

SUPREME COURT RULES (AMENDMENT No. 252) 1991

NEW SOUTH WALES



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1. These rules are made by the Rule Committee on 11 March 1991.
2. The Supreme Court Rules 1970 are amended as follows—
Part 52 rule 50A
Omit the rule and insert instead—

Party and party taxation: notice to file objections

- 50A. (1) This rule applies where an application under rule 43 is made by filing a bill but does not apply where—
- (a) a person liable to pay the costs is, at the date on which the bill is filed, a disable person; or
 - (b) the costs are to be paid out of a fund.
- (2) A notice in Form 62AC to file objections shall be attached to or subscribed to the bill.
 - (3) A notice of objection to which Form 62AC refers shall be in Form 64.
 - (4) The party filing the bill shall, on the date of filing, serve the bill on each other party interested in the taxation and any party who does not have an address for service shall be served personally.
 - (5) A party filing a notice of objection shall, on the date of filing, serve the notice on each other party interested in the taxation.
 - (6) Where a notice of objection is filed within the time limited by the notice to file objections, the items to which objection is taken in the notice of objection shall be taxed and the other items shall be allowed.
 - (7) Where the time limited to serve a notice of objection has expired and the party who filed the bill has not been served with a notice of objection, that party shall file an affidavit verifying service of the bill.

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- (8) A taxing officer, if satisfied that—
- (a) the requirements of this rule relating to the service of the bill have been complied with;
 - (b) the time limited to file a notice of objection has expired; and
 - (c) a notice of objection has not been filed within the time limited,
- shall make a certificate in the amount of the costs claimed in the bill.
3. The amendment in paragraph 2 shall not apply where a bill is filed before 15 April 1991.
 4. The Supreme Court Rules 1970 are further amended as follows—
 - (a) Part 12 rule 4
After paragraph (i) insert—
 - (j) the Agricultural Tenancies Act 1990.
 - (b) Part 72A rule 1A (1) (a)
Omit “rule 1” and insert instead “rule 2”.
 - (c) Part 72A rule 1A (2)
Omit the subrule and insert instead—
 - (2) This rule does not apply to—
 - (a) proceedings on an application under section 53 or section 57 of the subject Act (which sections relate to a stay of court proceedings); or
 - (b) proceedings to which Part 12 rule 4(j) (which relates to the Agricultural Tenancies Act 1990) applies.
 - (d) SCHEDULE D Part 1
Under the matter relating to Act No. 202 of 1989 insert—

in column 1—	in column 2—	in column 3—
“Act No. 64, 1990; Agricultural Tenancies Act 1990 Section 22 (3)	Extension of time for application for for arbitration.”
 5. The Supreme Court Rules 1970 are further amended as follows—
 - (a) Part 77 rule 87D
After “made” insert “personally”.

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- (b) Part 77 rule 89J
Omit “895” and insert “879”.
- 6. The Supreme Court Rules 1970 are further amended as follows—
Part 20 rule 2(2A)
Omit the subrule.
- 7. The Criminal Appeal Rules are amended as follows—
 - (a) Rule 5A
After “jurisdiction), ” insert “or under section 5AA(1) as applied by sections 5AB, 5AC or 5AD of the Act,”.
 - (b) Rule 22
Omit “Clerk of the Peace” and insert instead “Director of Public Prosecutions or the Attorney General, as may be appropriate,”.
 - (c) Rule 29
 - (i) After 54“ delete “or” and insert instead “,”.
 - (ii) After “5B” insert “or 5BA”.
 - (iii) Omit “or Chairman of Quarter Sessions”.
 - (d) Rule 30
Omit “, and to the Clerk of the Peace”.
 - (e) Rule 31
 - (i) Omit “or Chairman of Quarter Sessions”.
 - (ii) Omit “Clerk of the Peace” and insert instead “proper officer of the Court of Trial”.
 - (f) Rule 47
Omit “of” and insert instead “or”.
 - (g) Form II
Omit “Clerk of the Peace” and insert instead “(*Proper officer of the Court of Trial*)”.
 - (h) Forms XI and XII
 - (i) Omit “Comptroller-General” and insert instead “Corrective Services Commission of New South Wales”.
 - (ii) Omit “Clerk of the Peace” and insert instead “Registrar of the (*Court of Trial*)”.

EXPLANATORY NOTE

(This note does not form part of the rules).

1. The purpose of the amendment contained in paragraph 2 is to clarify the requirement for the service of a notice of objection and for the filing of an

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affidavit of service of a bill of costs where no notice of objection has been filed.

2. The purposes of the amendments contained in paragraph 4 are to—
 - (a) assign proceedings under the Agricultural Tenancies Act 1990 to the Common Law Division;
 - (b) to confer certain powers of the Court under that Act on a master; and
 - (c) to correct an erroneous reference in Part 72A rule 1A(1)(a).
3. The purposes of the amendments contained in paragraph 5 are—
 - (a) to stipulate that service of a notice pursuant to section 56(2) of the Confiscation of Proceeds of Crime Act 1989 shall be personal; and
 - (b) to rectify an incorrectly numbered de.
4. The purpose of the amendment contained in paragraph 6 is to omit a rule superseded by amendment 251.
5. The purposes of the amendments contained in paragraph 7 are as follows—
 - (a) to include references to sections 5AB, 5AC and 5AD of the Criminal Appeal Act 1912 in rule 5A;
 - (b) to omit references to superseded offices and replace them where necessary with references to the appropriate office;
 - (c) to include a reference to section 5BA of the Criminal Appeal Act 1912 in rule 29; and
 - (d) to correct a typographical error in rule 47.
6. Words and figures underlined in the above rules are intended to be represented in italics when printed.

M. A. Blay, Secretary of the Rule Committee.