

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](http://www.legislation.act.gov.au/a/2004-59), section 7.

Dated 18 December 2020.

|  |  |
| --- | --- |
| Helen Murrell | Lorraine Walker |
| Chief Justice | Chief Magistrate |
| michael elkaim | peter morrison |
| Judge | Magistrate |
|  |  |



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made under the

[Court Procedures Act 2004](http://www.legislation.act.gov.au/a/2004-59" \o "A2004-59)

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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](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

These rules amend the [Court Procedures Rules 2006](http://www.legislation.act.gov.au/sl/2006-29).

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](http://www.legislation.act.gov.au/a/1929-18), 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](https://www.legislation.gov.au/Series/C2004A04463) (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](https://www.legislation.act.gov.au/af/2007-72/).

(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  (b) by a clerk | 36.00  15.00 | per 6 minutes  per 6 minutes |

16 Schedule 5, part 5.1, item 117

omit

Endnotes

1 Notification

Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 21 December 2020.

2 Republications of amended laws

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

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