



Australian Capital Territory

Court Procedures Amendment Rules 2005 (No 1)

Subordinate Law SL2005-13

We, members of the rule-making committee, make the following rules of court under the *Court Procedures Act 2004*, section 7.

Dated 30 June 2005.

T J Higgins

Chief Justice

K J Crispin

President of the Court of Appeal

T Connolly

Judge

R Cahill

Chief Magistrate

M Somes

Magistrate



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made under the

Court Procedures Act 2004

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2005 019S

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Part 1 Preliminary

1 Name of rules

These rules are the *Court Procedures Amendment Rules 2005 (No 1)*.

2 Commencement

These rules commence on the day after their notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Part 2 Magistrates Court (Civil Jurisdiction) Rules 2004

3 Legislation amended—pt 2

This part amends the *Magistrates Court (Civil Jurisdiction) Rules 2004*.

4 New section 17A

insert

17A When proceeding by claim begins

A proceeding started by claim begins on the day the claim is first filed (whether or not it is renewed under section 35).

5 New section 22AA

after section 22, insert

22AA When proceeding by application begins

A proceeding started by application begins on the day the application is first filed.

6 Section 22A (1) (a)

omit

or

substitute

and

7 Section 187 (6) and (7)

omit

summons

substitute

subpoena

8 New section 241A

insert

241A When interpleader proceeding begins

An interpleader proceeding begins on the day the application mentioned in section 240 (1) (Interpleader by defendant) or section 241 (1) (Interpleader by bailiff) is first filed.

9 Section 418 (1) (a)

omit

or

substitute

and

Part 3 Supreme Court Rules 1937

10 Legislation amended—pt 3

This part amends the *Supreme Court Rules 1937*.

11 Order 85 rule 2

substitute

2 Application for order nisi

An application for an order nisi must be—

- (a) made orally to the Supreme Court within the time provided by the *Magistrates Court Act 1930*; and
- (b) made without notice to another party; and
- (c) supported by an affidavit under rule 3.

12 Order 86 rule 4 (3)

substitute

- (3) The notice of motion must be accompanied by—
 - (a) an affidavit showing—
 - (i) the nature of the case; and
 - (ii) the questions involved; and
 - (iii) the reasons why leave should be given; and
 - (b) the draft notice of appeal.

13 Order 86 rules 5 and 6

omit

affidavit

substitute

affidavit and draft notice of appeal

14 Order 86 rule 12 (3)

substitute

- (3) The notice of motion must be accompanied by—
- (a) an affidavit showing—
 - (i) the nature of the case; and
 - (ii) the questions involved; and
 - (iii) the reasons why leave should be given; and
 - (b) the draft notice of appeal.

15 Order 86 rule 13

omit

affidavit

substitute

affidavit and draft notice of appeal

16 Order 86 rule 51 (3)

substitute

- (3) The application must be accompanied by—
- (a) an affidavit showing—
 - (i) the nature of the case; and
 - (ii) the questions involved; and
 - (iii) the reasons why leave should be given; and
 - (b) the draft notice of appeal.

17 Order 86 rule 52

omit

affidavit

substitute

affidavit and draft notice of appeal

Endnotes

1 Notification

Notified under the Legislation Act on 7 July 2005.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
