

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2009 No. 161**

#### **Issued by the authority of the Judges of the Federal Court of Australia**

#### **Federal Court Amendment Rules 2009 (No. 2)**

Section 59 of the *Federal Court of Australia Act 1976* permits the Judges of the Court or a majority of them, to make rules of Court not inconsistent with the Act. These rules may provide for the practice and procedure to be followed in the Court and in Registries of the Court. They may extend to all matters incidental to any such practice or procedure that are necessary or convenient to be prescribed for the conduct of any business of the Court.

Under subsection 59 (4) of the *Federal Court of Australia Act 1976*, the *Legislative Instruments Act 2003* (other than sections 5, 6, 7, 10, 11 and 16 of that Act) applies in relation to rules of court made by the Court under the *Federal Court of Australia Act 1976* or another Act:

- (a) as if a reference to a legislative instrument were a reference to a rule of court; and
- (b) as if a reference to a rule-maker were a reference to the Chief Justice acting on behalf of the Judges of the Court; and
- (c) subject to such further modifications or adaptations as are provided for in regulations made under section 59A of the *Federal Court of Australia Act 1976*.

The present Federal Court Rules came into operation on 1 August 1979. They are reviewed regularly.

The Judges have agreed to amend the Federal Court Rules by:

- replacing references to the *Workplace Relations Act 1996* with references to the *Fair Work Act 2009* and *Fair Work (Registered Organisations) Act 2009*, as appropriate.
- replacing Order 48 with a new Order 48 which refers to the relevant provisions of the *Fair Work Act 2009*, *Fair Work (Registered Organisations) Act 2009* and related regulations;
- replacing Order 50 with a new Order 50 which replaces the references to the Industrial Registrar under the *Workplace Relations Act* with references to the President of Fair Work Australia;
- inserting new forms 5B, 5C and 5D (which relate to particular applications under the *Fair Work Act*) in Schedule 1 to the Rules;
- inserting a requirement that each document filed in a proceeding must include a reference to the Division in which the proceeding is being heard and determined,

with consequential changes to the forms prescribed in Schedule 1 to the Federal Court Rules.

The Amendment Rules have been made in light of the enactment of the *Fair Work Act 2009*, *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* and *Fair Work (State Referral and Consequential and Other Amendments) Act 2009*. In particular, the changes made to the Federal Court Rules are consequential upon:

- the enactment of the *Fair Work Act 2009* and the *Fair Work (Registered Organisations) Act 2009*; and
- the amendments to the *Federal Court Act of Australia 1976* that create a General Division and a Fair Work Division of the Court.

The amendments have not been the subject of consultation as they are of a minor nature and do not alter the substance of the Federal Court Rules.

Details of the Rules are in **Attachment 1**.

The Rules commence on 1 July 2009.

**Federal Court Amendment Rules 2009 (No. 2)**

**RULE 1 Name of rules**

This rule provides that the Rules are to be cited as the *Federal Court Amendment Rules 2009 (No. 2)*.

**RULE 2 Commencement**

This rule provides that these Rules commence on 1 July 2009.

**RULE 3 Amendment of Federal Court Rules**

Schedule 1 amends the Federal Court Rules.

**SCHEDULE 1**

[1] Order 1, rule 4, definition of *organisation*

Order 1 rule 4 sets out the meaning of various terms used in the Rules.

This amendment replaces the definition for ‘organisation’ in Order 1 rule 4 with a new definition. The effect of the amendment is to replace the reference to s 4 (1) of the *Workplace Relations Act 1996* with a reference to s 6 of the *Fair Work (Registered Organisations) Act 2009*.

This amendment is consequential upon the enactment of the *Fair Work (Registered Organisations) Act 2009*.

[2] Order 7, paragraph 2 (1) (d)

Order 7 deals with service of documents. Order 7 rule 2 deals with the personal service of documents and how it may be effected.

This amendment replaces Order 7 paragraph 2 (1) (d) with a new paragraph 2 (1) (d). The effect of the amendment is to replace:

- each reference to ‘Industrial Registry’ with a reference to ‘Fair Work Australia’; and
- each reference to ‘Schedule 1B of the *Workplace Relations Act 1996*’ with a reference to ‘*Fair Work (Registered Organisations) Act 2009*’.

This amendment is consequential upon the enactment of the *Fair Work (Registered Organisations) Act 2009*.

