



Australian Capital Territory

Supreme Court Rules¹ (Amendment)

Subordinate Law No. 34 of 1994²

We, Judges of the Supreme Court, make the following Rules of Court under section 36 of the *Supreme Court Act 1933*.

Dated 10 October 1994.

JEFFREY MILES
Chief Justice

J F GALLOP
Judge

T J HIGGINS
Judge

A G TOWILL
Registrar

Principal Rules

1. In these Rules, “Principal Rules” means the Supreme Court Rules.

Commencement

2. These Rules commence on the day on which they are notified in the *Gazette*.

Discontinuance

3. Rule 4 of Order 60 of the Principal Rules is amended—

- (a) by omitting from subrule (1) “An appellant” and substituting “Subject to subrule (5), an appellant”;
- (b) by omitting from subrule (3) “A party” and substituting “Unless the Court orders otherwise, a party”; and
- (c) by adding at the end the following subrule:

“(5) An appeal from a decision of the Magistrates Court—

- (a) to which Division 2 of Part XI of the *Magistrates Court Act 1930* applies;
- (b) by way of order to review made in accordance with Division 3 of Part XI of the *Magistrates Court Act 1930*;
- (c) referred to in subsection 206Q (1) of the *Magistrates Court Act 1930*; or
- (d) referred to in subsection 31 (1) of the *Domestic Violence Act 1986*;

shall not be discontinued except with the leave of the Court.”.

Repeal

4. Rule 35 of Order 75B of the Principal Rules is repealed.

Filing in Court of documents in support of an application under section 459P or 462

5. Rule 38 of Order 75B of the Principal Rules is amended by omitting paragraph (1) (c) and substituting the following paragraph:

- “(c) if the application relies on a failure to comply with a statutory demand—
 - (i) an affidavit in accordance with Form 95, made not earlier than 3 days before the date of the final hearing of the application; and
 - (ii) an affidavit of service on the company of the statutory demand and, if the debt is not a judgment debt, of the affidavit required by paragraph 37 (4) (b).”.

Repeal

6. Rule 98 of Order 75B of the Principal Rules is repealed.

First Schedule

7. The First Schedule to the Principal Rules is amended by omitting from Forms 46, 47 and 48 the respective second notes and substituting the following note:

“Note that original documents (where available) are to be produced to the Court in compliance with this subpoena unless otherwise indicated below:

photocopies of documents are acceptable
*(the party who requested the issue of the subpoena,
or that party's solicitor, should tick box if applicable)*

If photocopies of documents are indicated as being acceptable (see above) and are produced to the Court in compliance with this subpoena you may elect to have the photocopies returned to you or destroyed by the Court on completion of the matter:

the photocopies should be returned
 the photocopies should be destroyed
(please tick appropriate box if applicable)”.

NOTES

1. Reprinted as at 31 December 1993. See also Subordinate Laws Nos. 2, 17, 20 and 21, 1994.
2. Notified in the ACT Gazette on 14 October 1994.

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