



Australian Capital Territory

Court Procedures Amendment Rules 2021 (No 1)

Subordinate Law SL2021-15

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

Dated 28 June 2021.

JOHN BURNS

Acting Chief Justice

MICHAEL ELKAIM

Judge

LORRAINE WALKER

Chief Magistrate

GLENN THEAKSTON

Magistrate



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made under the

[Court Procedures Act 2004](#)

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J2021-111

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 2021 (No 1)*.

2 Commencement

These rules commence on 1 July 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 2806

substitute

2806 Withdrawal as solicitor

- (1) A solicitor may withdraw from the record as solicitor for a client in a proceeding if the solicitor, in accordance with this rule—
 - (a) serves a notice of intention to withdraw on the client; and
 - (b) files a notice of ceasing to act in the court.

Note See—

- approved form 2.76 (Notice of intention to withdraw).
- approved form 2.77 (Notice of ceasing to act).

- (2) Except with leave of the court—
 - (a) a notice of intention to withdraw must not be served less than 28 days before a hearing date for the proceeding; and
 - (b) a notice of ceasing to act must not be filed less than 7 days after the notice of intention to withdraw has been served.

Note Pt 6.2 (Applications in proceedings) applies to an application for leave.

- (3) Leave may be granted under subrule (2) if the court considers it appropriate in the circumstances.
 - (4) A notice of intention to withdraw must—
 - (a) state that the solicitor will cease to act for the client not less than 7 days after the notice is served on the client; and
 - (b) ask the client to file and serve on each other active party to the proceeding—
 - (i) a notice appointing another solicitor; or
 - (ii) a notice of acting in person.
- Note* See—
- approved form 2.74 (Notice that party acting in person) [AF2006-319](#).
 - approved form 2.75 (Notice of change of solicitor) [AF2006-320](#).
- (5) A notice of ceasing to act must—
 - (a) state that the solicitor has ceased to act for the client; and
 - (b) state—
 - (i) the date the notice of intention to withdraw was served on the client; or
 - (ii) if the court granted leave under subrule (2)—the date leave was granted.
 - (6) A notice of ceasing to act must be filed in the court and a sealed copy of the notice served on all active parties in the proceeding, including the solicitor's client.
 - (7) The solicitor's withdrawal does not take effect until the solicitor has complied with subrule (6).

- (8) Part 6.8 (Service) applies to service of a notice on the solicitor's client under this rule as if a reference to an address for service were a reference to the address of the party last known to the solicitor.

Note See in particular r 6420 (Ordinary service—address for service).

5 Rule 2807 (1) to (4)

substitute

- (1) Despite rule 6008 (1), an application for leave under rule 2806 need only be served on the solicitor's client.

6 Rule 2807 (5)

after

from the record

insert

under rule 2806

7 Rule 2808 (1)

omit

rule 2807 (Leave to withdraw as solicitor)

substitute

rule 2806 (Withdrawal as solicitor)

8 New rule 5115 (5A)

insert

(5A) If a respondent is served an amended notice of appeal, the respondent may—

- (a) file an amended notice of contention in the Supreme Court not later than 14 days after the day the amended notice is served on the respondent, or not later than any further time allowed by the Supreme Court; and

Note 1 See approved form 5.6 (Supreme Court—notice of contention) [AF2006-390](#).

Note 2 Pt 6.2 (Applications in proceedings) applies to an application for further time.

- (b) serve on each party mentioned in subrule (2) (b) a stamped copy of the amended notice of contention, not later than 7 days after the day the notice of contention is filed, unless the Supreme Court otherwise orders.

9 Rule 6712 (1) and (2)

substitute

(1) A document to be used with an affidavit must be—

- (a) annexed to the affidavit; or
- (b) an exhibit to the affidavit.

(2) However—

- (a) no more than 50 pages in total may be annexed to an affidavit; and
- (b) an affidavit may not have both annexures and exhibits.

10 Rule 6712 (7)

omit

11 Rule 6712 (11)

substitute

- (11) An exhibit to an affidavit must—
- (a) be served with the affidavit; but
 - (b) not be filed in the court unless the court otherwise orders.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 30 June 2021.

2 Republications of amended laws

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

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