[3] Order 25, rule 8

Order 25 rule 8 allows a party applying to the Federal Court for interim relief to approach a Judge of a State Supreme Court to hear the application where it is not reasonably practicable for a Judge of the Federal Court to deal with the matter.

This amendment omits rule 8. It is no longer necessary given the number of Judges of the Federal Court and the capacity to hear and determine matters using teleconference or videoconference facilities.

[4] Order 35, subrule 5 (3)

Order 35 deals with judgments and orders. Order 35 rule 5 sets out the procedures to be followed when the Court imposes a fine. Subrule 5 (3) provides that this rule does not apply to a fine imposed under the *Workplace Relations Act 1996*.

The subrule is amended by inserting after the reference to the *Workplace Relations Act 1996* a reference to the *Fair Work Act 2009* and the *Fair Work (Registered Organisations) Act 2009*.

This amendment is consequential upon the enactment of the *Fair Work Act 2009* and the *Fair Work (Registered Organisations) Act 2009*.

[5] Order 41, subrule 1 (1)

Order 41 rule 1 sets out the information that must be set out on the first page of a document filed in a proceeding in the Court. Rule 1 provides, inter alia, that the heading of the document must be in accordance with Form 1 in Schedule 1 to the Rules. That is, the heading must include the District Registry where the document is filed and the serial number of the proceeding.

The amendment replaces subrule 1 (1) with a new subrule 1 (1). The effect of the amendment is to add a requirement that the heading of each document must include a reference to the appropriate Division of the Court.

This amendment is consequential upon the amendments to the *Federal Court Act of Australia 1976* that create a General Division and a Fair Work Division in the Court.

[6] Order 48

Order 48 sets out the rules for proceedings under the *Workplace Relations Act 1996*.

The amendment replaces Order 48 with a new Order 48. The amendment is consequential upon the repeal of the *Workplace Relations Act 1996* and the enactment of the *Fair Work Act 2009* and the *Fair Work (Registered Organisations) Act 2009*.

The new Order 48 consists of the six divisions described below.

### ***Order 48 Division 1***

Order 48 Division 1 deals with general matters.

Rule 1 defines a number of terms used in Order 48.

Rule 2 provides that, unless the contrary intention appears, an expression used in Order 48 is to have the same meaning as the expression has in the *Workplace Relations Act*, the *Fair Work Act* and the *Fair Work (Registered Organisations) Act* ('*Registered Organisations Act*') (as the case may be).

Subrule 3 (1) provides that Order 48 applies to proceedings in the Court to which the *Workplace Relations Act*, the *Fair Work Act* or the *Registered Organisations Act* applies.

Subrule 3 (2) provides that the other Orders of these Rules apply to the extent that they are relevant and not inconsistent with this Order, to a proceeding to which the *Workplace Relations Act*, the *Fair Work Act* or the *Registered Organisations Act* applies.

A note to rule 3 provides that Item 11 of Schedule 2 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* provides that the *Workplace Relations Act* continues to apply on and after 1 July 2009 to conduct that occurred before 1 July 2009.

### ***Order 48 Division 2***

Order 48 Division 2 deals with applications under the *Workplace Relations Act 1996* in relation to unlawful termination of employment.

Rule 4 sets out the requirements for applications in relation to alleged unlawful termination of employment that occurred before 1 July 2009. Such an application must be in accordance with Form 5 and be accompanied by a claim in accordance with Form 5A and a certificate issued under s 650 (2) of the *Workplace Relations Act* regarding the failure or likely failure of conciliation.

Note 1 to rule 4 states that Item 11 of Schedule 2 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* provides that the *Workplace Relations Act* continues to apply on and after 1 July 2009 to conduct that occurred before 1 July 2009.

Note 2 to rule 4 states that s 665 of the *Workplace Relations Act* sets out the orders the Court may make.

### ***Order 48 Division 3***

This Division deals with applications under the *Fair Work Act* in relation to unlawful dismissal from, or termination of, employment

Rule 5 deals with applications in relation to an alleged dismissal from employment in contravention of a general protection mentioned in Part 3-1 of the *Fair Work Act*. An application must be in accordance with Form 5 and be accompanied by a claim in accordance with Form 5B and a certificate issued under s 369 of the *Fair Work Act* stating that Fair Work Australia is satisfied that all reasonable attempts to resolve the dispute have been or are likely to be unsuccessful.

