



Australian Capital Territory

Supreme Court Rules¹ (Amendment)

Subordinate Law No. 20 of 1997²

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

Dated 10 July 1997.

JEFFREY MILES
Chief Justice

J F GALLOP
Judge

T J HIGGINS
Judge

A G TOWILL
Registrar

Commencement

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

Principal Rules

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

Insertion

3. After rule 3 of Order 44 of the Principal Rules the following rule is inserted:

Leave for issue of writs in aid

“3A. (1) Notwithstanding rules 3 and 4, a writ of *venditioni exponas* or other writ in aid of a writ of *fieri facias* shall not be issued except with the leave of the Court.

“(2) Application for leave under subrule (1) shall be by motion on notice.

“(3) Notice of motion for leave under subrule (1) shall be given to—

- (a) the Sheriff;
- (b) the judgment debtor; and
- (c) any person known to the Sheriff or the judgment creditor to claim an interest in relation to all or part of the real or personal estate of the judgment debtor, including any occupier of premises constituting all or part of that real estate.

“(4) Leave under subrule (1) may be given on such terms as the Court considers just, including directions with respect to—

- (a) the issue of subpoenas to give evidence, for production, or both, before the Court or an officer of the Court;
- (b) the mode of sale of all or part of the real or personal estate of the judgment debtor; and
- (c) the engagement, for the purpose of such a sale, of valuers or other persons with appropriate expertise.”.

NOTES

Principal Rules

1. Reprinted as at 31 January 1997. See also Subordinate Laws Nos. 8 and 9, 1997.

Notification

2. Notified in the ACT Gazette on 14 July 1997.