

EXPLANATORY STATEMENT

Subordinate Law No. 21/ of 1994

Issued by the Authority of the Judges
of the Supreme Court of the Australian Capital Territory

AMENDMENT TO THE SUPREME COURT RULES

These amendments make a number of miscellaneous amendments to the Supreme Court Rules. An explanation of each amendment is set out below.

Interpretation:

- Rule 4 of Order 1: The definition of "Registrar of Companies" is omitted as it has been superseded and is no longer necessary to interpret the Rules.

Direction to Sheriff to Levy

- Rule 14 of Order 42: The amendment to subrule (2) omits the reference to "Registrar of Titles appointed under the Real Property Act 1925-1937" and substitutes a reference to "Registrar-General". The amendment reflects the change in the title of the office as it appears in the Real Property Act 1925.

Transcripts and records of proceedings

- Rule 15 of Order 60: The amendments to paragraph (2)(a) and subrule (3) delete obsolete references and substitute updated references consistent with the procedures to be followed in relation to appeals from the Magistrates Court.

Interpretation

- Rule 2 of Order 61A: The amendment provides an updated statutory citation in relation to the definition of "motor vehicle" as it applies to the authority of the Master in paragraph 1(a) of Order 61A.

Scale of costs

- Rule 7 of Order 65: The amendment updates the references to certain sections of the Legal Practitioners Act 1970.

Writing Requirements

- Rule 4 of Order 66: The amendment deletes the requirement that one page only of each leaf of a document for use in court proceedings may display writing, thus permitting a document to display writing on both sides.

Default in relation to examination under Decision 1 of Part 5.9

- Rule 82 of Order 75B: The amendment omits an incorrect reference from subrule (1).

Interpretation

- Rule 1 of Order 81: The amendment omits an unnecessary reference to "the Australian Capital Territory".

First Schedule:

A note is inserted in Forms 46, 47 and 48 of the First Schedule concerning an election by persons subpoenaed to produce documents to the Court to either have photocopied documents which have been produced to the Court, returned or destroyed at the conclusion of the proceedings. The effect of the amendment should be to reduce the costs to the Court associated with returning subpoenaed documents which are no longer required by the person who produced them.

Schedule 13

Schedule 13 to the Rules sets out the powers and functions of the Court that may be exercised by the Registrar and the Master pursuant to the Corporations Law. The amendment extends those powers by permitting these officers to exercise the powers of the Court pursuant to section 471B of the Corporations Law to grant leave to begin or proceed with a proceeding or enforcement process where a company is being wound up in insolvency or by the Court. The Registrar and the Master already have jurisdiction in a similar situation where a company is being wound up voluntarily pursuant to section 500 of the Corporations Law.