

EXPLANATORY STATEMENT

Subordinate Law No. 23 of 1992

Issued by the Authority of the Judges
of the Supreme Court

AMENDMENT OF THE SUPREME COURT RULES

Order 13 Rule 2

The amendment to Order 13 Rule 2 enables a defendant to submit to Court orders by the making of a submitting appearance without submitting to an order for costs.

Order 13 Rule 17

This rule, which enabled a defendant, before appearing, to apply to set aside a writ or the service of a writ, has been repealed. New Order 13 Rule 17 permits a defendant to make an application, inter alia, to set aside the originating process or service of the originating process, by notice of motion filed within the time limit for entering an appearance, without actually entering an appearance or a conditional appearance. This provision is similar to the New South Wales provision and should clarify the previous unclear procedure of entering a conditional appearance when testing the Court's jurisdiction.

Order 80 Rule 3

This amendment changes the procedure to be followed in an application for bail in the Court. A summons will no longer be required. Bail applications will now be commenced by way of Notice of Motion.

Schedules 1, 2 and 3

These schedules make amendments of a purely drafting nature based on the practice of the Parliamentary Counsel's Office.