



New South Wales

Supreme Court Rules (Amendment No 397) 2004

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 15 November 2004.

Steven Jupp
Secretary of the Rule Committee

Explanatory note

Rule 5 (b) (vi) of Part 12 of the *Supreme Court Rules 1970* currently assigns to the Equity Division of the Supreme Court any proceedings in the Court in relation to any provision in any Act or Commonwealth Act by which a tax, fee, duty or other impost is levied, collected or administered by or on behalf of the State or the Commonwealth.

The object of these Rules is to amend rules 4 and 5 of Part 12 to make it clear that any proceedings for debt in relation to any such provision of an Act is assigned to the Common Law Division while proceedings for any other kind of relief are assigned to the Equity Division.

2004 No 766

Rule 1 Supreme Court Rules (Amendment No 397) 2004

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1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 397) 2004*.

2 Amendment of Supreme Court Rules 1970

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

Schedule 1 Amendments

(Rule 2)

[1] Part 12

Insert after rule 4 (3):

- (4) There are assigned to the Common Law Division any proceedings in the Court for debt arising under any provision in any Act or Commonwealth Act by which a tax, fee, duty or other impost is levied, collected or administered by or on behalf of the State or the Commonwealth.

[2] Part 12, rule 5

Insert “(other than proceedings for debt that are assigned to the Common Law Division by rule 4 (4))” after “the Commonwealth” in rule 5 (b) (vi).