



Australian Capital Territory

Court Procedures Amendment Rules 2020 (No 5)

Subordinate Law SL2020-45

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

Dated 18 December 2020.

HELEN MURRELL

Chief Justice

MICHAEL ELKAIM

Judge

LORRAINE WALKER

Chief Magistrate

PETER MORRISON

Magistrate



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made under the

[Court Procedures Act 2004](#)

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J2020-794

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

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1 Name of rules

These rules are the *Court Procedures Amendment Rules 2020 (No 5)*.

2 Commencement

These rules commence on 1 January 2021.

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

3 Legislation amended

These rules amend the *Court Procedures Rules 2006*.

4 Rule 443 heading

substitute

443 Pleadings—defence to personal injury claims

5 Rule 443 (1)

substitute

- (1) This rule applies to a defence to an originating claim that includes a claim for damages for personal injury.

6 Rule 2732 (3), 1st dot point

omit

7 Rule 3066 (2) (c)

substitute

- (c) if a grant of probate is made on presumption of the death of the person under the *Administration and Probate Act 1929*, section 9B—a caveat against distribution of the estate.

8 Rule 3609

omit

21 days before the day

substitute

28 days before the day

9 Rule 5137 (2)

omit

5 days before

substitute

14 days before

10 Rule 5137 (3)

omit

2 days before

substitute

7 days before

11 Rule 5137 (4)

omit

1 day before

substitute

2 days before

12 Rules 6200 and 6201

omit

13 Rule 6256 (2), note

omit

and r 6200 (Jurisdiction exercisable by associate judge)

14 New rule 6615A

in part 6.9, insert

6615A Examination summons issued by ACT Integrity Commission—leave to serve outside ACT

- (1) This rule applies to an application for leave made under the *Service and Execution of Process Act 1992* (Cwlth), section 76 to serve an examination summons issued by the ACT Integrity Commission outside the ACT.
- (2) An application for leave is made by filing—
 - (a) an affidavit in support of the application; and
Note See approved form 6.11 (Affidavit—general) [AF2007-72](#).
 - (b) a copy of the summons annexed to the affidavit; and
 - (c) a draft order.
Note See approved form 6.24A (Order to serve ACT Integrity Commission summons outside ACT).
- (3) The affidavit in support of the application must state—
 - (a) for a summons to attend to give evidence—
 - (i) the evidence the addressee is expected to give at the examination; and
 - (ii) why the addressee’s evidence is necessary; and
 - (iii) whether the addressee has been told about the examination and, if so, whether the addressee is able to attend the examination; and

- (iv) the hearing date for the examination and the date the summons must be served before; and
- (b) for a summons to produce—
 - (i) why the document or thing required to be produced by the summons is necessary; and
 - (ii) whether the addressee has been told about the summons and, if so, whether the addressee is able to produce the document or thing before the compliance date; and
 - (iii) the date for the examination and the date the summons must be served before.
- (4) Part 6.2 (Applications in proceedings) does not apply to an application under this rule.
- (5) The affidavit need not be served on anyone unless the court otherwise orders on its own initiative.
- (6) Unless the court otherwise orders on its own initiative, an application under this rule may be dealt with without a hearing and in the absence of the parties.

15 Schedule 4, part 4.2, item 22

substitute

22	by attendance (including travel and waiting time)—		
	(a) by a solicitor; or	36.00	per 6 minutes
	(b) by a clerk	15.00	per 6 minutes

16 Schedule 5, part 5.1, item 117

omit

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 21 December 2020.

2 Republications of amended laws

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

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