

JUSTICE

JM301

SUPREME COURT ACT 1935

SUPREME COURT AMENDMENT RULES (NO. 5) 1995

Made by the Judges of the Supreme Court.

Citation

1. These rules may be cited as the *Supreme Court Amendment Rules (No. 5) 1995*.

Principal rules

2. 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 4 September 1995 see Gazettes of 24 January and 7 July 1995.]

Order 29 amended

3. Order 29 Rule 4 (3) (d) of the principal rules is deleted and the following subparagraph is substituted —

“

- (d) on the return of the summons referred to in subparagraph (c), to —
- (i) make an order extending the standard time in relation to the proceedings;
 - (ii) give such directions to lead to the efficient and timely disposal of the proceedings as he considers just and expedient; and
 - (iii) make such orders as to the payment of costs of the parties appearing before him on an indemnity basis to be fixed as he thinks fit, payable within 14 days.

”

Order 64 amended

4. (1) Order 64 Rule 1 of the principal rules is amended —

- (a) by deleting the full stop at the end of subparagraph (g) and substituting a semicolon; and

- (b) by inserting after subparagraph (g) the following subparagraph —

“
 (h) **“Appeals Tribunal”** has the same meaning as in the *Financial Institutions (Western Australia) Act 1992*.
 ”.

- (2) Order 64 Rule 3 of the principal rules is amended —

- (a) in paragraph (1) by inserting after “Guardianship Board” the following —

“ , the Appeals Tribunal ”;

- (b) in paragraph (2) —

- (i) by deleting “or board” and substituting the following —

“ , board or tribunal ”; and

- (ii) in subparagraph (c) by deleting “or the secretary of the board” and substituting the following —

“
 , the secretary of the board or the chairperson
 of the tribunal
 ”;

- (c) in paragraph (3) by deleting “or board” and substituting the following —

“ , board or tribunal ”; and

- (d) in paragraph (4) —

- (i) by deleting “or the secretary of the board” and substituting the following —

“
 , the secretary of the board or the chairperson
 of the tribunal
 ”;

and

- (ii) in subparagraph (a) by deleting “or board” and substituting the following —

“ , board or tribunal ”.

- (3) Order 64 Rule 6 (1) of the principal rules is amended by deleting “or the secretary of the board” and substituting the following —

“ , the secretary of the board or the chairperson of the tribunal ”.

Order 65A amended

5. (1) Order 65A Rule 2 (a) of the principal rules is amended by deleting “the form of Form 82A in the Second Schedule” and substituting the following —

“ Form 82A ”.

- (2) Order 65A of the principal rules is amended by inserting after Rule 2 the following rule —

“

Order granting leave

2A. An order granting leave to appeal shall be in Form 82AA or such other form as the Court may approve.

”.

(3) Order 65A Rule 11 of the principal rules is amended by deleting subparagraph (a) and substituting the following subparagraph —

“ (a) in Form 82B; ”.

Order 69 amended

6. Order 69 Rule 2 (1) of the principal rules is amended by deleting subparagraph (d) and substituting the following subparagraphs —

- “
- (d) be on either —
 - (i) one side only of the paper with a margin of not less than 40 millimetres on the left hand side of each sheet; or
 - (ii) both sides of the paper with a margin of not less than 40 millimetres on the left hand side of the front of each sheet and not less than 40 millimetres on the right hand side of the back of each sheet;
 - (da) commence on a fresh sheet;
- ”.

Second Schedule amended

7. The Second Schedule to the principal rules is amended —

(a) by deleting Form 82A and substituting the following form —

“

No. 82A

APPLICATION FOR LEAVE TO APPEAL

No. of 19 . . .

In the Matter of the *Justices Act 1902*
and
In the Matter of the Complaint(s) No(s)
of 19 in the Court of Petty Sessions at
.

BETWEEN

and Applicant
Respondent

APPLICATION FOR LEAVE TO APPEAL

1. The applicant applies to the Judge in Chambers on the day of
. 19 at o'clock in the
. noon for leave to appeal from [specify
part or the whole] of the decision of
. [JPs or SM] given on the
abovementioned complaint(s) in the Court of
Petty Sessions at on the
. day of 19
whereby the [Justices or learned Magistrate]
[found the complaint(s) proven or sentenced the
applicant to].

2. The applicant intends to rely on the following grounds —

.....
.....
.....

3. The applicant seeks the following orders —

.....
.....
.....

4. The applicant is not in custody [is in custody, held at Prison].

Dated the day of 19 ..

.....
(Solicitor or Applicant)

”

and

(b) by inserting after Form 82A the following form —

“

No. 82AA

ORDER FOR LEAVE TO APPEAL

No. of 19 ...

In the Matter of the *Justices Act 1902*

and

In the Matter of the Complaint(s) No(s)
of 19 in the Court of Petty Sessions at
.....

BETWEEN

and

Applicant

Respondent

ORDER FOR LEAVE TO APPEAL

Upon the application of the defendant/complainant dated the day of 19 IT IS ORDERED THAT —

1. The applicant have leave to appeal from [specify part or the whole] of the decision of ... [JPs or SM] given on the abovementioned complaint(s) in the Court of Petty Sessions at on the ... day of 19 ... whereby the [Justices or learned Magistrate] [found the complaint(s) proven or sentenced the applicant to] the grounds for appeal being as follows —

.....
.....
.....

- 2. The appeal be heard by a single Judge.
- 3. Within . . . days of this order the applicant serve on the respondent a copy of the application for leave to appeal, the affidavit(s) filed in support of the application and a copy of this order.
- 4. Within . . . days of this order the applicant enter the appeal for hearing.
- 5. Within 7 days after the appeal has been entered for hearing the applicant, on notice to the respondent, attend before the Listing Coordinator to fix a date for hearing of the appeal.
- 6. At least 7 days before the date fixed for hearing the appeal the applicant file books of appeal containing all material required by the Registrar.

Dated the day of 19 ”

Dated the 17th day of October 1995.

- Judges' signatures
- G. A. KENNEDY.
 - W. P. PIDGEON.
 - B. ROWLAND.
 - TERENCE A. WALSH.
 - D. A. IPP.
 - HENRY WALLWORK.
 - M. J. MURRAY.
 - N. J. OWEN.
 - K. WHITE.
 - GRAEME SCOTT.
 - C. D. STEYTLER.
 - K. H. PARKER.
 - D. C. HEENAN.