

CROWN LAW

CW301

SUPREME COURT ACT 1935
CORPORATIONS (WESTERN AUSTRALIA) ACT 1990
**SUPREME COURT (CORPORATIONS LAW) (TRANSITIONAL)
AMENDMENT RULES 1993**

Made by the Judges of the Supreme Court.

Citation

1. These rules may be cited as the *Supreme Court (Corporations Law) (Transitional) Amendment Rules 1993*.

Rules 6 to 8 inserted

2. After rule 5 of the *Supreme Court (Corporations Law) (Transitional Rules) 1991** the following rules are inserted —

“

Section 459E (3): form of affidavit

6. (1) An affidavit required by section 459E (3) of the Corporations Law must contain the following:

“

Important Note

This affidavit accompanies a statutory demand under section 459E of the Corporations Law. This affidavit has not been filed in the Supreme Court nor have any proceedings been commenced in respect of the debt to which the affidavit relates. Any inquiries as to the affidavit or the debt should be directed to the person making the demand or his or her solicitors and not to the Court.

”

(2) An affidavit referred to in subrule (1) —

- (a) is not to contain the number of proceedings in the Supreme Court; and
- (b) must not be filed with the Supreme Court unless winding up proceedings have been commenced in respect of the matter to which it relates.

(3) Unless the Supreme Court orders to the contrary, an affidavit referred to in subrule (1) must be made by a person who can depose to the indebtedness of the company from his or her own knowledge.

Section 459Q (c): form of affidavit

7. (1) An affidavit required by section 459Q (c) of the Corporations Law must set out —

- (a) a statement of the debt alleged and details of how and when it was incurred; and
- (b) a statement that the debt is due and payable to the applicant.

(2) Unless the Supreme Court orders to the contrary, an affidavit referred to in subrule (1) must be made by a person who can depose to the indebtedness of the company from his or her own knowledge.

(3) An affidavit referred to in subrule (1) is in addition to the affidavit required by rule 20 (2) of the *Companies (Western Australia) (Transitional Provision) Rules 1982*.

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Dated the 12th day of July 1993.

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