

TASMANIA

**SUPREME COURT AMENDMENT RULES (No. 2)
2018**

STATUTORY RULES 2018, No. 65

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**SUPREME COURT AMENDMENT RULES (No. 2)
2018**

IN THE SUPREME COURT OF TASMANIA

Dated 14 November 2018.

We, the Honourable Alan Michael Blow, AO, Chief Justice, and the Honourable Helen Marie Wood, the Honourable Stephen Peter Estcourt, AM, the Honourable Robert William Pearce, the Honourable Michael Joseph Brett and the Honourable Gregory Peter Geason, Puisne Judges of the Supreme Court of Tasmania, on the recommendation of the Rule Committee, make the following Rules of Court under the *Supreme Court Civil Procedure Act 1932*.

1. Short title

These Rules of Court may be cited as the
Supreme Court Amendment Rules (No. 2) 2018.

2. Commencement

These Rules of Court take effect on the day on
which their making is notified in the *Gazette*.

3. Principal Rules

In these Rules of Court, the *Supreme Court
Rules 2000** are referred to as the Principal
Rules.

*S.R. 2000, No. 8

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4. Rule 601 amended (Application for delivery of possession)

Rule 601 of the Principal Rules is amended as follows:

(a) by omitting subrule (1) and substituting the following subrule:

(1) An application by a mortgagee under section 146(1) of the *Land Titles Act 1980* for delivery of possession by a mortgagor is to –

(a) include a schedule setting out so much of the following information as is known and applicable:

(i) the address of the relevant land;

(ii) the title reference of that land;

(iii) the date of, parties to, and registered number of, the mortgage;

(iv) the amount claimed to be due under the mortgage and particulars of how that amount is calculated;

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(v) the daily amount of interest accruing under the mortgage;

(vi) the costs of the application as set out in Part 5 of Schedule 1; and

(b) be supported by an affidavit.

(b) by omitting subrule (3).

5. Schedule 1 amended (Fees and costs)

Schedule 1 to the Principal Rules is amended by omitting Part 5 and substituting the following Part:

PART 5 – COSTS TO BE ENDORSED ON APPLICATION UNDER SECTION 146(1) OF THE *LAND TITLES ACT 1980* FOR POSSESSION OF PROPERTY

		Rule 601
1.	Costs of the application	\$449.00

In addition to the above fee, the practitioner may claim the Court fees set out in the *Supreme Court (Fees) Rules 2017*, and the fee, if any, prescribed under section 5(1) of the *Appeal Costs Fund Act 1968*.

6. Rescission of Rules of Court

These Rules of Court are rescinded on the three hundred and sixty fifth day from the day on which they take effect.

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A. M. BLOW
Chief Justice

H. M. WOOD
Puisne Judge

S. P. ESTCOURT
Puisne Judge

R. W. PEARCE
Puisne Judge

M. J. BRETT
Puisne Judge

G. P. GEASON
Puisne Judge

Countersigned,

J. A. CONNOLLY
Registrar

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 21 November 2018.

These Rules of Court are administered in the Department of Justice.

EXPLANATORY NOTE

(This note is not part of the Rules of Court)

These Rules of Court amend the *Supreme Court Rules 2000* to update the procedure in relation to mortgagee possession applications under the *Land Titles Act 1980*.