



New South Wales

Supreme Court (Corporations) Amendment (No 12) Rules 2014

under the

Supreme Court Act 1970

The Supreme Court Rule Committee has made the following rules of court under the *Supreme Court Act 1970*.

Steven Jupp
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to amend the *Supreme Court (Corporations) Rules 1999* to remove the requirement in rules 3.4, 5.6, 5.10, 5.11, 6.2 and 7.9 for notice of external administration events in relation to a body to be published once in a daily newspaper circulating generally in the State or Territory where the body has its principal, or last known, place of business. Instead, notice is to be effected by electronically lodging the notice with the Australian Securities and Investments Commission (ASIC) for publication on the ASIC Insolvency Notices website. These Rules also update references in a note and revise a form.

These Rules make amendments to the *Supreme Court (Corporations) Rules 1999* equivalent to those that were made to the *Federal Court (Corporations) Rules 2000* by the *Federal Court (Corporations) Amendment Rules 2012 (No. 1)*.

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1 Name of Rules

These Rules are the *Supreme Court (Corporations) Amendment (No 12) Rules 2014*.

2 Commencement

These Rules commence on the day on which they are published on the NSW legislation website.

Schedule 1 Amendment of Supreme Court (Corporations) Rules 1999

- [1] **Rule 1.4 Expressions used in the Corporations Act**
Omit the definitions of *foreign country*, *futures broker*, *Gazette* and *officer* from the note.
Insert in alphabetical order:
foreign company—see section 9
- [2] **Rule 2.11 Publication of notices**
Omit the rule.
- [3] **Rule 3.4 Notice of hearing (Corporations Act s 411 (4), s 413 (1))—Form 6**
Omit “in accordance with rule 2.11” from rule 3.4 (3) (b).
- [4] **Rule 5.6 Notice of application for winding up—Form 9**
Omit “in accordance with rule 2.11” from rule 5.6 (2) (b).
- [5] **Rule 5.10 Order substituting plaintiff in application for winding up (Corporations Act s 465B)—Form 10**
Omit “in accordance with rule 2.11” from rule 5.10 (2) (b) (i).
- [6] **Rule 5.11 Notice of winding up order and appointment of liquidator—Form 11**
Omit rule 5.11 (4). Insert instead:
(4) The notice must be in accordance with Form 11.
- [7] **Rule 6.2 Notice of appointment of provisional liquidator—Form 12**
Omit rule 6.2 (4). Insert instead:
(4) The notice must be in accordance with Form 12.
- [8] **Rule 7.9 Distribution of surplus by liquidator with special leave of the Court (Corporations Act s 488 (2))—Form 15**
Omit rule 7.9 (3). Insert instead:
(3) The notice must be in accordance with Form 15.
- [9] **Rule 15A.6 Notice of filing of application for recognition**
Omit “, in accordance with rule 2.11” from rule 15A.6 (1) (b).
Insert instead “in a daily newspaper circulating generally in the State or Territory where the defendant has its principal, or last known, place of business”.
- [10] **Rule 15A.6 (2)**
Omit “rule 2.11”. Insert instead “paragraph (1) (b)”.
- [11] **Rule 15A.7 Notice of order for recognition, withdrawal etc**
Omit “, in accordance with rule 2.11” from rule 15A.7 (1) (d).
Insert instead “in a daily newspaper circulating generally in the State or Territory where the defendant has its principal, or last known, place of business”.

[12] Rule 15A.7 (2)

Omit “rule 2.11”. Insert instead “paragraph (1) (d)”.

[13] Rule 15A.7 (3) (d)

Omit “, in accordance with rule 2.11”.

Insert instead “in a daily newspaper circulating generally in the State or Territory where the defendant has its principal, or last known, place of business”.

[14] Rule 15A.7 (4)

Omit “rule 2.11”. Insert instead “paragraph (3) (d)”.

[15] Rule 15A.9 Application to modify or terminate an order for recognition or other relief

Omit “, in accordance with rule 2.11” from rule 15A.9 (4) (b).

Insert instead “in a daily newspaper circulating generally in the State or Territory where the defendant has its principal, or last known, place of business”.

[16] Rule 15A.9 (5)

Omit “rule 2.11”. Insert instead “paragraph (4) (b)”.

[17] Schedule 1 Forms

Omit “[*name of company*]” from paragraph 1 of Form 9.

Insert instead “[*name of company and, if applicable, the words ‘trading as’ and any trading name or names of the company*]”.