ances	Solici- tor's Costs
					\$. c .	\$. c .	\$. c .	\$. c .	\$. c .

I hereby certify that the above is a true copy of an entry in the civil-record book in my custody, showing the minute of the judgment (or order) in the above case, and that, according to the records of this office, the amount of \$....., as set out hereunder, is now due upon such judgment (or order).

And I do further certify that, according to the records of this office, the following is a description of the parties in the above case:, of Address, occupation7, plaintiff, and....., of Address, occupation7, defendant.

Cook Islands Laws

SCHEDULE - continued

				\$. c.
Amount of judgment or order, including costs				....
Subsequent costs	..	..	..	....
Costs of this certificate	..	..	..	<u>....</u>
Paid into Court	..	..	..	<u>....</u>
Total sum now due	..	..	..	<u>....</u>

(This certificate is issued under Rule 214, for evidential purposes only.)

Given under my hand and seal of the Court, at....., this..... day of....., 19....

Registrar of the High Court at.....

R.217

H.C.50.

MEMORANDUM OF SATISFACTION

(General title - Form 1)

I HEREBY consent to the Registrar entering satisfaction of the judgment herein obtained by me in the High Court at..... on the day of, 19....

				\$. c.
Amount of judgment	..	..	..	....
Costs	..	..	..	<u>....</u>
				<u>....</u>

Dated at....., this day of....., 19....

.....
Plaintiff.

Witness to signature -

.....
Registrar
Justice of the Peace
Solicitor

Judicature

SCHEDULE - continued

R.218 (1)

H.C.51.

NOTICE OF REINSTATEMENT
(General title - Form 1)

TAKE notice that this action was, on the day of 19....., struck out on account of the non-appearance of the plaintiff, but the Court has ordered the action to be reinstated, and to be heard at the High Court at..... on day, the day of, 19....., at the hour of in the forenoon.

Dated at....., this day of, 19.....

.....
Registrar.

To the Defendant.

R.219 (4)

H.C.52.

NOTICE OF NEW HEARING
(General title - Form 1)

TAKE notice that on the day of, 19....., judgment herein was given for the plaintiff, that on cause shown the Court has set aside the judgment, and that a new hearing of the action will be had at the High Court at..... on day, the..... day of, 19....., at the hour of..... in the forenoon.

Dated at....., this day of, 19.....

.....
Registrar.

To the Plaintiff

R.221 (7)

H.C.53.

ORDER FOR A REHEARING
(General title - Form 1)

IT is ordered that the judgment (or order) in this action and all subsequent proceedings thereon be set aside subject to the following terms and conditions:; and that a rehearing be had between the parties at the High Court at.....on..... day, the..... day of....., 19....., at the hour of.....in the forenoon.

Dated at..... this..... day of....., 19.....

.....

Cook Islands Laws

SCHEDULE - continued

R.223 (3)

H.C.54

ORDER FOR EXAMINATION OF JUDGMENT DEBTOR

In the High Court

Plaint No.....

held at.....

.....Division

Between

....., Judgment Creditor,

and

....., Judgment Debtor.

IT is ordered that the above-named judgment debtor attend at the High Court at..... on day, the day of, 19....., at the hour of..... in the..... noon, for the purpose of being examined as to any and what debts are owing or accruing to him, and whether he has any and what other property or means of satisfying the judgment (or order) in this action, and that the said judgment debtor do then and there produce any books or documents in his possession or power containing particulars relating to his property or means.

Dated at....., this..... day of, 19.....

.....
Registrar.

R.226 (3)

H.C.55.

ORDER TO PROCEED WHERE CHANGE OF PARTIES AFTER JUDGMENT

(General title - Form 1)

IT is ordered that, of, [Occupation], the..... of....., the plaintiff (defendant) in this action be substituted as plaintiff (defendant) for the original plaintiff (defendant) and that the said be at liberty to issue execution against the said or to take any such action as the said would have been entitled to take against the said..... for the amount of the unsatisfied, judgment and costs in this action. (or that the question whether, of, the of, the original plaintiff in this action, is entitled to recover the amount of the judgment obtained against....., the defendant in this action, and costs, shall be tried in an action wherein the said shall be plaintiff and the said shall be defendant.)

