

1990 - No. 239

COMMERCIAL TRIBUNAL ACT 1984 - REGULATION

(Relating to proceedings that may be heard by the Chairman or a
Deputy Chairman sitting alone)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Commercial Tribunal Act 1984, has been pleased to make the Regulation set forth hereunder.

G. B. PEACOCKE
Minister for Business and Consumer Affairs.

The Commercial Tribunal Regulation 1984 is amended:

(a) by inserting after clause 4 the following clause:

Notice of appearance

4A. (1) A notice served under section 22 of the Act relating to proceedings under section 85 of the Credit Act 1984 must be accompanied by a further notice (to be called a "notice of appearance"), in a form approved by the Chairman, requesting the person on whom it is served to state whether he or she intends to appear at the hearing of the matter.

(2) The notice of appearance must state that if the notice is not returned by a date specified in the notice, the proceedings may be heard and determined by the Chairman or a Deputy Chairman sitting alone.

(b) by inserting after item 2 in Schedule 4 under the heading "**Proceedings under the Credit Act 1984**" the following matter:

2A. Proceedings under section 85 for an order to increase the liability of the debtor to the credit provider, where a notice of appearance has not been returned by the due date.

EXPLANATORY NOTE

The object of this Regulation is to extend the range of proceedings that may be heard and determined by the Chairman or a Deputy Chairman of the Commercial Tribunal sitting alone.

Proceedings under section 85 of the Credit Act 1984 relate to the situation where a credit provider has lost certain rights to credit charges payable by a debtor and applies to the Commercial Tribunal requesting that the right to recover all or part of the charges be reinstated. Such proceedings are to be able to be heard by the Chairman or a Deputy Chairman if the debtor concerned does not indicate an intention to appear (whether in person or by a representative) at the hearing of the matter.
