

EXPLANATORY STATEMENT

Subordinate Law No. 23 of 1993

Issued by the Authority of the Judges
of the Supreme Court

AMENDMENT OF THE SUPREME COURT RULES

These amendments to the Supreme Court Rules do not make significant substantive changes to the existing rules. The purpose of the amendments is, in general, to clarify the operation of the existing rules. The amendments are as follows:

Order 13, rule 5: A new rule is substituted. The distance from the Registrar's office permissible as an address for service of a defendant appearing in person is increased from 5 kilometres to 10 kilometres. This is consistent with the provisions relating to indorsement of address for service in Order 5 of the Rules.

Order 15, rule 2 and Order 16, rule 2: A new rule is substituted in each case. An application by a plaintiff to enter judgment in the circumstances provided by these orders is to be by notice of motion rather than by way of summons. These amendments reflect a move towards uniformity in the Rules in respect of interlocutory applications by requiring such applications generally to be by way of notice of motion rather than by summons.

Order 34, rules 19 & 20: New rules are substituted. The amendments clarify the operation of these rules and make no substantive change other than to change the distance from the Registrar's office at which documents may be inspected from 5 kilometres to 10 kilometres, consistent with the amendment to Order 13, rule 5.

Order 35, rules 2-5: New rules are substituted. These rules have been redrafted for greater clarity. The time limit for the issue of notices to admit facts has been changed from 9 days from the issue of the Notice of Trial to 14 days after the date fixed for determining the trial date. The time in which to respond to a notice has been changed from 6 days to 7 days to make a full week.

Order 42A, rules 1 and 2: A new rule is substituted. The rate of interest under a judgment of the Court is reduced from 15% to 12% on and after 1 July 1993. The amended rate is equivalent to the rate applied in the Federal Court and is more in line with current market rates. The table sets out the rates of interest which apply to earlier judgments.

Order 75, rule 22: This is another case where the radius of 5 kilometres from the Registrar's office is changed to 10 kilometres. The rule has been redrafted for greater clarity.

Forms 28 & 29 of the First Schedule: These forms have been substantially redrafted to accommodate the amendments to Order 35, rules 2-5.

Form Nos 6 & 7 of the Seventh Schedule: These forms have been redrafted and combined into a single new Form 6 to accommodate the amendments to Order 75, rule 22.