SCHEDULE - continued

(or that the question whether, the plaintiff in this action, is entitled to recover the amount of the judgment obtained against, the original defendant in this action, and costs, from, of, [Occupation],, the of the said shall be tried in an action wherein the said shall be plaintiff and the said shall be defendant.)

Dated at, this day of, 19

.....

Registrar.

R.229

H.C.56.

RECEIPT FOR MONEYS PAID UNDER WARRANT

All Government Receipts must be given on Numbered Official Forms.

Name of Court issuing warrant:

Plaint No.:

Warrant No.:

Moneys paid under Warrant.

Received from the sum of

Dollars and cents (\$.....), being amount due under warrant of committment in the case of v.

Dated at, this day of, 19

.....

NOTE: - If the defendant does not pay, this receipt must be returned to the Registrar of the Court.

R.241 (1)

H.C.57.

NOTICE OF TIME WHEN AND PLACE WHERE GOODS WILL BE SOLD UNDER WRIT OF SALE

(Title - As in form '70.)

TAKE notice that your goods taken in execution herein will be sold by at on the day of, 19, at the hour of in the noon unless the amount to be levied under the warrant, together with the fees for the execution thereof incurred to the time of payment, be paid to me before the time mentioned.

Dated at, this day of, 19

.....
Officer executing writ.

To the Execution Debtor.

Cook Islands Laws

SCHEDULE - continued

R.243 (2)

H.C.58.

BALANCE-SHEET OF OFFICER AFTER EXECUTING

WRIT OF SALE

(Title - As in form 70)

RETURN to Writ of sale from the Officer of the High Court at.....
to the Registrar of the High Court at..... executing the same
Voucher

Table with columns for descriptions and monetary values in dollars and cents. Rows include: Gross amount seized or received as per inventory attached, Payments in deduction, and Net amount payable to credit of execution creditor.

Dated at....., this day of, 19.....

.....
Officer executing writ

I hereby certify that the above charges are correct, that all disbursements are supported by vouchers, and that the sum of dollars and cent was paid into Court this day of, 19.....

.....
Registrar.

RR.244

H.C.59.

APPLICATION FOR WARRANT OF EXECUTION

Plaint No.:

Warrant No.:

In the High Court

held at.....

.....Division

Between

....., of [Occupation].
Judgment Creditor (Plaintiff)

and

....., of [Occupation].
Judgment Debtor (Defendant)

I REQUEST that the judgment (or order) of the High Court at
....., dated the day of, 19....., be enforced
by the issue of a warrant of (for) [State type of warrant applied for]

Judicature

SCHEDULE - continued

..... against, of, the above-named judgment debtor, for the sum of \$....., being the unpaid portion (as per subjoined statement) of the sum (viz., \$....., including costs), which the said judgment debtor was adjudged (ordered) to pay to me.

(or for the return of the following specific goods, viz.: ordered to be returned to me.)

(or for recovery of /Describe land/), possession of which was ordered to be given to me forthwith (or on the day of....., 19....) (together with the sum of \$..... for rent or mesne profits, or rent and mesne profits, or damages, and \$..... for costs as per the subjoined statement.)

(or as the case may be)

				\$.	c.	\$.	c.
Amount of judgment (order, including costs)	...			....
Subsequent costs	...	...	...	....
							v.
Amount paid in part satisfaction of above judgment (order)							....
Balance still unpaid, for which distress is requested							....
Total	..	..	..				....

Dated at....., this..... day of, 19....

Witness to signature:

To the Registrar of the High Court at.....

	Date	Time	Initials
Application filed
Warrant issued

R.244

H.C.60

WARRANT FOR RECOVERY OF SPECIFIC CHATTELS

(General title - Form 1)

To a Officer of the High Court at.....

(or To a Constable at.....).

WHEREAS, of, the defendant, was on the day of, 19, duly adjudged or ordered by the High Court sitting at to return to, of

Cook Islands Laws

SCHEDULE - continued

[Here enumerate goods ordered to be returned] wrongfully detained by the said defendant:

And whereas the said goods have not been returned according to the said order:

This is therefore to command you to demand of the said defendant and seize the said goods, if they can be found by you, and to deliver them to the said, and to make return of what you shall do by virtue of this warrant immediately on the execution thereof.

Dated at....., this day of, 19.....

..... Registrar.

R.246

H.C.61.

WRIT OF SALE

In the High Court held at..... Division

Plaint No.....

