

RULES OF COURT⁽¹⁾ (QUEENSLAND, ADOPTED) GAZETTED ON 27.6.1922, IN THEIR APPLICATION TO THE TERRITORY OF NEW GUINEA.

ORDER IN COUNCIL.

At Beaudesert, the twenty-fourth day of June, 1922.

Present:

His Excellency the Governor in Council.

WHEREAS by "The Supreme Court Act of 1921" it is enacted that the Governor in Council, with the consent of two or more of the Judges, may from time to time, by Order in Council published in the *Gazette*, make all such Rules of Court as may be deemed necessary or convenient for regulating the procedure and practice of the Supreme Court and for the purpose of giving full effect to "The Judicature Act" and "The Supreme Court Act of 1921," and any other Act conferring jurisdiction, power, or authority on the Court: Now, therefore, His Excellency the Governor, with the advice of the Executive Council, and with the concurrence of the required number of Judges, doth hereby make the following Rules of Court.

And the Honourable the Attorney-General is to give the necessary directions herein accordingly.

G. W. WATSON, Clerk of the Council.

Introductory.

1. The following Rules of Court shall come into operation on the first day of July, 1922, and shall not apply to actions and proceedings commenced before that date.

2. Except in so far as altered by these rules, the Rules of Court in force at the commencement of "The Supreme Court Act of 1921"⁽²⁾ shall continue in force.

3. As regards writs of summons and appearances thereto and summonses for directions, save as provided by these rules, it shall not be necessary to comply with section 9 of "The Supreme Court Act of 1921."⁽²⁾

(1) Particulars of these Rules of Court are as follows :—

RULES OF COURT OF SUPREME COURT OF QUEENSLAND.

Description.	Ordinance by which adopted.	Date on which adoption took effect.
Rules of Court gazetted on 27.6.1922	Judiciary Ordinance 1932 (No. 23 of 1932) (a)	8.12.1932 (<i>Cwth. Gaz.</i> of 8.12.1932)

(a) The Judiciary Ordinance 1932 repealed the former S. 19(4) of the Judiciary Ordinance 1921-1931, and inserted in its stead the present S. 19(4), which adopts the Rules of Court of the Supreme Court of Queensland as in force in Queensland on 5th December, 1932. The former S. 19(4) read as follows :—

"(4.) Until Rules of Court are made in pursuance of this Section the practice and procedure of the Supreme Court of Queensland shall be in force within the Central Court."

(2) The Supreme Court Act of 1921 (Queensland), which has not been expressly adopted as a law of the Territory by any Ordinance of the Territory of New Guinea, came into operation in Queensland on 31st March, 1922.

COURTS—

4. As regards actions and proceedings of the kind mentioned in sections 56 to 59 inclusive of "*The District Courts Act of 1891*,"⁽³⁾ all the provisions of the said Act and the Rules thereunder, whether with respect to procedure, scale of costs, or otherwise, shall be superseded as from the coming into operation of these Rules.

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Order XCI. is amended as follows:—

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Rule 82A shall not apply to actions or matters to which the Fourth Schedule applies.

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(3) *The District Courts Act of 1891* (Queensland) has not been expressly adopted as a law of the Territory by any Ordinance of the Territory of New Guinea.

(4) The rest of these Rules of Court amend *The Rules of the Supreme Court* (of 1900) (Queensland, adopted) and the amendments so made are incorporated therein.