



New South Wales

Supreme Court Rules (Amendment No 422) 2013

under the

Supreme Court Act 1970

The Supreme Court Rule Committee has made the following rules of court under the *Supreme Court Act 1970*.

Steven Jupp
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to amend the *Supreme Court Rules 1970*:

- (a) to correct the date after which certain rules apply in respect of affidavits in support of applications for a grant of administration made by a person claiming to have been in a domestic partnership with a deceased person, and
- (b) to clarify that a notice of proceedings is to be issued directly and not requested to be issued by a party in the proceedings, and
- (c) to extend the publication requirements in rule 93 of Part 78 to a notice of intention to distribute assets of a deceased person under the *Succession Act 2006* or the *Trustee Act 1925*, and
- (d) to insert a note that indicates the approved form for use in the publication of a notice of intended distribution under the *Probate and Administration Act 1898*, the *Succession Act 2006* or the *Trustee Act 1925*.

2013 No 146

Rule 1 Supreme Court Rules (Amendment No 422) 2013

Supreme Court Rules (Amendment No 422) 2013

under the

Supreme Court Act 1970

1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 422) 2013*.

2 Commencement

These Rules commence on the day on which they are published on the NSW legislation website.

3 Amendment of Supreme Court Rules 1970

(1) **Part 78, rule 22 Affidavit in support of application for administration—domestic partnerships**

Omit “1 March 2012” from rule 22 (1).

Insert instead “1 March 2010”.

(2) **Part 78, rule 59 Proof of service of notice of proceedings**

Omit “A party at whose request a notice of proceedings has been issued” from rule 59.

Insert instead “A party who has issued a notice of proceedings”.

(3) **Part 78, rule 93 Form of notice of intended distribution**

Insert “, section 93 of the *Succession Act 2006* or section 60 of the *Trustee Act 1925*” after “*Probate and Administration Act 1898*”.

(4) **Part 78, rule 93**

Insert at the end of the rule:

Note. The form currently approved under section 17 of the *Civil Procedure Act 2005* for a notice of intended distribution is Form 114 of the forms approved under that section.