Between, of, [Occupation] Plaintiff, and, of, [Occupation] Defendant.

YOU are hereby directed to make of the chattels of, the above-named defendant, the sum of, which the above-named plaintiff has recovered against him in this Court by virtue of a judgment given on the day of, 19, (together with interest upon the said sum at the rate of \$..... for every \$..... by the year from the said day of, 19.....) and cause that money (with such interest as aforesaid) immediately after the execution hereof to be rendered to the said plaintiff.

Dated this..... day of, 19.....

..... Registrar.

[SEAL]

To [Officer of the Court or a Constable).

R.247

H.C.62.

WRIT OF POSSESSION

In the High Court held at..... Division

Plaint No.....

*Judicature*SCHEDULE - continued

Between

....., of, Occupation,
Plaintiff

and

....., of, Occupation,
Defendant

YOU are hereby directed to deliver to, the above-named plaintiff, possession of all that parcel of land being Here describe the land so as to identify it, in pursuance of a judgment obtained in this Court by the said plaintiff against the said defendant on the day of, 19

.....
Registrar.

SEALTo Officer of the Court or a constable

R.252 (1)

H.C.63.

NOTICE AS TO CONSEQUENCES OF DISOBEDIENCE
OF ORDER OF COURT

To, of, Occupation
TAKE notice that unless you obey the directions contained in this order you will be guilty of contempt of Court and will be liable to be committed to prison.

Dated at....., this day of, 19.....

.....
Registrar.

R.252 (2)

H.C.64.

NOTICE TO SHOW CAUSE WHY ORDER OF COMMITTAL
SHOULD NOT BE MADE

(General title - Form 1)

TAKE notice that the plaintiff (or defendant) will on day, the day of, 19....., at the hour of in the,.. noon, apply to this Court for an order for your committal to prison for having disobeyed the order of this Court made on the day of, 19....., enjoining and restraining you from Here set out the terms of the injunction (or for having neglected to obey the order made on the

Cook Islands Laws

SCHEDULE - continued

day of, 19...., requiring you to [Here set out the mandatory part of the order].

And further take notice that you are hereby required to attend the Court on the first-mentioned day to show cause why an order for your committal should not be made.

Dated at..... this day of 19

..... Registrar.

To....., of, [Occupation]

R.252 (4)

H.C.65.

ORDER OF COMMITMENT FOR BREACH OF OR NEGLECT TO OBEY ORDER

(General title - Form 1)

WHEREAS by an order of this Court, dated the day of, 19...., [Here recite the order]:

Now, upon the application of the, and upon hearing the(or, as the case may be, and upon reading the affidavit of showing that a copy of the said order endorsed with a notice in the form number 63 and notice of this application have been severally served upon the), and upon [State such evidence as may have been given], the Court, being of opinion, upon consideration of the facts disclosed by the evidence given, that the said has been guilty of a contempt of this Court by a breach of (or by neglecting to obey) the said order - that is to say, by [Here set out the particular matter of contempt] - doth order that the said be committed to the prison at..... for the term of for his contempt, and that a warrant of committal for the arrest of the said be forthwith issued.

And it is ordered that the said do pay the costs of the of this application and of the committal, amounting to \$.....

(Add, if so ordered, And it is further ordered that any application for the release of the said from custody shall be made to the High Court at).

Dated at..... this day of, 19....

..... Registrar.

Cook Islands Laws

SCHEDULE - continued

section 141 of the Cook Islands Act 1915 for the payment by the above-named judgment debtor of the sum of, for which judgment was obtained in this Court on the day of, 19...., and which is still unpaid.

R.255

H.C.69

JUDGMENT SUMMONS

In the High Court of the Cook Islands
Held at.....
.....Division
Between
....., of, [Occupation],
Judgment creditor,
and
....., of, [Occupation],
Judgment debtor.

TAKE notice that you are hereby summoned to appear before this Court at..... on, the day of, 19...., at o'clock in the noon, to show cause why an order under section 141 of the Cook Islands Act 1915 should not be made against you for the payments of the sum of due by you to the above-named judgment creditor under a judgment obtained against you in this Court on the day of, 19....

For disobedience to any order which may be so made against you you will be liable to imprisonment.

.....
Registrar.

[SEAL]

To the above-named judgment debtor.

