

**1990 - No. 571**

**SUPREME COURT ACT 1970 - RULE**

**NEW SOUTH WALES**



*[Published in Gazette No. 106 of 24 August 1990]*

**SUPREME COURT RULES (AMENDMENT No. 247) 1990**

1. These rules are made by the Rule Committee on 13 August 1990.
2. (1) The Supreme Court Rules 1970 are amended as follows:
  - (a) Part 7 rule 4 (2)
    - (i) Omit "the Table below" and insert instead "Schedule J";
    - (ii) Omit "that Table" and insert instead "that Schedule";
    - (iii) Omit "less - " and insert instead "less";
    - (iv) Omit the Table.
  - (b) Part 29 rule 5 (2)  
Omit "of 21 per cent yearly" and insert instead "per cent yearly mentioned in column 2 of Schedule J beside the last period mentioned in column 1 of that Schedule".
  - (c) Part 40 rule 7 (2)  
Omit the subrule and insert instead:
    - (2) The prescribed rate of interest for the purposes of section 95 of the Act is, in respect of any period mentioned in column 1 of Schedule J, the rate per cent yearly mentioned in column 2 of that Schedule beside that period.
  - (d) Part 49 rule 8 (3) and (5)  
Omit "at the rate prescribed by Part 40 rule 7 (2)" and insert instead "in respect of the period mentioned in column 1 of Schedule J at the rate per cent yearly mentioned in column 2 of that Schedule".

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(e) Part 76 rule 40

Omit "21 per cent yearly" and insert instead "the rate per cent yearly mentioned in column 2 of Schedule J beside the last periods mentioned in column 1 of that Schedule".

(f) SCHEDULE E Part 2 paragraph 8A

Omit the paragraph and insert instead:

8A. Order under section 94 of the Act for inclusion of interest at a rate not higher than, in respect of any period mentioned in column 1 of Schedule J, the rate per cent yearly mentioned in column 2 of that Schedule beside that period in a sum, judgment for which is to be given under Part 17 rule 9 (which relates to default judgment) on a claim for a liquidated demand and for an order under section 94 of the Act only.

(g) After Schedule 1 insert:

### SCHEDULE J INTEREST RATES

P. 7, r. 4 (2)  
P. 29, r. 5 (2)  
P. 40, r. 7 (2)  
P. 49, r. 8 (3) (5)  
P. 76, r. 40  
Sch. E, P. 2, para. 8A.

Column 1 Period	Column 2 Rate
the beginning of 1 July 1972 to the end of 31 December 1973	5
the beginning of 1 January 1974 to the end of 31 December 1980	10
the beginning of 1 January 1981 to the end of 30 June 1981	13.5
the beginning of 1 July 1981 to the end of 30 June 1982	14.5
the beginning of 1 July 1982 to the end of 31 December 1983	15.5
the beginning of 1 January 1984 to the end of 31 December 1985	14.5
the beginning of 1 January 1986 to the end of 30 June 1986	18.25
the beginning of 1 July 1986 to the end of 31 October 1987	19.5
the beginning of 1 November 1987 to the end of 29 February 1988	18
the beginning of 1 March 1988 to the end of 28 February 1989	15
the beginning of 1 March 1989 to the end of 31 August 1989	17
the beginning of 1 September 1989 to the end of 31 August 1990	21
after 31 August 1990 .....	19

(2) Subparagraph (a) of this paragraph shall not apply to proceedings commenced before 1 September 1990.

(3) Subparagraphs (b)-(g) of this paragraph shall take effect on 1 September 1990.

3. Form 61A in Schedule F to the Supreme Court Rules 1970 is amended as follows:

(a) Under the document numbered 2 in the Index insert the following matter:

in the column "No."	in the column "Document"	in the column "Date"
"3	Affidavit of (name) except paragraph 3	27.7.77"

and renumber consecutively in the column "No." the documents listed below the matter inserted.

(b) After "preparation." insert "No part of any affidavit listed above was struck out or rejected or not read or expressly admitted for a limited purpose only, except as shown above".

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**EXPLANATORY NOTE**

(This note does not form part of the rules)

The purposes of the above Amendment are:

(a) to prescribe the interest rate on a judgment debt and in certain other cases at 19% as of 1 September 1990 (paragraph 2);

(b) to eliminate references to the amount of the rate in several rules and to substitute a reference to the amount in a new Schedule J (paragraph 2);

(c) to require that the rejection of a part of an affidavit be mentioned in the Index to appeal papers in the Court of Appeal (paragraph 3).

B. M. BROWN, Secretary of the Rule Committee.