

**Supreme Court (Chapter I Amendment No. 21)**  
**Rules 2010**  
**S.R. No. 143/2010**

**TABLE OF PROVISIONS**

| <i>Rule</i> |   | <i>Page</i> |
|-------------|---|-------------|
| 1           | Object  | 1           |
| 2           | Authorising provisions  | 1           |
| 3           | Commencement  | 1           |
| 4           | Principal Rules   | 1           |
| 5           | Order 4 divided into Parts  | 2           |
| 6           | New Part 2 of Order 4   | 2           |
|             | <b>PART 2—CERTIFICATION REQUIREMENTS ON<br/>COMMENCEMENT OF PROCEEDINGS</b> | <b>2</b>    |
|             | 4.09 Overarching obligations certification                                  | 2           |
|             | 4.10 Proper basis certification   | 2           |
|             | 4.11 Pre-litigation requirements compliance certification                   | 2           |
| 7           | New Forms 4A to 4C  | 3           |
|             | Form 4A—Overarching obligations certification                               | 3           |
|             | Form 4B—Proper basis certification  | 3           |
|             | Form 4C—Pre-litigation requirements compliance certification                | 4           |
|             | <hr/> <hr/>   |             |
|             | <b>ENDNOTES</b>   | <b>7</b>    |

STATUTORY RULES 2010

S.R. No. 143/2010

*Supreme Court Act 1986*

**Supreme Court (Chapter I Amendment No. 21)  
Rules 2010**

The Judges of the Supreme Court make the following Rules:

**1 Object**

The object of these Rules is to amend Chapter I of the Rules of the Supreme Court to provide for forms of certification required under the **Civil Procedure Act 2010**.

**2 Authorising provisions**

These Rules are made under section 25 of the **Supreme Court Act 1986**, section 70 of the **Civil Procedure Act 2010** and all other enabling powers.

**3 Commencement**

These Rules come into operation on 1 January 2011.

**4 Principal Rules**

In these Rules, the Supreme Court (General Civil Procedure) Rules 2005<sup>1</sup> are called the Principal Rules.

**5 Order 4 divided into Parts**

Before Rule 4.01 of the Principal Rules **insert** the following heading—

**"PART 1—GENERAL".**

**6 New Part 2 of Order 4**

After Rule 4.08 of the Principal Rules **insert**—

**"PART 2—CERTIFICATION REQUIREMENTS  
ON COMMENCEMENT OF PROCEEDINGS**

**4.09 Overarching obligations certification**

For the purposes of section 41(2) of the **Civil Procedure Act 2010** the overarching obligations certification shall be in Form 4A.

**4.10 Proper basis certification**

For the purposes of section 42(2) of the **Civil Procedure Act 2010** the proper basis certification shall be in Form 4B.

**4.11 Pre-litigation requirements compliance certification**

For the purposes of section 43(3) of the **Civil Procedure Act 2010** the pre-litigation requirements compliance certification shall be in Form 4C."

**7 New Forms 4A to 4C**

Before Form 5A of the Principal Rules **insert—**

**"FORM 4A**

Rule 4.09

**OVERARCHING OBLIGATIONS CERTIFICATION**

*[heading as in originating process]*

In accordance with section 41 of the **Civil Procedure Act 2010**, I *[name of party]* certify to the Court that I have read and understood the overarching obligations set out in sections 16 to 26 of that Act and the paramount duty set out in section 16 of the Act.

Date:

Signed

*[To be signed personally by party  
or if party is represented by a litigation guardian  
or similar representative,  
by that litigation guardian or representative]*

**FORM 4B**

Rule 4.10

**PROPER BASIS CERTIFICATION**

*[heading as in originating process]*

In accordance with section 42 of the **Civil Procedure Act 2010**, I *[name of legal practitioner or if not legally represented, name of party]* certify to the Court that, in relation to the document *[identify document to which certification relates]* filed on behalf of *[specify party]*, on the factual and legal material available to me at present:

- (a) each allegation of fact in the document has a proper basis;
- \*(b) each denial in the document has a proper basis;

r. 7

S.R. No. 143/2010

\*(c) there is a proper basis for each non-admission in the document.

Date:

Signed

\*Delete if not applicable.

**FORM 4C**

Rule 4.11

**PRE-LITIGATION REQUIREMENTS COMPLIANCE CERTIFICATION**

*[heading as in originating process]*

In accordance with section 43 of the **Civil Procedure Act 2010**, I *[name of party or party's legal practitioner]* certify to the Court that:

\*I have/\*The party has *[name of party]* complied with the pre-litigation requirements set out in section 34 of that Act.

OR

\*I have/\*The party has *[name of party]* not undertaken the pre-litigation requirements set out in section 34 of that Act for the following reasons:

*[specify briefly reasons for not undertaking pre-litigation requirements].*

Date:

Signed

\*Delete if not applicable

**Note**

See section 32 of the **Civil Procedure Act 2010** for the types of proceedings or disputes for which this certification is not required.

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Dated: 28 October 2010

M. L. WARREN, *C.J.*  
PETER BUCHANAN, *J.A.*  
GEOFFREY NETTLE, *J.A.*  
DAVID ASHLEY, *J.A.*  
ROBERT REDLICH, *J.A.*  
MARK WEINBERG, *J.A.*  
PHILIP MANDIE, *J.A.*  
BERNARD D. BONGIORNO, *J.A.*  
D. L. HARPER, *J.A.*  
H. R. HANSEN, *J.A.*  
PAMELA TATE, *J.A.*  
R. S. OSBORN, *J.*  
STEPHEN KAYE, *J.*  
KEVIN H. BELL, *J.*  
KIM HARGRAVE, *J.*  
ANTHONY CAVANOUGH, *J.*  
TONY PAGONE, *J.*  
PAUL COGLAN, *J.*  
ROSS ROBSON, *J.*  
JACK FORREST, *J.*  
LEX LASRY, *J.*  
DAVID F. R. BEACH, *J.*  
JENNIFER DAVIES, *J.*  
KARIN EMERTON, *J.*  
CLYDE CROFT, *J.*  
M. L. SIFRIS, *J.*

PETER ALMOND, *J.*

JOHN DIXON, *J.*

C. MACAULAY, *J.*

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**ENDNOTES**

- <sup>1</sup> Rule 4: S.R. No. 148/2005. Reprint No. 2 as at 1 November 2009.  
Reprinted to S.R. No. 109/2009 and subsequently amended by  
S.R. Nos 60/2009, 97/2009, 132/2009, 144/2009, 146/2009, 22/1010,  
23/2010, 55/2010 and 100/2010.