R.259 (1)

H.C.70.

AFFIDAVIT IN SUPPORT OF GARNISHEE SUMMONS

In the High Court
held at.....
.....Division
Between
....., Judgment Creditor,
and
....., Judgment Debtor,
and
....., Sub-debtor.

SCHEDULE - continued

I,, of, [Occupation], make oath and say:-

- (1) That on the day of, 19...., in the High Court held at, I, the above-named judgment creditor, obtained a judgment in this action against the above-named judgment debtor for the sum of \$....., including costs:
- (2) That the said judgment (or the sum of \$....., part of the said judgment) is still unsatisfied:
- (3) That I verily believe that the above-named sub-debtor is (or sub-debtors are) indebted to the said judgment debtor in the sum of \$..... or thereabouts:
- (4) That the debt mentioned in paragraph (3) hereof is (or is not) in respect of wages.

Signature of Deponent:

Sworn at, this day of, 19...., before me -

.....
 Registrar.
 Solicitor
 Justice of the Peace

R.259 (2)

H.C.71

GARNISHEE SUMMONS TO SUB-DEBTOR

(Title - As in form 69)

WHEREAS the judgment creditor on the day of, 19...., obtained judgment (or an order) in the High Court at..... against the judgment debtor for payment of the sum of \$....., including costs, which judgment (or order) remains unsatisfied as to the sum of \$.....:

And whereas the judgment creditor has filed an affidavit stating that you are indebted to the said judgment debtor in the sum of \$.....:

You are hereby summoned to attend at the High Court to be held at on day, the day of, 19...., at the hour of in the forenoon, to show cause why an order should not be made against you for the payment to the judgment creditor of the amount of the debts due and owing or accruing from you to the said judgment debtor or so much thereof as will satisfy the debt due under the said judgment (or order), and the costs entered on this summons:

Cook Islands Laws

SCHEDULE - continued

And take notice that from and after the service of this summons upon you so much of the debts owing or accruing from you to the judgment debtor as will satisfy the debt due under the said judgment (or order) and the costs entered on this summons is attached to answer the said judgment (or order):

And further take notice that if at any time before the date of hearing of this summons you pay to the Registrar of this Court the amount of such debts, or so much thereof as will satisfy the debt due under the said judgment (or order) and the costs entered on this summons, you will incur no further costs:

And further take notice that if you dispute the debt alleged to be due from you to the judgment debtor, you should, within days after service of this summons on you, inclusive of the day of service, file in the Court office and serve on the judgment creditor and the judgment debtor a notice that you dispute the debt claimed. Forms will be provided at any office of the Court. The filing of the notice does not relieve you from attending on the day named in the summons.

Dated at, this day of, 19....

.....
Registrar.

To the above-named sub-debtor.

	\$. c.
Amount remaining due under judgment (Order)
Subsequent costs
Fee for issue of this summons
Service fee
Solicitor's costs
Total amount for which summons issued

Cheques are not accepted for payment into Court.

NOTICES TO SUB-DEBTOR

1. Failure to act in accordance with the directions contained in this summons may add to the costs.
2. If this summons was issued for hearing in a Court other than the Court in which the judgment debtor might have commenced an action against you to recover the debt due by you to him, you are entitled to apply to the Court where this summons was issued either for the proceedings to be transferred to the Court in which the judgment debtor might have taken proceedings against you, or for the proceedings to be referred to the Registrar of that Court for inquiry and report.

SCHEDULE - continued

This summons is issued at the instance of the judgment creditor, whose address for service is at

[A printed form of affidavit of service (see form 20) is to be endorsed hereon.] The following information is printed in the left-hand margin of the form:-

The office of the Court is open to the public from to on Mondays to Fridays inclusive.

If you are in doubt, consult the Registrar immediately.

R.259 (2)

H.C.72

NOTICE TO JUDGMENT DEBTOR OF ISSUE OF GARNISHEE SUMMONS

(Title - as in form 70)

TAKE notice that a garnishee summons, a copy of which is hereto annexed, has been issued out of this Court, and that if you have any cause to show why the Court should not order the sub-debtor to pay the judgment creditor the debt alleged to be due from the sub-debtor to you, or so much thereof as may be sufficient to satisfy the sum due to the judgment creditor from you, with the costs entered on the garnishee summons, you must attend at this Court at the time and place fixed for the hearing of the garnishee summons and show such cause accordingly.

