



# Supreme Court Rules (Amendment No 371) 2003

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 17 February 2003.

Steven Jupp

Secretary of the Rule Committee

## **Explanatory note**

The object of these Rules is to amend Schedule F of the *Supreme Court Rules 1970* to update Form 5 to reflect recent changes to practice in relation to defamation proceedings.

## **2003 No 230**

Rule 1 Supreme Court Rules (Amendment No 371) 2003

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## **Supreme Court Rules (Amendment No 371) 2003**

under the

Supreme Court Act 1970

### **1 Name of Rules**

These Rules are the *Supreme Court Rules (Amendment No 371) 2003*.

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

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

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**Schedule 1 Amendment**

(Rule 2)

**Schedule F**

Omit Form 5. Insert instead:

**Form 5**

P 4, r 1.

STATEMENT OF CLAIM

1. }
  2. }
- (plead as required by the rules)*

The plaintiff claims:

1. }
  2. }
- (specify the relief claimed)*

*(Particulars under Part 16 may be given by a heading, for example:*

**PARTICULARS OF INJURIES**

1. }
  2. }
- (state the particulars of injuries)*

*(These particulars may appear in the relevant place in the statement of facts or separately after the relief claimed, whichever is convenient.)*

To the defendant *(address)*:

1. You are liable to suffer judgment or an order against you unless the prescribed form of notice of your appearance is received in the Registry *(or where a place in the Riverina or the Central West or the Northern Rivers district is the nominated place of trial, "or Sub-Registry")* within (14) days after service of this Statement of Claim upon you and you comply with the rules of court relating to your defence.

## 2003 No 230

Supreme Court Rules (Amendment No 371) 2003

Schedule 1      Amendment

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*(or, where the proceedings are or include proceedings on a claim in respect of defamation—*

1. If there is no attendance before the Court by you or by your counsel or solicitor at the time and place specified below, the proceedings may be heard and you will be liable to suffer judgment or an order against you in your absence. Before any attendance at that time you must enter an appearance in the Registry *(or, where a place in the Riverina or the Central West or the Northern Rivers district is the place named for attendance add “or Sub-Registry”)*.

2. *(Where the defendant is a corporation, add: A Corporation may not enter an appearance in, or defend, any proceedings otherwise than by a solicitor or by a director authorised in accordance with Part 11 rule 1A of the Supreme Court Rules 1970.)*

3. *(Where Part 7 rule 4 applies, add: You may, within (14) days after service of this Statement of Claim upon you, pay to the plaintiff or his solicitor the amount claimed (and, where the claim is for a liquidated demand together with an order for interest under section 94 of the Act, add— together with interest at the rate claimed or at (specify the rate fixed by Part 7 rule 4) per cent yearly whichever is less, from the beginning of the period for which interest is claimed until the date of payment (or as the case may require: see Part 7 rule 4 (2)) and also \$      for costs. Further proceedings against you will be stayed when you also file a prescribed form of notice of payment.)*

4. *(Where Part 7 rule 8 (1) (a) applies, add: The plaintiff does not seek to disturb the occupation of (name of occupier).)*

*(Where Part 33 rule 2 (2) applies, add: Nominated place for trial: (here state a place appointed for sittings of the Court).)*

*(Where the proceedings are or include proceedings on a claim in respect of defamation, add the time and place for attendance)*

Plaintiff: *(name, address)* (a minor)

(Tutor: *(name, address)*)

Plaintiff's address for Service: *(Part 9 rule 6)*

Address of Registry:

*(where a place in the Riverina is the nominated place of trial, add “Sub-Registries: the offices of clerks of the Court at Albury, Cootamundra, Deniliquin, Griffith, Gundagai, Leeton, Narrandera, Temora and Tumut”)*.

*(where a place in the Central West is the nominated place of trial, add—“Sub-Registries: the offices of the clerks of the Court at Bathurst, Cowra, Dubbo, Forbes, Lithgow, Mudgee, Parkes and Wellington”)*.

*(where a place in the Northern Rivers district is the nominated place of trial, add—“Sub-Registries: the offices of the clerks of the Court at Ballina, Bellingen, Byron Bay, Casino, Coffs Harbour, Dorrigo, Glen Innes, Grafton, Kempsey, Kyogle, Macksville, Maclean, Mullumbimby, Murwillumbah, Port Macquarie, Tenterfield, Tweed Heads and Wauchope.”)*

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**Certification under section 198L of the Legal Profession Act 1987**

I, (full name), certify that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that this claim (or, as the case may be, this defence/this cross-claim/this defence to cross-claim) has reasonable prospects of success.

(Signature) Date (Date certification signed)

Solicitor/barrister for the plaintiff/defendant/cross-claimant/cross-defendant (as the case may be)