NORTHERN TERRITORY OF AUSTRALIA

Regulations 1980, No.41*

Rules of Court under the Supreme Court Act

WE, the undersigned Judges of the Supreme Court of the Northern Territory, hereby make the following Rules of Court under the Supreme Court Act.   .

Dated this 4th day of July, 1980.

W.E.S. Forster C.J.
J. Toohey J.
J.F. Gallop J.

Judges of the
Supreme Court of the
Northern Territory

SUPREME COURT (ABSCONDING DEBTORS) RULES

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 <u>Absconding Debtors Act</u>, Form 4 is the prescribed form of application for review.

SCHEDULE

FORM 1

Rule 2

NORTHERN TERRITORY OF AUSTRALIA

<u>Absconding Debtors Act</u>

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 .

2

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).

3

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
the....................day 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.