



RULES OF THE SUPREME COURT

[Consolidated as at 24 February 2006
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

[NB – also see Commonwealth Statutory Rules, *Norfolk Island (Supreme Court Sittings) Regulations*, No. 150 of 1979 at www.austlii.edu.au and as amended 10 October 2005]

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NORFOLK



ISLAND

Rules of the Supreme Court (Amending)

Supreme Court of Norfolk Island

Rules of Court made under section 19 of the *Supreme Court Act 1960*.

Under the powers conferred on me by section 19 of the *Supreme Court Act 1960*, I, Richard Moulton Eggleston, the Judge of the Supreme Court of Norfolk Island, hereby make the following Rules of Court.

Dated 7 February 1964.

R.M. Eggleston

Judge of the Supreme Court of Norfolk Island.

Short title

1. In the application of the Rules of the Supreme Court of the Australian Capital Territory, as provided for by section 19(4) of the said Act the following modifications shall be observed —

- (a) Order 33 Rules 1-9 shall not apply to Norfolk Island.
- (b) The following Rule shall be substituted for Order 33 Rule 1 —
 - “1. (a) Where any party seeks any interlocutory order before the trial of the action, he may apply by filing an application in the form in the Schedule hereto supported by affidavit. Such application shall be served upon the other party or parties to the action and shall require them to file, within such times as the Registrar shall direct, a statement in writing (supported by affidavit as to any facts contained therein) setting out the grounds, if any, upon which that party opposes the application. At the expiration of the time fixed by the Registrar he shall forward the papers to the Judge who may deal with the application on the written submissions of the parties or fix a date for hearing of the application.
 - (b) In cases of urgency the Registrar may, if he thinks fit, forward the application to the Judge without service on any other party and the Judge may, if he thinks fit, deal with the application without such service.”.
- (c) The following Rule shall be substituted for Order 38 Rule 3 —
 - “3. At the expiration of 7 days after delivery of defence, or at any other time if

the Registrar is satisfied that the parties are ready for trial or will be able to complete the preparation of the case before the date fixed for trial, the Registrar may set the action down for trial at the next sittings of the Court, or on such other date as the Registrar, after consultation with the Judge, may determine. The Registrar shall give notice to the plaintiff and to any other parties who have entered an appearance of the date of trial or of the sittings at which the action is to be heard.”.

- (d) Order 38 Rules 4, 6, 7, 8 and 9 shall not apply to Norfolk Island.
- (e) Order 38 Rule 5 is amended by omitting therefrom the expression “or does not give the notice of trial required by the last preceding rule”.

Commencement

2. These Rules shall come into effect at the expiration of 14 days after their publication in the Gazette.

SCHEDULE

Form of application
(Title)

Application is made to the Court on behalf of (state name of party applying) for (set out the order sought).

Any party desiring to oppose this application shall file with the Registrar at Kingston, within *(time to be filled in by the Registrar)* days after service upon (him) of a copy of this application, a statement in writing (supported by affidavit as to any facts contained therein) setting out the grounds upon which (he) opposes the application.

Dated this day of 20 .
(Signature of applicant or his solicitor.)

Notified Norfolk Island Government Gazette, 19 March 1964.

These Rules commenced 14 days after notification (ie on 2 April 1964.)

Printed on the authority of the Administrator.

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