Dated at....., this day of, 19....

.....
Registrar.

To the above-named Judgment Debtor.

NOTE

You are entitled to appear at the hearing of the garnishee summons to give evidence as to your circumstances. If it appears to the Court that the whole or part of the moneys sought to be attached are reasonably required by you for the maintenance and support of yourself and your family, the Court may refuse to make an order attaching the debt, and may make such order as to the disposal of any moneys paid into Court as it thinks fit.

This summons is issued at the instance of the judgment creditor, whose address for service is at

[A printed form of affidavit of service (see form 20) is to be endorsed hereon.] The following information is printed in the left-hand margin of the form:-

If you are in doubt, consult the Registrar immediately.

Cook Islands Laws

SCHEDULE - continued

R.264 (1)

H.C.73.

NOTICE BY SUB-DEBTOR THAT HE DISPUTES DEBT
CLAIMED

(Title - As in form 70)

TAKE notice that I, the above-named sub-debtor, dispute the debt claimed to be due from me to the above-named judgment debtor.

Dated at, this day of, 19...

.....

Sub-debtor.

To the Registrar of the High Court at.....

and

To the above-named Judgment Creditor and Judgment Debtor.

R.276 (1)

H.C.74.

INTERPLEADER SUMMONS IN AN ACTION TO PERSON
MAKING ADVERSE CLAIM TO DEBTOR OR OTHER THING
IN ACTION, MONEY, OR GOODS.

In the High Court

held at.....

Plaint No.....

.....Division Between

....., Plaintiff,

and

....., Defendant,

and

....., Claimant.

WHEREAS the defendant in this action (a copy of the summons and statement of claim wherein is hereto annexed) has filed an affidavit (a copy whereof is also hereto annexed) stating that he has received a claim from you to, the subject-matter of this action (or to, part of the subject-matter of this action):

You are therefore summoned to attend at the High Court at..... on day, the day of, 19...., at the hour of in the noon, when judgment will be given determining the rights and claims of the plaintiff, the defendant, and yourself.

Dated at....., this day of, 19....

.....

Registrar.

To Here insert name, address, and occupation of the person to be summoned.

SCHEDULE - continued

NOTICE - You are required within days after service of this summons on you, inclusive of the day of service, to serve on the plaintiff and on the defendant and file in the Court office either a notice that you make no claim, or particulars stating the grounds of your claim to the subject-matter of the action.

The address for service of the plaintiff is at; and the address for service of the defendant is at

The following information is to be written in the left-hand margin of the form:-

The office of the Court is open to the public from to on Mondays to Fridays inclusive.

If you are in doubt, consult the Registrar immediately.

R.276 (1)

H.C.75.

NOTICE TO PLAINTIFF WHERE INTERPLEADER SUMMONS
ISSUED PERSON MAKING ADVERSE CLAIM TO DEBT OR
OTHER THING IN ACTION, MONEY, OR GOODS

(Title - As in form 74.)

WHEREAS the defendant in this action has filed an affidavit (a copy whereof is hereto annexed) stating that he has received notice from, of, claiming the subject-matter in this action (or part of the subject-matter in this action):

Take notice that a summons has been issued to the said to attend at the High Court at, on day, the day of, 19...., at the hour of in the noon (and that the hearing of this action has been adjourned to the same place, day, and hour), when judgment will be given determining the rights and claims of yourself, the defendant, and the said

Dated at, this day of, 19....

.....
Registrar.

To the Plaintiff.

NOTICE - The claimant is required within days after service of the said summons upon him, inclusive of the day of service, to file in the Court office and to serve upon you and upon the defendant, either a notice that he makes no claim, or particulars stating the grounds of his claim to the subject-matter in the action.

Cook Islands Laws

SCHEDULE - continued

The address for service of the defendant is at; and the address for service of the claimant is at

The following information is to be written in the left-hand margin of the form:-

The office of the Court is open to the public from to on Mondays to Fridays inclusive.

If you are in doubt, consult the Registrar immediately.

R.276 (2)

H.C.76.

INTERPLEADER SUMMONS TO PERSONS MAKING ADVERSE CLAIMS TO DEBT OR OTHER THING IN ACTION, MONEY, OR GOODS NOT THE SUBJECT-MATTER OF AN ACTION.

