



New South Wales

## Supreme Court Rules (Amendment No 348) 2001

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 23 April 2001.

Steven Jupp  
Secretary of the Rule Committee

### Explanatory note

Rule 32 of Part 76 of the *Supreme Court Rules 1970* provides for the filing and passing of accounts of managers of the estates of protected persons.

The object of these Rules is to amend rule 32:

- (a) to provide for the Protective Commissioner to specify times within which and periods in respect of which a manager's accounts and financial statements must be filed in a particular case (as an alternative to the generally applicable requirements of the rule that fix periods within which those accounts and financial statements must be filed), and
- (b) to require a manager's accounts and financial statements and the affidavit verifying them to be in a form and filed in a manner determined by the Protective Commissioner (instead of being in a form prescribed by the rules), and
- (c) to require a manager to take out an appointment to vouch and pass the manager's accounts when requested to do so by the Protective Commissioner (instead of within a fixed 14 day period after filing the accounts as at present), and

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Explanatory note

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(d) to delete obsolete references to the Deputy Protective Commissioner.

These Rules also amend Schedule F by deleting the prescribed forms of statement of account and verifying affidavit that will become obsolete as a result of the above amendments.

## **Supreme Court Rules (Amendment No 348) 2001**

### **1 Name of Rules**

These Rules are the *Supreme Court Rules (Amendment No 348) 2001*.

### **2 Amendment of Supreme Court Rules 1970**

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

### **3 Notes**

The explanatory note does not form part of these Rules.

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Schedule 1      Amendments

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### **Schedule 1      Amendments**

(Rule 2)

#### **[1]      Part 76, rule 32**

Omit rule 32. Insert instead:

#### **32      Filing and passing accounts**

- (1) Unless the Court otherwise orders, the manager must file in the registry an account of the manager's receipts and payments and a statement of the financial position of the estate being administered:
  - (a) within 1 month after the expiration of 12 months from the date of the order appointing the manager and of every subsequent period of 12 months, and within 1 month after the manager's discharge, or
  - (b) at such other time or times, in respect of such other period or periods, as the Commissioner may direct in a particular case.
- (2) An account and statement under this rule must be in such form and be filed in such manner as the Commissioner determines from time to time and must be verified by affidavit in a form required by the Commissioner.
- (3) The manager must, at the request of the Commissioner, take out an appointment to vouch and pass the manager's account before the Commissioner or another officer of the Court authorised by the Commissioner for the purpose.
- (4) For the purpose of vouching the account, the manager must furnish whatever may be required and the Commissioner or other authorised officer may at any time require the production of and inspect any books or accounts kept by the manager in relation to the estate being administered.
- (5) The manager must, unless excused, attend at the appointed time and place to vouch the manager's account.

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Amendments

Schedule 1

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(6) The passing of the account of a manager is to be signified by a certificate of an officer of the Court authorised by the Commissioner for the purpose. The certificate is to be endorsed at the end of the account.

**[2] Schedule F**

Omit Forms 87 (Statement of account) and 88 (Affidavit verifying account).

BY AUTHORITY