The note to rule 5 states that ss 545 and 546 of the *Fair Work Act* set out the orders the Court may make.

Rule 6 deals with applications under the *Fair Work Act* in relation to an alleged unlawful termination of employment that occurred on or after 1 July 2009. This application must be in accordance with Form 5 and be accompanied by a claim in accordance with Form 5C and a certificate issued by Fair Work Australia under s 777 of the *Fair Work Act* that states that Fair Work Australia is satisfied that all reasonable attempts to resolve the dispute have been or are likely to be unsuccessful.

The note to rule 6 states that ss 545 and 546 of the *Fair Work Act* sets out the orders the Court may make.

#### ***Order 48 Division 4***

Division 4 deals with applications under the *Fair Work Act* in relation to claims of unlawful discrimination.

Rule 7 sets out the requirements for applications in relation to an alleged contravention of s 351 (1) of the *Fair Work Act*. An application must be in accordance with Form 5 and be accompanied by a claim in accordance with Form 5D and a certificate issued by Fair Work Australia under s 369 of the *Fair Work Act* that states that Fair Work Australia is satisfied that all reasonable attempts to resolve the dispute have been or are likely to be unsuccessful.

Note 1 to rule 7 states that ss 545 and 546 of the *Fair Work Act* set out the orders the Court may make.

Note 2 to rule 7 states that, under s 351 (1) of the *Fair Work Act*, an employer must not take adverse action (as defined in s 342 of the *Fair Work Act*) against a person who is an employee or prospective employee of the employer because of the person's race, colour, sex, sexual preference, age, physical or mental disability, marital status, family of carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

#### ***Order 48 Division 5***

Division 5 deals with rules to show cause.

Rule 8 defines ‘rule to show cause’ as meaning a rule calling on a person, or an organisation, to show cause why an order should not be made in relation to the person or organisation under:

- (a) if the rule to show cause relates to conduct that occurred before 1 July 2009 — s 163, 164 or 164A or subsection 167 (2) of the RAO Schedule.
- (b) in any other case — s 163, 164 or 164A or subsection 167 (2) of the *Registered Organisations Act*.

Note 1 to rule 8 states that Item 11 of Schedule 2 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* provides that the *Workplace Relations Act* continues to apply on and after 1 July 2009 to conduct that occurred before 1 July 2009.

Note 2 to rule 8 states that s 163 of the RAO Schedule and s 163 of the *Registered Organisations Act* provide that a member of an organisation may apply to the court for an order declaring that the whole or part of a rule of the organisation contravenes s 142 of the RAO Schedule or s 142 of the *Registered Organisations Act*, or that the rules of the organisation contravene s 142 of the RAO Schedule or s 142 of the *Registered Organisations Act* in a particular respect. Section 142 sets out the general requirements for rules of organisations.

Note 3 to rule 8 states that s 164 of the RAO Schedule and s 164 of the *Registered Organisations Act* provide that a member of an organisation may apply to the Court for an order giving directions for the performance or observance of any of the rules of the organisation by any person who is under an obligation to perform or observe the rules.

Note 4 to rule 8 states that s 164A of the RAO Schedule and s 164A of the *Registered Organisations Act* provide that a member of an organisation may apply to the Court for an order directing a person (who may be the person who has breached the rule) to do specific things that will, in the opinion of the Court, as far as is reasonably practical, place the organisation in the position in which it would have been if the breach of the rule had not occurred. The Court may make the order if satisfied that a person who was under an obligation to perform or observe the rule or rules of the organisation has acted unreasonably in so breaching the rule or rules.

Note 5 to rule 8 states that s 167 (1) of the RAO Schedule and s 167 (1) of the *Registered Organisations Act* provide that a person or organisation may apply to the Court for a declaration as to the entitlement of a person to be admitted as a member of the organisation or to remain a member of the organisation. Under s 167 (2) of the RAO Schedule or s 167 (2) of the *Registered Organisations Act*, the Court may make an order to give effect to a declaration made under that subsection.