In the High Court

Plaint No.

held at.....
.....Division

Between

....., Applicant,

and

.....

and

.....

} Claimants.

WHEREAS, of, has filed an affidavit (a copy whereof is hereto annexed) stating that he has received adverse claims from, of, and, of, to [Here state the debt, thing in action, money, or goods to which the adverse claims are made]:

You are therefore summoned to attend at the High Court at..... on day, the day of, 19...., at the hour of in the noon, when judgment will be given determining the rights and claims of the said and

Dated at, this day of, 19....

.....
Registrar.

To the Claimants.

NOTICE - You are each required within days of the service of the summons on you, inclusive of the day of service, to file in the Court office and serve on the other parties named in this summons either a notice that you make no claim, or particulars stating the grounds of your claim.

*Judicature*SCHEDULE - continued

The address for service of the applicant is at.....
The following information is to be written in the left-hand margin of the form:-

The office of the Court is open to the public from to on Mondays to Fridays inclusive.

If you are in doubt, consult the Registrar immediately.

R.286 (1)

H.C.77.

APPLICATION FOR WRIT OF ARREST

(General title - Form 1)

I,, of, Occupation, the above-named plaintiff (or the duly authorized agent of the above-named plaintiff), hereby apply to the High Court at for the issue of a writ of arrest against of, Occupation, the above-named defendant, upon the grounds set out in the affidavit appended hereto.

Dated at....., this day of, 19....

.....
(Agent for) Plaintiff.

I,, of, Occupation, make oath and say as follows:-

- (1) That I am the plaintiff in this action (or I am the agent of the plaintiff in this action duly authorized by him to sue for and recover from the defendant the claim hereinafter mentioned by a power of attorney (or as the case may be) under the hand of the plaintiff dated the):
- (2) That the above-named defendant is justly and truly indebted to me (or to the plaintiff) in and I have (the plaintiff has) a good cause of action against him for the sum of \$..... for, the particulars whereof are set out in the statement of claim filed herein.
- (3) That the debt was contracted on State date:
- (4) That Specify grounds for belief that the defendant is about to leave the Cook Islands and to evade payment:

Cook Islands Laws

SCHEDULE - continued

(5) That for the reason aforesaid, I verily believe that the defendant is about to leave the Cook Islands immediately, and that he intends thereby to evade the payment of the above sum to me.

.....
Signature of Deponent

Sworn at, this day of, 19...., before me -

.....
Registrar
Justice of the Peace
Solicitor.

R.287 (1)

H.C.78.

WRIT OF ARREST

(General title - Form 1)

To a Constable at.....).

WHEREAS it has been made to appear to the satisfaction of me, the undersigned Judge by the affidavit of, the plaintiff in the above action, that he, the above-named plaintiff, has a good cause of action against the above-named defendant for the sum of dollars and cents, for which a summons has been issued out of this Court (or out of the High Court at.....), and that there is probable cause for believing that he, the said defendant, is about to leave the Cook Islands, and to evade payment of the said sum of \$.....:

Now, therefore, I do hereby command you, by virtue of the powers given to me by Rule 284 of the Code of Civil Procedure of the Cook Islands, that, unless the said defendant deposits with you, or with the Registrar of the High Court, the said sum of \$....., together with costs, \$....., to be paid, applied, and disposed of according to the judgment of the Court in this action, you do immediately bring him, the said defendant, before me, the said Judge, at the High Court at, to be further dealt with according to law.

And I do further command you to certify to me without delay what you shall do under this warrant.

Dated at....., this day of, 19.....

.....
Judge

*Judicature*SCHEDULE - continued

R.287 (2)

H.C.79.

NOTICE TO DEFENDANT ARRESTED UNDER WRIT

(General title - Form 1)

TAKE notice that if you deposit with the office executing the writ of arrest issued this day out of the High Court at....., or with the Registrar of the Court at....., the sum of dollars and cents, being the amount claimed, and \$..... for costs, you will be discharged from custody, and the said sum will be paid, applied, and disposed of according to the final judgment of the Court.

Dated at....., this day of, 19....

.....

Registrar.

To the Defendant.

R.287 (3)

H.C.80.

