

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1988, No. 27*

Rules of Court under the *Supreme Court Act*

WE, the undersigned Judges of the Supreme Court of the Northern Territory of Australia, in pursuance of section 86 of the *Supreme Court Act*, hereby make the following Rules of Court.

Dated 10 May 1988.

AUSTIN ASCHE CJ

JOHN NADER J

W. KEARNEY J

MICHAEL MAURICE J

PHILLIP RICE J

BRIAN MARTIN J

Judges of the Supreme
Court of the Northern
Territory of Australia

AMENDMENTS OF THE SUPREME COURT (COMPANIES) RULES

1. PRINCIPAL RULES

The Supreme Court (Companies) Rules are in these Rules referred to as the Principal Rules.

2. INTERPRETATION

Rule 6(1) of the Principal Rules is amended by inserting after the definition of "Deputy Master" the following:

"'Gazette' means the Government Gazette of the Territory;".

* Notified in the *Northern Territory Government Gazette* on 8 June 1988.

Supreme Court (Companies) Amendment

3. ISSUE OF SUMMONS

Rules 29 and 30 of the Principal Rules are amended by omitting "Within 14 days of the issue of a summons" and substituting "No later than 14 days before the date fixed under rule 26 for the hearing of a summons".

4. CERTIFICATE OF READINESS BY DEPUTY MASTER

Rule 35 of the Principal Rules is amended -

(a) by omitting "business days" and substituting "days on which the Court is open for business"; and

(b) by adding at the end the following:

"(2) Where a summons is adjourned pursuant to rule 36, a Deputy Master shall review the reason for a certificate not being indorsed as required by subrule (1), and, if satisfied that a certificate should then be given, the Deputy Master shall forthwith indorse the certificate on the summons.

"(3) A Deputy Master shall not undertake a review to which subrule (2) refers later than 2 clear days on which the Court is open for business before the date to which the summons is adjourned."

5. SERVICE OF ORDER

Rule 56(a) of the Principal Rules is amended by inserting after "liquidator" the words "and on the Commissioner".

6. APPLICATION FOR RELEASE

Rule 130(5) of the Principal Rules is amended by inserting after "Commissioner" the words "no later than 3 clear days before the date fixed in the application for it to be heard".

7. SCHEDULE

The Schedule to the Principal Rules is amended -

(a) by omitting from Form 3 "not before am/pm or so soon thereafter" and substituting "no earlier than am/pm or as soon after that time";

(b) by omitting from Form 4 "hearing" and substituting "on the day of 19.... at no earlier than am/pm or as soon after that time as this summons is called on for the hearing";

Supreme Court (Companies) Amendment

(c) by omitting clause 3 from Form 11 and substituting the following:

"(3) That the bank in which the official liquidator is to open a trust account is

"(4) That the plaintiff's costs of the summons for winding up and this order and the costs of the supporting creditors be taxed and paid out of the assets of the company but only one counsel fee shall be allowed among all the supporting creditors."; and

(d) by inserting in Form 22 after "(Signed) Liquidator" the following:

"NOTE: This application will be listed for hearing on the day of 19.... at no earlier than am/pm or as soon after that time as this application is called on for hearing."

