

**SUPREME COURT RULES (AMENDMENT No. 264) 1992**

NEW SOUTH WALES



*[Published in Gazette No. 62 of 22 May 1992]*

1. These Rules are made by Rule Committee on 18 May 1992.
2. That the Supreme Court Rules 1970 be amended as follows:
  - (a) Part 12 rule 5 (a) (xxxi)  
Omit “.” and insert instead “;”.
  - (b) Part 12 rule 5 (a)  
After paragraph (xxxi) insert:  
(xxxi) the Charitable Fundraising Act 1991.
  - (c) SCHEDULE D Part 1  
Under the matter relating to Corporations Regulations insert:  
in Column 1— in Column 2— in Column 3—  
  
“Act No. 69, 1991;  
Charitable  
Fundraising  
Act 1991—  
Section 32                      Disposition of assets                      ...”
3. The Supreme Court Rules 1970 are further amended as follows:
  - (a) Part 1 rule 3  
Omit “PART 41—JUDGMENT AND ORDERS: MINUTES AND ENTRY” and insert instead “PART 41—JUDGMENTS AND ORDERS: MINUTES, ENTRY AND COPIES”.
  - (b) Part 41  
Omit from the heading to the Part “MINUTES AND ENTRY” and insert instead “MINUTES, ENTRY AND COPIES”.

## (c) Part 41 rule 15

Omit the headnote and insert instead “Copies of judgments and orders of the Court”.

## (d) Part 41 rule 15A

(i) Omit the headnote and insert instead “Copies in aid of enforcement outside of Australia”.

(ii) Omit “15A” and insert instead “15B”.

## (e) Part 41

After rule 15 insert:

**Copies of judgments etc. registered or filed in the Court**

15A. (1) In this rule:

(a) “external judgment” means a judgment or order of a court, other than the Court, registered or filed in the Court under any Act or Commonwealth Act; and

(b) “subject certificate” means a certificate filed in the Court under section 21B (3) of the Crimes Act 1914 of the Commonwealth.

(2) In this rule a reference to a judgment or order shall include a reference to:

(a) an amendment of or to a judgment or order; and

(b) a certificate of a judgment or order.

(3) The registrar shall, upon payment of the prescribed fee, furnish a certified or office copy of an external judgment or subject certificate:

(a) where the external judgment is registered or filed pursuant to an order of the Court—to any party to the proceedings in which the order for registration was made;

(b) where the external judgment is registered otherwise than pursuant to an order of the Court—to the person on whose application registration was effected; and

(c) where the external judgment or the subject certificate is filed in the Court—to any person who filed the external judgment or the subject certificate.

(4) The registrar may furnish, upon payment of the prescribed fee, a certified or office copy of an external judgment or a subject certificate to any person appearing to have a sufficient interest in the external judgment or the subject certificate.

(5) Where, under subrules (3) or (4), the registrar furnishes a certified or office copy of an external judgment or a subject certificate, he shall endorse, on the copy which he furnishes, a statement:

- (a) identifying the provision under which registration or filing was effected;
  - (b) of the date of registration or filing;
  - (c) where registration or filing was effected by means of a facsimile copy—that registration or filing was so effected; and
  - (d) where registration or filing has been cancelled or has ceased to have effect—the date of cancellation or cessation.
- (f) Part 61 rule 5 (1) (c)  
After “orders” insert “etc”.
  - (g) Part 71 rule 4  
Omit the rule.
  - (h) Part 71 rule 5  
Omit “15” and insert instead “15A”.
  - (i) SCHEDULE E Part 2 paragraph 6  
Omit the paragraph and insert instead:  
6. Certifying a copy of a document to be a true copy where the registrar is authorised under any Act or Commonwealth Act or under the rules to issue or furnish a certificate or office copy of the document.
  - (j) SCHEDULE F Form 51A  
Omit “15A” and insert instead “15B”.

4. The Supreme Court Rules 1970 are further amended as follows:

- (a) Part 78 rule 69 (1)
  - (i) After “person” insert “has applied or”.
  - (ii) After “of the” insert “application or the”.
- (b) SCHEDULE E Form 16  
After “ROBERT STYLES.)” insert:  
*(Where the appearance is entered under Part 78 rule 34H (1), add:*  
This appearance is entered under Part 78 rule 34H (1).)

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5. The Supreme Court Rules 1970 are further amended as follows:

**SCHEDULE H Part 1**

Under the matter relating to the Dividing Fences Act 1991 insert:

in the column	in the column	in column 2—
“Act”—	“Section (unless otherwise stated)”:	
Driving Instructors Act 1992	39 (1)	Appeal from Local Court.”

**EXPLANATORY NOTE**

(This note does not form part of the rules)

1. The object of the amendments contained in paragraphs 2 (a) and (b) is to assign to the Equity Division proceedings under the Charitable Fundraising Act 1991.

2. The object of the amendments contained in paragraph 2 (c) is to allow a Master to exercise the powers of the Court under section 32 of the Charitable Fundraising Act 1991.

3. The object of the amendments contained in paragraphs 3 (a) to (j) is to authorise the issuing of certified or office copies of

(a) judgments, orders and certificates of judgments of other courts which are registered or filed in the Court; and

(b) certificates under section 21B (3) of the Crimes Act 1914 of the Commonwealth which are filed in the Court,

and to make other provisions of a minor, consequential or ancillary nature.

4. The object of the amendment contained in paragraph (4) (a) is to make it clear that Part 78 rule 69 (1) applies where a person has applied for a grant of Probate or Letters of Administration or for a reseal of Probate or Letters of Administration.

5. The object of the amendment contained in paragraph 4 (b) is to require a person, filing an appearance in response to a notice concerning an informal testamentary document served under Part 78 rule 34E, to include in the appearance a note that the appearance is entered under Part 78 rule 34H (1).

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6. The object of the amendment contained in paragraph 5 is to assign appeals under section 39 (1) of the Driving Instructors' Act 1992 to the Administrative Law Division.

7. 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.

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