BAIL BOND TO BE GIVEN BY DEFENDANT ARRESTED
UNDER WRIT OF ARREST

(General title - Form 1)

KNOW all men by these presents that we,, of, and, of, and, of, are jointly and severally held and firmly bound to the Registrar for the time being of the High Court at..... in the sum of dollars, to be paid to the said Registrar, for which payment to be made we bind ourselves and each and every of us, jointly and severally, firmly by these presents:

Whereas on the day of, 19....., the above-named entered a plaint against the above-bounded in the High Court at..... to recover the sum of dollars and cents for costs:

And whereas it has been made to appear to, Judge, by the affidavit of, that there is probably cause for believing that the above-bounded was about to leave the Cook Islands and to evade payment of such sum:

And whereas a writ of arrest was issued, and the above-bounded has been arrested, but desires to be released on bail:

Now, the condition of this obligation is that if the above-bounded shall appear at the High Court at..... on day, the day of, 19....., at the hour of in the noon, to answer the demand of the said and shall not depart until the judgment of the Court has been given, then this obligation shall be void, but otherwise shall remain in full force.

Cook Islands Laws

SCHEDULE - continued

Signed by the above-bounden at....., this }
..... day of, 19....., in my presence - }

.....
Judge (or Registrar).

I approve of this bond.

.....
Judge (or Registrar).

R.287 (3)

H.C.81.

WARRANT OF REMAND IN DEFAULT OF BAIL BEING FOUND

(General title - Form 1)

To a Constable at.....
and To the Gaoler of the Prison at.....
WHEREAS at a sitting of the High Court at..... held this day before me, the above-named defendant was brought before me pursuant to a writ of arrest issued at the suit of the above-named plaintiff for the sum of \$..... and costs \$.....: And whereas, acting under the powers vested in me by Rule 284 of the Code of Civil Procedure of the High Court, I did admit the said defendant to bail by sufficient security, by bond to the Registrar, the said defendant in the sum of \$....., and surety (sureties) in the sum of \$..... (each), and I did thereupon order that in default of the said bail being given or the amount of \$....., with costs \$....., being deposited with the Registrar of the High Court at....., the said defendant should be detained in the prison at and be brought from there to the High Court at..... on day, the day of, 19....., at o'clock in the forenoon: And whereas default has been made in the said bail being given, and the said amount (\$.....) and costs \$.....) has not been deposited as aforesaid: This is therefore to command you, the said Constable, to take the said defendant and deliver him to the Gaoler of the prison at.....: And I hereby command you, the said Gaoler, to receive the said defendant into your custody and there to detain him, and bring him to the High Court at....., on day, the day of, 19....., at o'clock in the forenoon, before me or some other Judge unless he shall sooner give the prescribed security or make the said deposit, or until he shall be sooner discharged by due course of law.

Dated at....., this..... day of, 19.....

.....
Judge.

Judicature

SCHEDULE - continued

R.290

H.C.82.

ORDER AGAINST EXECUTOR OR ADMINISTRATOR IN RESPECT OF ASSETS RECEIVED SINCE JUDGMENT

In the High Court

Plaint No.

held at.....

.....Division

Between

....., Plaintiff,

and

....., the executor (or administrator) of, deceased, Defendant.

WHEREAS at the hearing of this action on the day of, 19...., it was adjudged that the plaintiff should recover against the defendant the sum of \$..... for and \$..... for costs, and it was ordered that the said sums be levied of the assets of the estate of the above-named deceased which should thereafter come into the hands of the defendant as executor (or administrator) as aforesaid to be administered:

And whereas, on the application of the plaintiff this day, it appears to the Court that since the said judgment assets of the estate of the deceased have come to the hands of the defendant as executor (or administrator) as aforesaid:

It is ordered that the said sums be levied of the assets of the estate of the said deceased which have come to the hands of the defendant as executor (or administrator) since the date of the said judgment.

Dated at....., this day of, 19....

.....

Registrar.

To the Defendant.

R.291

H.C.83.

PROBATE

In the High Court of the Cook Islands.

In the matter of the will of, deceased. BE it known to all men that on this day of, in the year 19...., the last will and testament of, deceased, a copy of which is hereunto annexed, has been exhibited, read, and proved before this Court, and administration of the estate of the

Cook Islands Laws

SCHEDULE - continued

deceased has been and is hereby granted to, the executor in the said will and testament named, being first sworn faithfully to execute the same.

