



Australian Capital Territory

# Supreme Court Amendment Rules 2003 (No 2)

**Subordinate Law SL2003-26**

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

Dated 11 August 2003.

T J HIGGINS  
Chief Justice

K J CRISPIN  
Judge

M F GRAY  
Judge

T CONNOLLY  
Judge





Australian Capital Territory

# Supreme Court Amendment Rules 2003 (No 2)

**Subordinate Law SL2003-26**

made under the

*Supreme Court Act 1933*

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**1 Name of rules**

These rules are the *Supreme Court Amendment Rules 2003 (No 2)*.

**2 Commencement**

These rules commence on the 28th day after their notification day.

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

**3 Rules amended**

These rules amend the *Supreme Court Rules*.

**4 Order 20 rule 3**

*substitute*

**3 Service of claim**

- (1) The applied provisions apply in relation to a third-party claim and to the proceeding begun by the claim as if—
- (a) the third-party claim were an originating application and the proceeding begun by the claim were an action; and
  - (b) the defendant issuing the third-party claim were a plaintiff, and the person against whom it is issued a defendant, in that action.

- (2) In this rule:

*applied provisions* means—

- (a) order 2 rules 18A to 18D (which are about service of originating applications); and
- (b) order 10 (Service of documents in Australia); and
- (c) order 12 (Service of documents outside Australia).

**5 Order 34B rule 4 (2)**

*substitute*

- (2) A copy of the notice must be served on each other party to the action who has an address for service by leaving it at that address within 2 days after the day the notice is served on the respondent to the notice.

**6 Order 34B rule 6 (1)**

*substitute*

- (1) The respondent to a notice for non-party production or any other party to the action may, within 14 days after the day the notice is served on the respondent, apply to the court to have the notice set aside or varied.

**7 Form 1.27**

*substitute*

**Form 1.27**

**Notice for non-party production**

(see o 34B r 3)

[*Heading as in form 1.1*]

To [name]

[address]

**Production of documents**

You must produce for inspection the documents specified in the schedule that are in your possession or control and that relate to a matter in question in the action that you could be required to produce at the trial of the action.

**Can copies be produced?**

Legible copies of documents may be produced instead of the original documents.

**Where must you produce the documents?**

You must produce the documents to [*name of party or solicitor*] at the address for production mentioned below during ordinary business hours, or at another time and place agreed between the applicant and you, within [*\*14 days/ period longer than 14 days*] after the day this notice was served on you.

**Address for production**

[*address and telephone number of party or solicitor to whom documents are to be produced*]

**What happens if you do not produce the documents?**

If you do not produce the documents, the applicant may apply to the Court for a determination about the failure.

**Copying produced documents**

The applicant or the applicant's solicitor may copy the documents produced unless you object. If you object, the applicant may apply to the Court for a determination of the objection.

**You may apply for this notice to be set aside or varied**

You may apply to the Court to have this notice set aside or varied within 14 days after the day it was served on you.

**If you claim privilege from production etc**

If you claim that any document is privileged from production or otherwise object to production, you need not produce the document and you or the applicant may apply to the Court for a determination of the claim or objection.

**Expenses of production**

Any expenses reasonably incurred by you in complying with this notice, including costs of copying any document, must be paid by the applicant. If you have not been paid an amount that you consider adequate to compensate you for expenses reasonably incurred (or expected to be reasonably incurred) in complying with this notice, you must still comply with this notice. However, you may apply in writing to the Registrar under

the *Supreme Court Rules*, order 34B rule 9 (2) for a decision about compensation for your expenses. Before applying, you must give the applicant 7 days written notice of your intention to do so at the address mentioned below.

**Applicant's address**

*[applicant's address and telephone number]*

**Note: The place where documents must be produced may not be the same as the applicant's address.**

**Schedule**

*[description of documents]*

*[If a copy of the notice is to be served on another party under the Supreme Court Rules, order 34B rule 4 (2)]*

To *[name of other party]* of *[address]*:

- 1 You may apply to the Court to have this notice set aside or varied within 14 days after the day this notice is served on the respondent to the notice.
- 2 If you claim that a document is privileged from production or otherwise object to production, you, the applicant or the respondent to the notice may apply to the Court for a determination of the claim or objection.]

Date:

By the Court

Registrar:

*\*delete if inapplicable*



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## **Endnotes**

### **Republications of amended laws**

- 1 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

### **Notification**

- 2 Notified under the Legislation Act on 14 August 2003.  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))

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