
JUSTICE

JM301

SUPREME COURT ACT 1935

SUPREME COURT AMENDMENT RULES (No. 2) 1997

Made by the Judges of the Supreme Court.

Citation

1. These rules may be cited as the *Supreme Court Amendment Rules (No. 2) 1997*.

Commencement

2. These rules come into operation on 1 July 1997.

Principal rules

3. In these rules the *Rules of the Supreme Court 1971** are referred to as the principal rules.

[* *Reprinted as at 21 November 1994.*
For amendments to 14 May 1997 see 1996 Index to Legislation of Western Australia, Table 4, pp. 260-61.]

Second Schedule amended

4. The Second Schedule to the principal rules is amended by deleting forms 13, 14, 16 and 44.

Fifth Schedule amended

5. (1) Part I of the Fifth Schedule to the principal rules is amended in item 1 —

(a) in paragraph (a) —

(i) by deleting “, including filing a draft notice of appeal,”; and

(ii) by inserting the following after “1A” —

“ , 1B ”;

and

(b) by deleting paragraph (b) and the corresponding fee of “265.00” and substituting the following —

“

(b) Filing a counterclaim; or

(c) Issuing a third party notice or a notice under O.19, R.8 500.00

”.

(2) Part I of the Fifth Schedule to the principal rules is amended by deleting item 1A and substituting the following items —

“

1A (a) An application to extend a period of time fixed by law including an application to extend time before proceedings are commenced;

	(b)	An application to limit a period of time within which proceedings may be taken;	
	(c)	An application for leave to serve a writ or notice of a writ out of jurisdiction;	
	(d)	An application to swear to the death of a person;	
	(e)	An application to remove a local court appeal into the Full Court; or	
	(f)	An application for inclusion in the Expedited list	200.00
1B	(a)	Application for leave to appeal	200.00
	(b)	Application for leave to appeal made to the Full Court after an application of the kind referred to in item 1B (a) has been made	200.00
	(c)	Filing a draft notice of appeal in accordance with O.63A, R.3 (1) (b)	300.00
	(d)	Commencing an appeal —	
		(i) where a draft notice of appeal in respect of which a fee has been paid under item 1B (c) stands as the notice of appeal	Nil
		(ii) in any other case	500.00
	(e)	Filing a cross-appeal	500.00

”.

(3) Part I of the Fifth Schedule to the principal rules is amended in item 3A by deleting “200.00” and substituting the following —

“ 500.00 ”.

(4) Part I of the Fifth Schedule to the principal rules is amended in item 4 by deleting “70.00” and substituting the following —

“ 100.00 ”.

(5) Part I of the Fifth Schedule to the principal rules is amended in item 5 —

(a) in paragraph (a) by deleting “20.00” and substituting the following —

“ 50.00 ”;

(b) in paragraph (b) (ii) by deleting “2.5%” and substituting the following —

“ 7.5% ”; and

(c) in the NOTE to the item by deleting “2.5%” and substituting the following —

“ 7.5% ”.

(6) Part I of the Fifth Schedule to the principal rules is amended in item 6 by deleting “10.00” and substituting the following —

“ 20.00 ”.

(7) Part I of the Fifth Schedule to the principal rules is amended in item 8 —

(a) in paragraph (b) by deleting “70.00” and substituting the following —

“ 200.00 ”; and

(b) in paragraph (c) by deleting “20.00” and substituting the following —

“ 50.00 ”.

(8) Part I of the Fifth Schedule to the principal rules is amended in item 9 by deleting “50.00” and substituting the following —

“ 150.00 ”.

(9) Part I of the Fifth Schedule to the principal rules is amended in item 10 —

(a) by deleting paragraph (a) and the corresponding fee of “5.00”; and

(b) in paragraph (h) by deleting “20.00” and substituting the following —

“ 50.00 ”.

Dated 22 May 1997.

DAVID K. MALCOLM, Chief Justice's signature.

G. A. KENNEDY,
W. P. PIDGEON,
D. A. IPP,
M. J. MURRAY,
R. J. M. ANDERSON,
N. J. OWEN,
K. WHITE,
GRAEME SCOTT,
C. D. STEYTLER,
K. H. PARKER,
D. C. HEENAN,
A. J. TEMPLEMAN,
C. WHEELER,
Judges' signatures.