



New South Wales

## Supreme Court Rules (Amendment No. 333) 1999

1. These rules are made by the Rule Committee on 21 September 1999.
2. The Supreme Court Rules 1970 are amended as follows—  
Part 51 r 33(d)  
Omit the paragraph and insert instead—  
(d) unless the terms of the judgment or award of the primary Judge or court are clearly stated in the reasons—a duly authenticated minute of the judgment or award;
3. The amendment contained in paragraph 2 shall apply to Red Books filed after 1 January 2000.
4. The Supreme Court Rules 1970 are further amended as follows—  
Part 78 rule 1  
Omit the definition of “registrar” and insert instead—  
“**registrar**” has the same meaning as it has in the Probate Act.
5. The Supreme Court Rules 1970 are further amended as follows—  
SCHEDULE E Part 2 paragraph 29  
Omit “is for damages in respect of the debt” and insert instead “are for damages in respect of the death”.
6. The Supreme Court Rules 1970 are further amended as follows—  
Part 72B rule 1(1)  
Omit the subrule.
7. The Supreme Court Rules 1970 are further amended as follows—  
(a) Part 1A rule 2(3)  
Omit “of” and insert instead “not exceeding”.

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(b) Part 2 rule 5(1)

Omit the subrule and insert instead—

**5. (1)** In reckoning the time fixed by the rules or any judgment or order for the doing by a party of any act:

- (a) the period from the beginning of 25 December until the end of 9 January next following; and
- (b) the period from the beginning of 11 September 2000 until the end of 29 September 2000,

shall, unless the Court otherwise orders, be excluded but, subject to Part 1A rule 2 (4) (which relates to a trial in the fixed vacation), business may be done during those periods.

(c) Part 2 rule 6(1)

Omit “9.30” where appearing and insert instead “9”.

### EXPLANATORY NOTE

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

1. The object of the amendment contained in paragraph 2 is to require appeal books to include a copy of a duly authenticated minute of the judgment or award of the primary Judge or court unless the terms of the judgment or award are clearly stated in the reasons.
2. The object of the amendment contained in paragraph 4 is to amend the definition of *registrar* in Part 78 of the Supreme Court Rules 1970 (which relates to probate matters) so that it has the same meaning as it has in the recently amended section 3 of the Wills, Probate and Administration Act 1898.
3. The object of the amendment contained in paragraph 5 is to correct typographical errors.
4. The object of the amendment contained in paragraph 6 is to remove restrictions imposed by the omitted subrule on the class of proceedings that may be referred by the Court to arbitration under the Arbitration (Civil Actions) Act 1983, it being considered that there is no longer any benefit in the restrictions.

5. The object of the amendment contained in paragraph 7(a) is to allow the variable vacation to be fixed for a period of less than 4 weeks. The rule presently allows it to be fixed for 4 weeks only.
6. The object of the amendment contained in paragraph 7(b) is to prevent time, fixed by the rules or any judgment or order for the doing by a party of any act, running during the vacation fixed for the period.
7. The object of the amendment contained in paragraph 7(c) is to update the rule stating the normal opening time of the registry on weekdays by substituting *9 am* for *9.30 am*.

M A Blay

The Secretary of the Rule Committee

BY AUTHORITY