

1990 - No. 515

SUPREME COURT ACT 1970 - RULE

NEW SOUTH WALES



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SUPREME COURT RULES (AMENDMENT No. 246) 1990

1. These rules are made by the Rule Committee on 16 July 1990.
2. The Supreme Court Rules 1970 are amended as follows:
 - (a) Part 10 rule 11 (2)
Omit "Under Secretary of Justice" and insert instead "Secretary of the Attorney General's Department".
 - (b) Part 10 rule 12
Omit "Under Secretary of Justice" and insert instead "Secretary of the Attorney General's Department".
 - (c) Part 57 rule 5 (4)
Omit "Under Secretary of Justice" and insert instead "Secretary of the Attorney General's Department".
3. The Supreme Court Rules 1970 are further amended as follows:
 - (a) Part 12 rule 5 (a)
After subparagraph (xxvii) insert:
(xxviii) the Community Land Development Act 1989;
(xxix) the Community Land Management Act 1989.
 - (b) SCHEDULE D Part 1
under the matter relating to Act No. 47 of 1988 insert:

| | | |
|---|------------------------------------|---------------|
| in column 1 - | in column 2 - | in column 3 - |
| "Act No. 202, 1989; Community Land Management Act 1989 Section 23 (4) (a) | Variation, etc. of restriction. |" |

4. The Supreme Court Rules 1970 are further amended as follows:
- (a) Part 60 rule 17
From paragraph (a) omit "3,8" and insert instead "3,5,8".
 - (b) SCHEDULE D Part 3
After paragraph 4 insert:

5. Trial of proceedings in the Equity Division where referred to a master by order of a Judge or of the Court of Appeal with the consent of all the parties to the proceedings who have an address for service in the proceedings.
5. The Supreme Court Rules 1970 are further amended as follows:
- (a) Part 77 rule 8
Omit "Council of Auctioneers and Agents" and insert instead "Real Estate Services Council".
 - (b) Part 77 rule 9
Omit "Council of Auctioneers and Agents" and insert instead "Real Estate Services Council".
 - (c) SCHEDULE D Part 1
In the matter relating to Act No. 31 of 1969 insert, under the matter relating to section 60 (2):

| | | |
|---------------|-----------------|---------------|
| in column 1 - | in column 2 - | in column 3 - |
| "Sections | Personal injury |". |
| 60C-60H.. | cases.. | |
 - (d) SCHEDULE D Part 1
In the matter relating to Act No. 31 of 1969 insert, under the matter relating to section 73 (1):

| | | |
|----------------|---------------|---------------|
| in column 1 - | in column 2 - | in column 3 - |
| "Schedule 5 | Transitional | |
| clause 5 (5).. | provisions.. |". |
 - (e) SCHEDULE F Form 89C
 - (i) Omit "offence (*set out the prescribed offence*)" and insert instead "prescribed offence(s) set out in paragraph 1".
 - (ii) Renumber paragraphs 1-6 as paragraphs 2-7 of the warrant consecutively and before paragraph 2 as so renumbered insert the following paragraph:

1. specifies as the prescribed offence(s) in respect of which the warrant is granted the following:

(set out the prescribed offence(s))

6. Paragraph 5 (c) and (d) of this Amendment shall take effect on 1 September 1990.

EXPLANATORY NOTE

(This note does not form part of the rules)

1. The purposes of the above Amendment are:
 - (a) to assign business under the Community Land Development Act 1989 and Community Land Management Act 1989 to the Equity Division and to confer on a master the power of the Court under a provision of the latter Act (paragraph 3);
 - (b) to permit trial by a master of proceedings in the Equity Division where referred by consent by order of a Judge or of the Court of Appeal (paragraph 4);
 - (c) to alter references to the name of the former council consequential on the passing of the Real Estate Services Council Act 1990 (paragraphs 5 (a) and (b));
 - (d) to confer on a master the powers of the Court under certain provisions of the Limitation Act 1969 consequential on the passing of the Limitation (Amendment) Act 1990 (paragraph 5 (c) and (d));
 - (e) to alter the form of a warrant prescribed for the purposes of the Listening Devices Act 1984 (paragraph 5 (e));
 - (f) to make other provisions of a minor, consequential or ancillary nature.
2. Words or figures underlined in the above rules are intended to be represented in italics if printed.

B. H. BROWN, Secretary of the Rule Committee