

1993—No. 362

**SUPREME COURT RULES (AMENDMENT No. 276) 1993—
RULE**

NEW SOUTH WALES



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1. These rules are made by the Rule Committee on 3 August 1993.
2. The Supreme Court Rules 1970 are amended as follows:
 - (a) Part 52 rule 24 (2)
Omit “unless the Court otherwise orders” and insert instead “unless, it appearing to the Court that he had sufficient reason for commencing or continuing proceedings in the Court, the Court makes an order for payment”.
 - (b) Part 52 rule 24
After subrule (2) insert:
(2A) Without limiting the generality of subrule (2), it shall be taken to be a sufficient reason if the plaintiff had reasonable grounds at the relevant time for expecting that he would recover an amount in excess of the amount prescribed by that subrule.
 - (c) Part 52 rule 24 (3) (e)
Omit the paragraph and insert instead:
 - (e) in respect of proceedings commenced after 30 June 1993, where he recovers a sum more than \$75,000 but not more than \$150,000, be only a half of the whole amount.
 - (d) Part 52 rule 24 (4)
Omit the rule and insert instead:
 - (4) In a case to which subrule (3) applies, if it appears to the Court that the plaintiff had sufficient reason for commencing or continuing proceedings in the Court, the Court may order that the amount of costs payable to the plaintiff be some greater part or the whole of the amount which would be payable to him apart from that subrule.

(e) Part 52 rule 24

After subrule (4) insert:

(4A) Without limiting the generality of subrule (4), it shall be taken to be a sufficient reason if the plaintiff had reasonable grounds at the relevant time for expecting that he would recover an amount in excess of the amount prescribed by that subrule.

3. The amendments contained in paragraphs 2 (a), (b), (d) and (e) shall not apply to proceedings commenced before 1 July 1993.

EXPLANATORY NOTE

(This note does not form part of the rules).

1. The objects of the amendments contained in paragraphs 2 (a), 2 (b), 2 (d) and 2 (e) are to:

- (a) allow the Court to remove or reduce the costs sanctions which apply against a plaintiff in proceedings in which not more than the prescribed amount is recovered where it appears to the Court that the plaintiff had sufficient reason for commencing or continuing proceedings in the Court; and
- (b) make it clear that it shall be taken to be sufficient reason if the plaintiff had reasonable grounds at the relevant time for expecting that he would recover an amount in excess of the prescribed amount.

2. The object of the amendment contained in paragraph 2 (c) is to remove the costs sanctions in respect of proceedings commenced after 30 June 1993 where a plaintiff recovers a sum more than \$150,000 but not more than \$175,000.

M. A. BLAY,
Secretary of the Rule Committee.