Rule 9 provides, inter alia, that Division 5 does not apply unless:

- if the rule to show cause relates to conduct that occurred before 1 July 2009 – the granting of a rule to show cause is necessary, under paragraph 324 (2) (a) or (q) of the RAO Schedule, for the Minister to authorise payment of financial assistance to

an applicant for an order under s 163, 164 or 164A or s 167 (2) of the RAO Schedule;

- in any other case – the granting of a rule to show cause is necessary, under paragraph 324 (2) (a) or (q) of the Registered Organisations Act, for the Minister to authorise payment of financial assistance to an applicant for an order under s 163, 164, 164A or s 167 (2) of the *Registered Organisations Act*.

In cases where Division 5 does not apply, an application for an order mentioned in s 163, 164, 164A or 167 (2) of the RAO Schedule or the *Registered Organisations Act* may be made by filing an application in the general form prescribed by Order 4 rule 1 of the Federal Court Rules.

The note to rule 9 states that Item 11 of Schedule 2 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* provides that the *Workplace Relations Act* continues to apply on and after 1 July 2009 to conduct that occurred before 1 July 2009.

Rule 10 sets out the requirements for a rule to show cause application. An application may be made to a Judge ex parte (subrule 10(1)), and must be accompanied by an affidavit in accordance with subrule (3), (4), (5) or (6) (subrule 10(2)).

Subrule 10(3) sets out the information to be included in the affidavit accompanying an application made under s 163 of the RAO Schedule or s 163 of the *Registered Organisations Act*.

Subrule 10(4) sets out the information to be included in the affidavit accompanying an application made under s 164 of the RAO Schedule or s 164 of the *Registered Organisations Act*.

Subrule 10(5) sets out the information to be included in the affidavit accompanying an application made under s 164A of the RAO Schedule or s 164A of the *Registered Organisations Act*.

Subrule 10(6) sets out the information to be included in the affidavit accompanying an application made under s 167 of the RAO Schedule or s 167 of the *Registered Organisations Act*.

Rule 11 provides that a rule to show cause must be in accordance with Form 6.

Rule 12 provides that, if the Court grants a rule to show cause, the applicant must file with the Court the rule and the supporting affidavit as soon as practicable after the rule is granted.

### ***Order 48 Division 6***

Division 6 deals with inquiries and ballots in relation to registered organisations.



Rule 13 provides that Division 6 applies to:

- an application under s 200 of the RAO Schedule for an inquiry into an election conducted before 1 July 2009;
- an application under s 69 (1) of the RAO Schedule for an inquiry into an alleged irregularity in relation to a ballot held under Part 2 of Chapter 3 of the RAO Schedule;
- an application under s 108 (1) of the RAO Schedule for an inquiry into an alleged irregularity in relation to a ballot held under Part 3 of Chapter 3 of the RAO Schedule;
- an application under s 200 of the *Registered Organisations Act* for an inquiry into an election conducted on or after 1 July 2009;
- an application under s 69 (1) of the *Registered Organisations Act* for an inquiry into an alleged irregularity in relation to a ballot conducted under Part 2 of Chapter 3 of the *Registered Organisations Act*;
- an application under s 94 of the *Registered Organisations Act* for a ballot to be held to decide whether a constituent part of an amalgamated organisation should withdraw from the organisation;
- an application under s 108 (1) of the *Registered Organisations Act* for an inquiry into an alleged irregularity in relation to a ballot held under Part 3 of Chapter 3 of the *Registered Organisations Act*;
- an application under s 109 (1) of the *Registered Organisations Act* for an order in relation to the withdrawal of a constituent part of an amalgamated organisation from the organisation.

Note 1 to rule 13 states that Item 11 of Schedule 2 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* provides that the *Workplace Relations Act* continues to apply on and after 1 July 2009 to conduct that occurred before 1 July 2009.

Note 2 to rule 13 states that under regulation 82 of the *Fair Work (Registered Organisations) Regulations 2009*, an application under s 94 of the *Registered Organisations Act* must be in accordance with Form 2 of those Regulations.

Note 3 to rule 13 states that under regulation 107 of the *Fair Work (Registered Organisations) Regulations 2009*, an application under s 109 (1) of the *Registered Organisations Act* must be in accordance with Form 4 of those Regulations.

Rule 14 deals with the form of application for a ballot.

Subrule 14 (1) provides that an application under s 200 of the RAO Schedule or s 200 of the *Registered Organisations Act* must be in accordance with Form 50A and be accompanied by an affidavit stating the nature of the applicant's claim and the material facts on which the claim is based.

