

## EXPLANATORY STATEMENT

Subordinate Law No. 46 of 1993

Issued by the Authority of the Judges  
of the Supreme Court

### AMENDMENT OF THE SUPREME COURT RULES

These amendments are consequential upon the enactment of the Service and Execution of Process Act 1992 of the Commonwealth ('the Act').

Section 8 of the Supreme Court Act 1933 provides that the jurisdiction of the Supreme Court may be exercised by the Master or the Registrar in such cases as are specified in the Rules of Court.

The amendments to Rule 3 of Order 61 and Rule 1 of Order 61A specify those cases in which the Registrar and the Master, respectively, may exercise the jurisdiction of the Supreme Court pursuant to the Act.

A brief description of the authority of the Registrar and the Master conferred by these rules is set out below. It will be noted from the list contained in the amendments that the Master may exercise all the jurisdiction under the Act that the Registrar may exercise. Only those additional jurisdictional provisions relating to the Master are set out under the heading 'Master'.

#### A. Registrar

- . subsection 11(8): satisfaction of proof of service of process under the Act
- . paragraph 17(1)(b): abridgement of time for appearance
- . paragraph 30(1)(b): abridgement of time for service of subpoena
- . subsection 35(3): determination of entitlement to expenses for compliance with subpoena
- . subsection 45(3): determination of entitlement to expenses for compliance with order for production

- . subsection 105(4): leave to enforce a judgment where sealed copy of judgment not lodged

B. Master

- . subsection 18(3): setting aside appearance where satisfied that address for service in appearance is false or misleading
- . subsection 19(1): order for security for costs in respect of party serving process
- . subsection 106(1): stay of proceedings for enforcement of judgment