

SUPREME COURT ACT 1935
SUPREME COURT AMENDMENT RULES 1990

Made by the Judges of the Supreme Court.

Citation

1. These rules may be cited as the *Supreme Court Amendment Rules 1990*.

Commencement

2. These rules come into operation on the day of their publication in the *Government Gazette*.

Principal rules

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

[*Reprinted in the *Gazette* on 18 March 1986 at pp. 779-1100. For amendments to 1 March 1990 see pp. 373-374 of 1988 *Index to The Statutes of Western Australia and Gazettes* of 15 December 1989 and 23 February 1990.]

Order 64 amended

4. Order 64 of the principal rules is amended—

(a) in rule 1 after paragraph (c) by deleting the full stop, substituting a semi-colon and inserting the following paragraphs—

“ (d) “the Licensing Court” means the Liquor Licensing Court;

(e) “the Barristers’ Board” means the Barristers’ Board constituted under section 4 of the *Legal Practitioners Act 1893*. ”;

- (b) in rule 3 (1) by deleting "or from the Board" and substituting the following—
 " , the Licensing Court, the Board or the Barristers' Board ";
- (c) by repealing rule 3 (2) and substituting the following—
 " (2) An appeal to the Full Court from a court or board referred to in paragraph (1) shall be instituted by notice of motion which must be filed and served on—
 (a) all parties directly affected by the appeal;
 (b) in the case of an appeal from the Licensing Court, any person who appeared before or was heard by the Licensing Court on the hearing of the proceeding to which the appeal relates and on the Director of Liquor Licensing where the appeal relates to a decision made by him; and
 (c) the registrar of the court or the secretary of the board from which the appeal is brought,
 within 21 days from the date of the judgment, order or determination appealed from, or within such extended time as may be fixed by the Full Court, a Judge or a Master. ";
- (d) in rule 3 (3) by inserting after "court" the following—
 " or board ";
- (e) in rule 3 (4)—
 (i) by inserting after "of the court" the following—
 " or the secretary of the board ";
 and
 (ii) in subparagraph (a) by inserting after "before the court" the following—
 " or board ";
- and
- (f) in rule 6 (1) by inserting after "court" the following—
 " or the secretary of the board ".

Heading to Order 65 amended

5. The heading to Order 65 of the principal rules is amended by deleting "THE LICENSING COURT, AND".

Order 65 amended

6. Order 65 of the principal rules is amended—
 (a) in rule 1 by deleting the definition of "Licensing Court";
 (b) in rule 2 (1) by deleting subparagraph (a); and
 (c) in rule 6 (2) by deleting "Except in the case of an appeal from a decision of the Licensing Court, a" and substituting the following—
 " A ".

Order 84 amended

7. Order 84 of the principal rules is amended by inserting after rule 8 the following rule—

Proceedings under *Admiralty Act 1988* of the Commonwealth

- " 9. (1) In this rule, "Admiralty Rules" means the Admiralty Rules being Statutory Rules 1988 No. 269 of the Commonwealth.
 (2) A Registrar may exercise the powers or functions or perform the duties of the Registrar under the Admiralty Rules.
 (3) The sheriff or a deputy of the sheriff appointed pursuant to section 158 of the Supreme Court Act may exercise the powers or functions or perform the duties of the Marshal under the Admiralty Rules. "

Dated the 16th day of March 1990.

DAVID K. MALCOLM.
 R. WALLACE.
 P. F. BRINDSEN.
 W. R. PIDGEON.
 B. ROWLAND.
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