Subrule 14 (2) provides that an application under s 69 (1) of the RAO Schedule or s 69 (1) of the *Registered Organisations Act* must be in accordance with Form 50B and

be accompanied by an affidavit stating the nature of the applicant's claim and the material facts on which the claim is based.

Subrule 14 (3) provides that an application under s 108 (1) of the RAO Schedule or s 108 (1) of the *Registered Organisations Act* must be in accordance with Form 50C and be accompanied by an affidavit stating the nature of the applicant's claim and the material facts on which the claim is based.

Rule 15 provides that, on receiving an application and any supporting documents, the District Registrar must sign and affix the stamp of the Court to the application, endorse the application and provide the applicant with a stamped copy of the application and a copy of any supporting documents in accordance with how the application was sent to the Registry.

Rule 16 provides that, at least 2 days before the date fixed for the directions hearing, the applicant must serve a stamped copy of the application and a copy of any supporting documents, on each other party, if any, to the proceeding.

Rule 17 provides that an application for an interim order under s 204 of the RAO Schedule or s 204 of the *Registered Organisations Act*, or for an order under subregulation 77 (1) of the *Fair Work (Registered Organisations) Regulations 2009*, may be made ex parte or in any other way directed by the Court or a Judge.

Rule 18 provides that the Court may direct the Registrar to issue a subpoena for the production of a document or other item or for the witness to attend the inquiry if it is of the opinion that an inquiry would be assisted by this action.

#### [7] Order 50

Order 50 sets out the rules for cases stated and questions reserved from a Court, Judge, Tribunal, Commission, Industrial Registrar or other authority. It includes cases stated and questions reserved under the *Workplace Relations Act 1996*.

The amendment replaces Order 50 with a new Order 50. The effect of the amendment is to replace the references to the Commission and Industrial Registrar with references to the President of Fair Work Australia.

The amendment is consequential upon the repeal of the *Workplace Relations Act 1996* and the enactment of the *Fair Work Act 2009* and the *Fair Work (Registered Organisations) Act 2009*.

#### [8] Schedule 1, Forms 1 and 2

Form 1 is the prescribed form for the heading of a document and Form 2 is the prescribed form for the heading of a document using an abbreviated title.

These forms are amended to insert the word 'DIVISION' in the heading immediately under the line containing the words 'DISTRICT REGISTRY'. A person using the form must insert the location of the District Registry and the particular Division which is to hear and determine the proceeding to which the document relates.

This amendment is consequential upon the amendments made to the *Federal Court of Australia Act 1976* by the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* which create a General Division and a Fair Work Division in the Court.

[9] Schedule 1, Form 5

Form 5 is the general form for an application prescribed by Order 4 rule 1.

This amendment replaces Form 5 with a new Form 5.

The primary effect of the amendment is to alter Part A of the Form by replacing the references to a claim of unlawful termination of employment and a claim under the *Human Rights and Equal Opportunity Commission Act 1986* with references to Order 48 rules 4, 5, 6 and 7 and Order 81 rule 5. These rules deal with claims under the *Workplace Relations Act 1996*, *Fair Work Act 2009* and *Human Rights and Equal Opportunity Commission Act 1986*.

[10] Schedule 1, after Form 5A

This amendment inserts in Schedule 1 the three forms mentioned in new Order 48 rules 5, 6 and 7. The new forms are consequential upon the amendments mentioned in item [6] above.

The forms are:

- Form 5B – Claim under the *Fair Work Act 2009* alleging dismissal in contravention of a general protection
- Form 5C – Claim under the *Fair Work Act 2009* alleging unlawful termination of employment
- Form 5D – Claim under the *Fair Work Act 2009* alleging discrimination.

[11] Schedule 1, Form 6

Form 6 is the prescribed form for a rule to show cause.

The amendment replaces Form 6 with a new Form 6.

The effect of the amendment is to replace the reference to Order 48 rule 8 with a reference to Order 48 rule 11. This is consequential upon the amendments mentioned in item [6] above.

[12] Schedule 1, Form 41

Form 41 is the prescribed form of subpoena.

The amendment replaces Form 41 with a new Form 41.

The effect of the amendment is to include in the heading the words 'DIVISION [*insert if filing in Federal Court*]' after the line containing the words 'DISTRICT REGISTRY'.

This amendment is consequential upon the amendment mentioned in item [5] above.

[13] Schedule 1, Forms 50A, 50B and 50C

This amendment replaces Forms 50A, 50B and 50C with new Forms 50A, 50B and 50C.

