



Australian Capital Territory

# Supreme Court Amendment Rules 2002 (No 2)

**Subordinate Law SL2002-24**

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

Dated 13 September 2002.

JEFFERY MILES  
Chief Justice

K J CRISPIN  
Judge

M F GRAY  
Judge

J E CIRCOSTA  
Registrar





Australian Capital Territory

# Supreme Court Amendment Rules 2002 (No 2)

**Subordinate Law SL2002-24**

made under the

*Supreme Court Act 1933*

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## **1 Name of rules**

These rules are the *Supreme Court Amendment Rules 2002 (No 2)*.

## **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 2001*, s 75).

## **3 Rules amended**

These rules amend the *Supreme Court Rules*.

*Note* The rules are amended in the body of these rules and in sch 1.

## **4 Order 39 rule 24H**

*substitute*

### **24H Application for order to which div 39.5 applies**

- (1) An application for an order to which this division applies may only be made by motion by a person nominated by the requesting tribunal, or, if a person is not nominated, by the Attorney-General.
- (2) After an order is made, an application for any related order must be made by motion.
- (3) Notice of a motion under this rule need not be given to anyone, but a notice of motion must be filed.

## **5 Order 40 rule 2**

*substitute*

### **2 Form of affidavits generally**

- (1) An affidavit must be in accordance with form 1.49A and made in the first person.

- (2) If the person making the affidavit is, or is employed by, a party to the proceeding in which the affidavit is to be used, the affidavit must state that fact.
- (3) The body of an affidavit must be divided into paragraphs numbered consecutively, each paragraph as far as possible limited to a distinct part of the subject.
- (4) Each page of an affidavit, including any annexure, must be numbered sequentially, starting at number 1 for the first page of the affidavit.
- (5) Amounts of money, numbers, and references in dates to days of the months and years, must be in figures and not words.
- (6) Costs must not be allowed for an affidavit or part of an affidavit that substantially departs from this rule.

#### **6 New order 40 rule 4 (1A) and (1B)**

*insert*

- (1A) Each annexure to an affidavit must be identified sequentially on the first page of each annexure by a letter, starting at 'A' for the first annexure.
- (1B) Each annexure must include on its first page the information mentioned in form 1.49B.

#### **7 Order 40 rule 4 (4) and (5)**

*substitute*

- (4) Each exhibit to an affidavit must be identified by a separate certificate.
- (5) The certificate is the title page for the exhibit, and must be securely fastened to it.
- (6) Unless the court otherwise orders, the certificate must—
  - (a) be signed by the person before whom the affidavit is taken; and

- (b) include the initials of the person making the affidavit, followed by an identifying number corresponding to the number of the exhibit.

**Examples for subrule (6) (b)**

- 1 for the 1st exhibit, the identifying number is 1  
2 for the 4th exhibit, the identifying number is 4

*Note* An example is part of the rules, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see *Legislation Act 2001*, s 126 and s 132).

- (7) The certificate must be in accordance with form 1.49C.

**8 Order 40 rule 4**

*renumber subrules when rules next republished under Legislation Act 2001*

**9 Order 40 rule 5 (3)**

*omit*  
or declaration

**10 Order 40 rule 7 and 9 (1)**

*omit*  
, affirmed or declared  
*substitute*  
or affirmed

**11 Order 40 rule 9 (1) (c)**

*omit*  
, affirmation or declaration  
*substitute*  
or affirmation

**12 Order 40 rule 9 (1) (d)**

*omit*

, affirmed or declared

*substitute*

or affirmed



## Schedule 1      New forms—affidavits

(see r 3)

### [1.1] New forms 1.49A to 1.49C

*insert*

#### Form 1.49A      Form of affidavit

(see o 40 r 2)

On (*date, eg 6 February 2002*), I (*name, address and occupation*) [\*say on oath/solemnly affirm]—

1

2

(*etc*)

(*signature of person making affidavit*)

[\*Sworn/Affirmed] at

before me:

*\*Select appropriate words*

**Form 1.49B                      Annexures to  
affidavit—information on first page**

(see o 40 r 4)

This (and the following *(number)* page/s) is the annexure marked  
'*(appropriate letter ie 'A' for the 1st annexure, 'B' for the 2nd annexure  
etc)*' referred to in the affidavit of *(name of person making the affidavit)*  
[\*sworn/affirmed] at *(place)* on *(date eg 6 February 2002)* before me:

[\*Justice of the Peace/Barrister/Solicitor]

*\*Select appropriate words*

**Form 1.49C****Certificate identifying exhibit**

(see o 40 r 4)

*[Title as for affidavit—see o 40 r 1]*

This is the exhibit marked (*initials of person and identifying number eg ABC 1*) shown to me when (*name of person making the affidavit*) made [\*his/her] affidavit on (*date*).

[\*Justice of the Peace/Barrister/Solicitor]

*[signature of person before whom affidavit was taken]*

*\*Select appropriate words*

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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 2001* on 18 September 2002.  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))