

JU302*

Supreme Court Act 1935

Supreme Court Amendment Rules (No. 4) 2015

Made by the Judges of the Supreme Court.

1. Citation

These rules are the *Supreme Court Amendment Rules (No. 4) 2015*.

2. Commencement

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the 14th day after that day.

3. Rules amended

These rules amend the *Rules of the Supreme Court 1971*.

4. Order 24A amended

- (1) Delete Order 24A rules 1 and 2 and insert:

1. Parties entitled to make offer

In any proceedings the plaintiff or the defendant may make to the other an offer to compromise any claim in the proceedings on the terms specified in the notice of offer.

2. Application of this Order to counterclaims and third party notices

Where a party makes a claim by way of counterclaim or third party notice, this Order applies in relation to the proceeding on that claim as if —

- (a) the party making the claim were the plaintiff; and
- (b) the party against whom the claim is made were the defendant.

3A. How to make offer

- (1) An offer of compromise is made to a party under this Order by serving a notice of the offer on the party.

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- (2) A notice of offer is to —
- (a) be in writing; and
 - (b) bear a statement to the effect that the offer is made under this Order.
- (2) Delete Order 24A rule 8(2) and insert:
- (2) Where a party to an accepted offer fails to comply with the terms of the offer, and another party in the proceedings has made a claim which is not the subject of the accepted offer, the Court may make such order or give such judgment under subrule (1), and make such order that the proceeding on that other party's claim be continued, as it thinks fit.
- (3) Delete Order 24A rule 10(3) and insert:
- (3) Subrules (4) and (5) apply to an offer which has not been accepted in the time prescribed by rule 3(5) if the Court is satisfied by the party who made the offer that the party was at all material times willing and able to comply with the terms of the offer.
- (4) In Order 24A rule 10(4) delete “basis.” and insert:
- basis, except as provided in subrule (5A).
- (5) Delete Order 24A rule 10(4a) and insert:
- (5A) If the Court is satisfied that the failure by the defendant to accept the offer made by the plaintiff was unreasonable, the plaintiff's costs from the date on which the offer was made are to be taxed on an indemnity basis, unless the interests of justice require otherwise.
- (6) In Order 24A rule 10(5) and (6) delete “basis.” and insert:
- basis, except as provided in subrule (7A).
- (7) After Order 24A rule 10(6) insert:
- (7A) If the Court is satisfied that the failure by the plaintiff to accept the offer made by the defendant was

unreasonable, the defendant's costs are to be taxed on an indemnity basis, unless the interests of justice require otherwise.

(8) Delete Order 24A rule 10(9).

5. Order 81C amended

In Order 81C rule 5(2) after "CEO" (1st occurrence) insert:

has

Note: The heading to Order 6 rule 1 is to read:

Nature of claim etc. to be indorsed on writ

Dated: 31 August 2015.

Judges' signatures:

Chief Justice MARTIN

Justice McLURE

Justice LE MIERE

Justice JENKINS

Justice BUSS

Justice BEECH

Justice NEWNES

Justice CHANEY

Justice KENNETH MARTIN

Justice MURPHY

Justice HALL

Justice MAZZA

Justice CORBOY

Justice PRITCHARD

Justice ALLANSON

Justice CURTHOYS

Justice MITCHELL

Justice MARTINO

Justice TOTTLE