

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 30 OF 1984

The High Court Act
(Laws, Volume II, Cap. 50)

The High Court (Amendment) Rules, 1984

IN EXERCISE of the powers contained in sections *forty-four* and *forty-five* of the High Court Act, the following Rules are hereby made:

1. These Rules may be cited as the High Court (Amendment) Rules, 1984, and shall be read as one with the High Court Rules, hereinafter referred to as the principal Rules. Title
Cap. 50,
p. 24

2. Order X of the principal Rules is amended in rule 1 by the insertion, immediately after sub-rule (2), of the following new sub-rule: Amendment
of
Order X
 - (3) Any person serving a writ of summons or other originating process, default of appearance to which would, under Order XII, entitle the plaintiff to enter final judgment, shall request the party served to acknowledge receipt by signing on the original or other copy of the process or on some other document tendered for the purpose, and the fact of any refusal to sign shall be so endorsed by the person serving. Acknow-
ledgement
of service

3. Order XLII of the principal Rules is amended by the revocation of rule 5 and the substitution therefor of the following rule: Amendment
of
Order XLII
 5. (1) Except by express leave of the court or a judge, a writ of execution in respect of a final judgment entered in default of appearance pursuant to the provisions of Order XII shall be issued only if, and shall not be issued unless— Issue of
writ of
execution
 - (a) a copy of the default judgment entered has been served on the defendant in accordance with the provisions of Order X; and
 - (b) a period of seven days has elapsed since the date of service of the default judgment on the defendant.

(2) In every other case, the writ of execution shall not be issued, except by express leave of the court or a judge, until three days after the day of the date of the order or judgment, but if the court or a judge sees fit, it or he may order immediate execution.

Made by the High Court Rules Committee at Lusaka on the 13th day of February, 1984.

ANNEL M. SILUNGWE,
Chief Justice

D. K. CHIRWA,
Member

A. R. LAWRENCE,
Member

D. F. QUIRK,
Member

[CJ.6/2]