



Sunsetting and replacement of Chapter I of the Supreme Court Rules

As from 23 November 2015 Chapter I of the Rules of the Supreme Court (the *Supreme Court (General Civil Procedure) Rules 2005*, as amended) will be revoked and replaced by the *Supreme Court (General Civil Procedure) Rules 2015*. This has been made necessary by the 'sunset' provisions of section 5(1) of the **Subordinate Legislation Act 1994**.

The new Rules (including the associated Forms) are substantially the same as the 2005 Rules. Internal numbering has generally not been altered.

However there are some amendments to take account of recent statutory developments, some extensions of gender neutral language, some technical and stylistic changes and some other minor alterations. Examples follow.

In Rule 1.13, the definition of "solicitor" has been omitted. Following the enactment of the new Legal Profession Uniform Law (Victoria), which commenced on 1 July 2015, it was considered no longer appropriate to define this term. It will take its ordinary meaning in the Rules. In the same Rule, a new definition of "sheriff" has been included to take account of the enactment of the **Sheriff Act 2009** and the use of the term "sheriff" in Orders 12, 68, 69 and 70.

A change has been made to Rule 6.04(d) which deals with service on the Commonwealth of Australia. References to the Secretary to the Attorney-General's Department of the Commonwealth and to the Australian Government Solicitor have been replaced by a reference to the Attorney-General of the Commonwealth or a person appointed by the Attorney-General to receive service. This change is as a result of amendments made to the Judiciary Act 1903 (Cth) by the Judiciary Amendment Act 2015 (Cth).

Parts 1 and 2 of Order 58, which relate to certain appeals to the Supreme Court from the County Court, have been amended to align them more closely with sections 74 and 75 of the **County Court Act 1958**.

Part 6 of Order 58 has been omitted. It dealt with appeals under sections 20 and 21 of the **Crimes (Family Violence) Act 1987**. That Act has been repealed and Part 4 of the **Family Violence Protection Act 2008**, which replaces it, has its own procedure for such appeals.



In Rule 71.01, which relates to attachment of debts, an obsolete reference to the **Co-operatives Act 1996** has been omitted in favour of a reference to its replacement, the Co-operatives National Law (Victoria). A corresponding amendment has been made to Rule 73.01, which deals with charging orders and stop orders in relation to securities and funds in court.