

JM302*

Supreme Court Act 1935

Supreme Court Amendment Rules (No. 3) 2001

Made by the Judges of the Supreme Court.

1. Citation

These rules may be cited as the *Supreme Court Amendment Rules (No. 3) 2001*.

2. The rules amended

The amendments in these rules are to the *Rules of the Supreme Court 1971**.

[* Reprinted as at 21 November 1994.
For amendments to 4 January 2001 see 1999 Index to
Legislation of Western Australia, Table 4, pp. 287-8, and
Gazette 10 March, 8 May, and 30 June 2000.]

3. Order 37 amended

Order 37 Rule 2(7) is repealed and the following subrule is inserted instead —

“

- (7) Where an affidavit has one or more annexures, an index which refers to that affidavit, lists the annexures and their respective page numbers, and contains a short description of each annexure must be bound with the affidavit.

”

4. Order 60A amended

Order 60A Rule 1 is amended by deleting the full stop after paragraph (d) and inserting instead —

“

- ;
- (e) under Part 5.9 Division 1 of the Corporations Law to conduct an examination ordered by the Court but, in doing so, not to exercise a power referred to in Order 81G Rule 74.

”

5. Order 66 amended

- (1) Order 66 Rule 5(1) is repealed and the following subrule is inserted instead —

“

- (1) Where in any proceedings costs are incurred by a party —
- (a) as a result of any improper, unreasonable, or negligent act or omission; or
- (b) which, in the light of any such act or omission occurring after they were incurred, the Court considers it is unreasonable to expect that party to pay,

the Court may order any practitioner whom it considers to be responsible (whether personally or through a servant or agent) —

- (c) to pay those costs personally or to indemnify any party who has been ordered to pay those costs;
- (d) not to claim any relevant costs or fees; or

- (e) to refund any relevant costs or fees which may have been paid already.

”.

- (2) Order 66 Rule 5(2) is amended by deleting “solicitor” in each place where it occurs and inserting instead —

“ practitioner ”.

- (3) Order 66 Rule 5(4) is amended by deleting “solicitor” and inserting instead —

“ practitioner ”.

6. Schedule 7 amended

Seventh Schedule Part 1 Form 1 is amended by inserting at the end of the form —

“

[insert information to comply with Order 69 Rule 2(1)(h)]

”.

Dated: 6 January 2001.

DAVID K. MALCOLM
Chief Justice’s signature

G. A. KENNEDY

W. P. PIDGEON

D. A. IPP

H. A. WALLWORK

R. J. M. ANDERSON

N. J. OWEN

G. F. SCOTT

K. H. PARKER

A. J. TEMPLEMAN

C. A. WHEELER

G. P. MILLER

J. R. McKECHNIE

N. P. HASLUCK

L. W. ROBERTS-SMITH

Judges’ signatures.