

NORTHERN TERRITORY OF AUSTRALIA

SUPREME COURT (ABSCONDING DEBTORS) RULES

As in force at 28 November 1980

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Rules as in force at 28 November 1980. Any amendments that commence after that date are not included.

SUPREME COURT (ABSCONDING DEBTORS) RULES

Rules under the *Supreme Court Act*

1 Citation

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

2 Application for warrant

For the purposes of section 5(2)(a) of the *Absconding Debtors Act*, 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*, 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*, 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*, Form 4 is the prescribed form of application for review.

Schedule

FORM 1

Rule 2

NORTHERN TERRITORY OF AUSTRALIA

Absconding Debtors Act

section 5(2)(a)

APPLICATION FOR WARRANT

To:
(name of Judge or Magistrate)

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

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* 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*,
and for so doing this shall be your sufficient warrant.

.....
(Judge or Magistrate)

/ /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 a Judge or Magistrate (section 11(2) of the *Absconding Debtors Act*).

FORM 3

rule 4

NORTHERN TERRITORY OF AUSTRALIA

Absconding Debtors Act

section 13(2)

APPLICATION FOR RESTRAINT ORDER

To:
(name of Judge or Magistrate)

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

section 20(2)(b)

APPLICATION FOR *SETTING ASIDE OF WARRANT

* DISCHARGE FROM CUSTODY

* VARIATION OR QUASHING OF ORDER

To:
(name of 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 Judge or Magistrate)

* discharge from custody under an order made on
theday of....., 19.....
by
(name of Judge or Magistrate)

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

** 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

2 LIST OF LEGISLATION

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

Notified	28 November 1980
Commenced	28 November 1980