



New South Wales

Supreme Court (Corporations) Amendment (No 13) Rules 2017 *

under the

Supreme Court Act 1970

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

Rebel Kenna
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to restore the requirement to rules 3.4, 5.6, 5.10, 5.11, 6.2 and 7.9 of the *Supreme Court (Corporations) Rules 1999* for notice of external administration events in relation to a body to be published once in a daily newspaper circulating generally in the State or Territory where the body has its principal, or last known, place of business. That requirement was removed by the *Supreme Court (Corporations) Amendment (No 12) Rules 2014*.

These Rules make amendments to the *Supreme Court (Corporations) Rules 1999* equivalent to those that were made to the *Federal Court (Corporations) Rules 2000* by the *Federal Court (Corporations) Amendment (Publication of Notices) Rules 2017*.

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1 Name of Rules

These Rules are the *Supreme Court (Corporations) Amendment (No 13) Rules 2017*.

2 Commencement

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

Schedule 1 Amendment of Supreme Court (Corporations) Rules 1999

[1] Rule 3.4 Notice of hearing (Corporations Act s 411 (4), s 413 (1))—Form 6

Omit rule 3.4 (2). Insert instead:

- (2) Unless the Court otherwise orders, the plaintiff must publish a notice of the hearing of the application:
 - (a) for an application in relation to one Part 5.1 body—in a daily newspaper circulating generally in the State or Territory where the Part 5.1 body has its principal, or last known, place of business, or
 - (b) for an application in relation to 2 or more Part 5.1 bodies—in a daily newspaper circulating generally in each State or Territory where any of the Part 5.1 bodies has its principal, or last known, place of business.

[2] Rule 5.6 Notice of application for winding up—Form 9

Insert after rule 5.6 (2):

- (3) If the notice is of an application for an order under Part 2F.1 of the Corporations Act, the notice must be published in a daily newspaper circulating generally in the State or Territory where the company has its principal, or last known, place of business.
Note. A notice of an application for an order under Part 5.4 or 5.4A of the Corporations Act must be published in the prescribed manner: see sections 465A and 1367A of the Corporations Act.

[3] Rule 5.10 Order substituting plaintiff in application for winding up (Corporations Act s 465B)—Form 10

Omit rule 5.10 (2). Insert instead:

- (2) The notice must be in accordance with Form 10.
- (3) Unless otherwise directed by the Court, the notice must be published:
 - (a) at least 7 days before the date fixed for the hearing of the application, and
 - (b) in a daily newspaper circulating generally in the State or Territory where the company has its principal, or last known, place of business.

[4] Rule 5.11 Notice of winding up order and appointment of liquidator—Form 11

Insert “in a daily newspaper circulating generally in the State or Territory where the company has its principal, or last known, place of business” after “liquidator’s appointment” in rule 5.11 (3).

[5] Rule 6.2 Notice of appointment of provisional liquidator—Form 12

Insert “in a daily newspaper circulating generally in the State or Territory where the company has its principal, or last known, place of business” after “provisional liquidator’s appointment” in rule 6.2 (3).

[6] Rule 7.9 Distribution of surplus by liquidator with special leave of the Court (Corporations Act s 488 (2))—Form 15

Insert “in relation to a company” after “a surplus” in rule 7.9 (1).

[7] Rule 7.9 (2)

Insert “in a daily newspaper circulating generally in the State or Territory where the company has its principal, or last known, place of business” after “notice of the application”.