Given under the seal of the High Court of the Cook Islands at, this day of, 19....

.....

Registrar.

[SEAL]

R.292

H.C.84.

LETTERS OF ADMINISTRATION WITHOUT A WILL

In the High Court of the Cook Islands.

In the matter of the estate of, deceased intestate.

To, widow [or as the case may be] of deceased.

WHEREAS the said lately departed this life intestate: You are therefore by these presents constituted administrator of the estate of the said deceased, you having been first sworn well and faithfully to administer the same.

Given under the seal of the High Court of the Cook Islands at, this day of, 19....

[SEAL]

R.293

H.C.85.

LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED

In the High Court of the Cook Islands.

In the matter of the will of, deceased.

To, widow [or as the case may be] of deceased.

WHEREAS the said lately departed this life leaving a will which has been duly proved in this Court and a copy of which is hereunto annexed; And whereas no executor is named in that will [or the executors named in that will have not applied for probate]: You are therefore by these presents constituted administrator with the will annexed of the estate of the said deceased, you having been first sworn well and faithfully to administer the same.

Given under the seal of the High Court of the Cook Islands at, this day of, 19....

[SEAL]

Judicature

SCHEDULE - continued

R.294

H.C.86.

ADMINISTRATION BOND

In the High Court of the Cook Islands.

In the matter of the estate of, deceased. KNOW all men by these presents that we..... are held and firmly bound unto the Registrar of the High Court at Rarotonga [or at] in the sum of, for which payment well and truly to be made to the said Registrar we do and each of us doth bind ourselves and each of us, and the executors and administrators of us and of each of us, jointly and severally, firmly by these presents.

Whereas by order of this Court of the day of, 19...., it is ordered that letters of administration of the estate of, deceased, be granted to the said on his giving security for the due administration thereof: and whereas has sworn that to the best of his knowledge and belief the said estate is under the value of \$.....

Now, the condition of the above-written bond is that if the above-bounded well and truly administers the said estate according to law and renders to this Court a true and just account of his administration on or before the day of, 19...., then this bond shall be void and of none effect, but otherwise shall remain in full force.

Signed the day of, 19...., in the presence of -

R.217

H.C.87.

ORDER FOR WITHDRAWAL OF MONEYS (General title - Form 1)

I,, the in this action, hereby authorize Mr, of, to receive out of Court all moneys which now are or may become payable to me in this action.

Dated at....., this day of, 19....

..... Plaintiff (Defendant)

Witness to signature:

/EXEMPT FROM STAMP DUTY/

Cook Islands Laws

SCHEDULE - continued

R.321 (1)

H.C.88.

BOND BY PERSON GIVING SECURITY

(General title - Form 1)

KNOW all men by these presents that we, A.B., of, /Occupation/, and C.D., of, /Occupation/, and E.F., of, /Occupation/, are jointly and severally held and firmly bound to in the sum of dollars, to be paid to the said, for which payment to be made we bind ourselves and each and every of us jointly and severally firmly by these presents:

Whereas /Here recite the circumstances in which the bond is required/:

Now, the condition of this obligation is that if the above-bounden /Principal party/ do /Here state the obligation undertaken/, then this obligation shall be void, and of none effect, but otherwise the same shall remain in full force.

Signed by the above-bounden at) Principal Party.
....., this day of,) Surety
19....., in my presence -) Surety.

.....
Registrar.
Justice of the Peace
Solicitor.
Sureties approved.

.....
Registrar.

H.C. 89

R.330. NOTICE DISPUTING CLAIM
I;..... of hereby give notice that I dispute the application for made by Upon the grounds.

Dated at this day of 19....

Signature.

Judicature

SCHEDULE - continued

R. 354(11)

AFFIDAVIT

HC.90

I, (Full name, address and occupation of deponent) make oath and say as follows:

- 1. That I am the person in whose favour an injunction was granted by the Court at on the day of19.....
- 2. That (state name of person against whom the injunction was granted) has neglected or failed to comply with the terms and conditions of the injunction in that:

(Set out specific grounds of neglect or failure to comply with the injunction)
- 3. That I desire to take further action in the case.

Sworn by

at.....this.....

day of19.....

before me:

A Solicitor of the High Court of the Cook Islands.

J. Caffery
Clerk of the Executive Council