



Dust Diseases Tribunal Amendment (Exhibits) Rule 2004

under the

Dust Diseases Tribunal Act 1989

The Dust Diseases Tribunal Rule Committee made the following rule of court under the *Dust Diseases Tribunal Act 1989* on 12 May 2004.

David Martin

Secretary of the Rule Committee

Explanatory note

The object of this Rule is to amend the *Dust Diseases Tribunal Rules*:

- (a) to enable the Tribunal to make orders in respect of the retention and return of exhibits in proceedings, and
- (b) to provide for the return of exhibits to the persons who originally produced them to the Tribunal or registrar.

2004 No 297

Clause 1 Dust Diseases Tribunal Amendment (Exhibits) Rule 2004

Dust Diseases Tribunal Amendment (Exhibits) Rule 2004

under the

Dust Diseases Tribunal Act 1989

1 Name of Rule

This Rule is the *Dust Diseases Tribunal Amendment (Exhibits) Rule 2004*.

2 Amendment of Dust Diseases Tribunal Rules

The *Dust Diseases Tribunal Rules* are amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Rule 15

Insert after rule 14:

15 Retention and return of exhibits

- (1) The Tribunal may:
 - (a) order that exhibits in any proceedings be retained by the Tribunal until the expiry of any period, or the occurrence of any event, specified in the order for the return of the exhibits, or
 - (b) order that exhibits in any proceedings that have been returned to the person who originally produced them to the Tribunal or registrar be returned to the Tribunal for the purposes of the determination of a cross-claim arising out of the proceedings.
- (2) Exhibits in any proceedings in which judgment is given or a final order is made are to be returned to the persons who produced them to the Tribunal or registrar:
 - (a) if the Tribunal makes no order that the exhibits be retained and no appeal to the Supreme Court is brought in respect of the proceedings within the period provided for an appeal by or under the *Supreme Court Act 1970*—immediately after the expiry of that period, or
 - (b) if the Tribunal makes no order that the exhibits be retained and leave to appeal to the Supreme Court is refused in respect of the judgment or final order in the proceedings—immediately after the Tribunal or registrar is notified of the refusal to grant leave, or
 - (c) if the Tribunal makes an order that the exhibits be retained—at the expiry of the period, or on the occurrence of the event, specified in the order for the return of the exhibits.
- (3) A person to whom exhibits are to be returned under subrule (2) is to obtain the return of, and give the registrar a receipt for, the exhibits as soon as is practicable after the first day on which exhibits are to be returned.

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Schedule 1 Amendment

- (4) The registrar is responsible for the safe custody of any exhibits only for a period of 14 days after the first day on which exhibits are to be returned.
- (5) This rule applies to any exhibits produced in proceedings, whether on subpoena or otherwise.

BY AUTHORITY
