

Erratum

The Supreme Court (Corporations) Amendment (No 13) Rules 2017 were published on LW 10 November 2017 (2017 No 618). These Rules were published with a typographical error in Schedule 1 [1]. The correct Rules are now published in full below.



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*.

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

under the

Supreme Court Act 1970

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 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”.