

CROWN LAW

CW301

SUPREME COURT ACT 1935

SUPREME COURT AMENDMENT RULES (NO. 3) 1993

Made by the Judges of the Supreme Court.

Citation

1. These rules may be cited as the *Supreme Court Amendment Rules (No. 3) 1993*.

Principal rules

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

[* Reprinted in the Gazette of 18 March 1986 at pp. 779-1100.
For amendments to 16 June 1993 see 1992 Index to Legislation of
Western Australia, Table 4, pp.261-3 and Gazettes of 26 January,
26 March and 20 April 1993.]

Order 29 amended

3. Order 29 of the principal rules is amended by inserting after Rule 4 the following rule —

“

Failure to comply with standard times deemed in certain circumstances

4A. Where a cause, matter or issue is entered for trial and —

- (a) the entry for trial is countermanded; or
- (b) the action is struck out of the list,

that cause, matter or issue is deemed to be a cause, matter or issue —

- (c) which has not been entered for trial; and
- (d) with which there has been a failure to comply with standard times.

”

Order 33 amended

4. Order 33 of the principal rules is amended —

(a) after Rule 8 by inserting the following rules —

“

Affidavit of service of notice of entry for trial

8A. Within 7 days of filing a notice of entry for trial, the party entering the cause, matter or issue for trial shall file an affidavit of service of the notice of entry on all the other parties on the record, unless all the other parties have filed a certificate acknowledging receipt of the notice of entry.

Application for adjournment to Judge in charge of Civil List

8B. (1) Subject to paragraph (2) after a cause, matter or issue has been entered for trial an application for —

- (a) adjournment of the trial;
- (b) amendment of pleadings; or
- (c) an interlocutory application,

must only be made to the Judge in charge of the Civil List or his or her nominee.

(2) Notwithstanding paragraph (1) where a Judge has been appointed to manage a cause, matter or issue pursuant to an order made under Order 29 Rule 2, an application referred to in paragraph (1) must be made to that Judge.

”;

(b) in Rule 9 —

- (i) in paragraph (1) by deleting “7” and substituting the following —

“ 14 ”;

- (ii) by deleting paragraph (2) and substituting the following paragraph —

“

(2) Unless otherwise ordered, the summons filed should be supported by affidavit or affidavits.

”;

and

- (iii) in paragraph (3) by inserting after “apply” in the second place where it occurs the following —

“ successfully ”;

and

(c) in Rule 11 by deleting “by consent of the parties or”.

Dated the 22nd day of June 1993.

DAVID K. MALCOLM,
B. ROWLAND,
TERENCE A. WALSH,
D. A. IPP,
PAUL SEAMAN,
H. WALLWORK,
M. J. MURRAY,
R. D. NICHOLSON,
K. WHITE,
GRAEME SCOTT,
(Judges signatures).