

NORTHERN TERRITORY OF AUSTRALIA

SUPREME COURT (ABSCONDING DEBTORS) RULES 1980

As in force at 13 July 2016

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 13 July 2016

SUPREME COURT (ABSCONDING DEBTORS) RULES 1980

Rules under the *Supreme Court Act 1979*

1 Citation

These Rules may be cited as the *Supreme Court (Absconding Debtors) Rules 1980*.

2 Application for warrant

For the purposes of section 5(2)(a) of the *Absconding Debtors Act 1978*, Form 1 is the prescribed form of application for a warrant.

3 Issue of warrant

For the purposes of section 6(3)(a) of the *Absconding Debtors Act 1978*, Form 2 is the prescribed form of warrant.

4 Application for order restraining transfer or removal of property

For the purposes of section 13(2) of the *Absconding Debtors Act 1978*, Form 3 is the prescribed form of application for an order restraining the transfer or removal of property.

5 Applications for review

For the purposes of section 20(2)(b) of the *Absconding Debtors Act 1978*, Form 4 is the prescribed form of application for review.

Schedule

FORM 1

rule 2

NORTHERN TERRITORY OF AUSTRALIA

Absconding Debtors Act 1978

section 5(2)(a)

APPLICATION FOR WARRANT

To:
(name of Supreme Court Judge/Local Court Judge)

I,
(name of applicant)

of.....
.....
(address of applicant)

apply for a warrant to issue for the arrest of
.....
(name of alleged debtor)

of
.....
(address of alleged debtor, if known)

.....
(Applicant)

/ /19 .

FORM 2

rule 3

NORTHERN TERRITORY OF AUSTRALIA

Absconding Debtors Act 1978

section 6(3)(a)

To:
(name)

WHEREAS:.....
(name of applicant)

of
.....
(address of applicant)

applied to me on the day of, 19.....
for the issue of a warrant under the *Absconding Debtors Act 1978* in respect
of an alleged debt owed to him by
.....
(name of alleged debtor)

of
(address of alleged debtor, if known)

the amount of the alleged debt is \$, and the costs claimed by him are
\$.

NOW YOU and all members of the Police Force of the Northern Territory of
Australia are authorized to arrest and take
.....
(name and address of alleged debtor)

to the nearest police station in accordance with the *Absconding Debtors
Act 1978*, and for so doing this shall be your sufficient warrant.

.....
(Supreme Court Judge/Local Court Judge)

/ /19 .

Time and place of execution of warrant:

- NOTE:
- (1) This warrant must be executed within one month after the date of issue.
 - (2) The officer in charge of the police station to which the alleged debtor is brought must bring the debtor before the

Local Court or Supreme Court(section 11(2) of the *Absconding Debtors Act 1978*).

FORM 3

rule 4

NORTHERN TERRITORY OF AUSTRALIA

Absconding Debtors Act 1978

section 13(2)

APPLICATION FOR RESTRAINT ORDER

To:
(name of Supreme Court Judge/Local Court Judge)

I,
(name of applicant)

of
.....
(address of applicant)

apply for an order restraining

*the transfer of the property listed in Schedule 1

*the removal of the property listed in Schedule 2 out of the Territory.

The property listed in Schedule(s) 1* and 2* is the property
of
(name of alleged debtor)

of
.....
(address of alleged debtor, if known)

* Delete if not applicable.

Schedule 1

Schedule 2

.....
(Applicant)

/ /19 .

FORM 4

rule 5

NORTHERN TERRITORY OF AUSTRALIA

Absconding Debtors Act 1978

section 20(2)(b)

APPLICATION FOR *SETTING ASIDE OF WARRANT

* DISCHARGE FROM CUSTODY

* VARIATION OR QUASHING OF ORDER

To:
(name of Supreme Court Judge)

I,
(name of debtor)

of
.....
(address of alleged* debtor)

apply for –

* the setting aside of the warrant issued against me on the day
of....., 19.....
by.....
(name of Supreme Court Judge/Local Court Judge)

* discharge from custody under an order made on
theday of....., 19.....
by
(name of Supreme Court Judge/Local Court Judge)

* the variation or quashing of an order made in relation to me on the
..... day of, 19.....
by.....
(name of Supreme Court Judge/Local Court Judge)

** The variation sought is
.....
.....

.....
(Applicant)
/ /19 .

* Delete if not applicable.

** Set out the terms of the variation sought and the terms of the original order.

ENDNOTES

1

KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

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LIST OF LEGISLATION

Supreme Court (Absconding Debtors) Rules (SL No. 41, 1980)

Notified	28 November 1980
Commenced	28 November 1980

Supreme Court Amendment Rules (SL No. 35, 2016)

Notified	13 July 2016
Commenced	13 July 2016

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GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1 to 5 and sch.

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LIST OF AMENDMENTS

sch amd No. 35, 2016, r 2