Form 50A is the prescribed form for an application for an inquiry relating to an election. The effect of the amendment is to:

- add references to the *Fair Work (Registered Organisations) Act 2009*;
  - replace the reference to Order 48 subrule 10A (1) with a reference to Order 48 subrule 14 (1);
  - include in the heading of the new Form the words 'FAIR WORK DIVISION'.
- These changes are consequential upon the amendments mentioned in items [5] and [6] above.

Form 50B is the prescribed form for an application for an inquiry relating to a ballot under Part 2 of Chapter 3 of Schedule 1B of the *Workplace Relations Act 1966*. The effect of the amendment is to:

- add references to the *Fair Work (Registered Organisations) Act 2009*;
  - replace the reference to Order 48 subrule 10A (2) with a reference to Order 48 subrule 14 (2);
  - include in the heading of the new Form the words 'FAIR WORK DIVISION'.
- These changes are consequential upon the amendments mentioned in items [5] and [6] above.

Form 50C is the prescribed form for an application for inquiry relating to a ballot under Part 3 of Chapter 3 of Schedule 1B to the *Workplace Relations Act 1996*. The effect of the amendment is to:

- add references to the *Fair Work (Registered Organisations) Act 2009*;
  - replace the reference to Order 48 subrule 10A (3) with a reference to Order 48 subrule 14 (3);
  - include in the heading of the new Form the words 'FAIR WORK DIVISION'.
- These changes are consequential upon the amendments mentioned in items [5] and [6] above.

[14] Schedule 1, Forms 53, 53A, 53B, 53C, 54, 54A, 55, 55A, 55B, 55C, 55CA and 55CB

This amendment replaces Forms 53, 53A, 53B, 53C, 54, 54A, 55, 55A, 55B, 55C, 55CA and 55CB with new Forms 53, 53A, 53B, 53C, 54, 54A, 55, 55A, 55B, 55C, 55CA and 55CB.

In relation to Forms 53, 53A, 54, 54A and 55, the effect of the amendment is to insert in the heading of each form the word 'DIVISION' after the line containing the words 'DISTRICT REGISTRY'.

In relation to Forms 53B, 53C, 55A, 55B, 55C, 55CA and 55CB, the effect of the amendment is to insert in the heading of each form the words 'GENERAL DIVISION' after the line containing the words 'DISTRICT REGISTRY'.

This amendment is consequential upon the amendment mentioned in item [5] above.

[15] Schedule 1, Forms 56 and 56A

This amendment replaces Forms 56 and 56A with new Forms 56 and 56A.

The effect of the amendment is to insert in the heading of each form the words 'GENERAL DIVISION' after the line containing the words 'DISTRICT REGISTRY'.

This amendment is consequential upon the amendment mentioned in item [5] above.

[16] Schedule 1, Forms 58A, 59, 61, 62, 63, 64, 65 and 69A

This amendment replaces Forms 58A, 59, 61, 62, 63, 64, 65 and 69A with new Forms 58A, 59, 61, 62, 63, 64, 65 and 69A.

In relation to Forms 58A, 59, 61, 62, 63, 64 and 65, the effect of the amendment is to insert in the heading of each form the words 'GENERAL DIVISION' after the line containing the words 'DISTRICT REGISTRY'.

In relation to Form 69A, the effect of the amendment is to insert the word 'DIVISION' after the line containing the words 'DISTRICT REGISTRY'.

This amendment is consequential upon the amendment mentioned in item [5] above.

[17] Schedule 1, Forms 138 and 141

This amendment replaces Forms 138 and 141 with new Forms 138 and 141.

In relation to Form 138, the effect of the amendment is to insert in the heading the word 'DIVISION' after the line containing the words 'DISTRICT REGISTRY'.

In relation to Form 141, the effect of the amendment is to insert the words 'GENERAL DIVISION' after the line containing the words 'DISTRICT REGISTRY'.

This amendment is consequential upon the amendment mentioned in item [5] above.

[18] Schedule 1, Forms 173 and 174

This amendment replaces Forms 173 and 174 with new Forms 173 and 174.

The effect of the amendment is to insert in the heading of each form the word 'DIVISION' after the line containing the words 'DISTRICT REGISTRY'.

This amendment is consequential upon the amendment mentioned in item [5] above.