

Federal Court (Bankruptcy) Repeal Rules 2016

We, Judges of the Federal Court of Australia, make the following Rules.

Dated 21 March 2016

J.L.B. ALLSOP CJ

J.A. DOWSETT J

A.C. BENNETT J

A.P. GREENWOOD J

S.D. RARES J

B. COLLIER J

A.J. BESANKO J

C.N. JESSUP J

R.R.S. TRACEY J

J.E. MIDDLETON J

R.J. BUCHANAN J

J.A. LOGAN J

G.A. FLICK J

N.W. McKERRACHER J

J.E. REEVES J

N. PERRAM J

J.M. JAGOT J

L.G. FOSTER J

J.V. NICHOLAS J

D.M. YATES J

M. BROMBERG J

A.J. KATZMANN J

B.M. MURPHY J

I.J.K. ROSS J

J.E. GRIFFITHS J

D.J.C. KERR J

L.K. FARRELL J

G. PAGONE J

J. DAVIES J

D.C. RANGIAH J

R.C. WHITE J

M.A. WIGNEY J

M.A. PERRY J

J.S. GLEESON J

J.B.R. BEACH J

B.S. MARKOVIC J

M.K. MOSHINSKY J

R.J. BROMWICH J

N. CHARLESWORTH J

Judges of the

Federal Court of Australia

W.G. Soden

Registrar

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1 Name

These are the *Federal Court (Bankruptcy) Repeal Rules 2016*.

2 Commencement

(1) Each provision of these Rules specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of these Rules | At the same time as the *Federal Court (Bankruptcy) Rules 2016* commence. |  |

Note: This table relates only to the provisions of these Rules as originally made. It will not be amended to deal with any later amendments of these Rules.

(2) Any information in column 3 of the table is not part of these Rules. Information may be inserted in this column, or information in it may be edited, in any published version of these Rules.

3 Authority

These Rules are made under the *Federal Court of Australia Act 1976.*

4 Repeal of these Rules

These Rules are repealed at the start of the day after the end of the period of 6 months beginning on the day these Rules commence.

5 Schedules

Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.

Schedule 1—Repeals

Federal Court (Bankruptcy) Rules 2005

1 The whole of the Rules

Repeal the Rules.

Schedule 2—Consequential amendments

Federal Court Rules 2011

1 Rule 1.04 (note 1)

Omit “*Federal Court (Bankruptcy) Rules 2005*”, substitute “*Federal Court (Bankruptcy) Rules 2016*”.

2 Rule 3.01 (paragraph (c) of note 3)

Omit “Schedule 2”, substitute “Schedule 1”.

3 Schedule 1 (definition of *Bankruptcy Rules*)

Omit “*Federal Court (Bankruptcy) Rules 2005*”, substitute “*Federal Court (Bankruptcy) Rules 2016*”.

4 Schedule 1 (definition of *short form bill*)

Omit “Part 13 of the *Federal Court (Bankruptcy) Rules 2005*”, substitute “Part 13 of the Bankruptcy Rules”.

Schedule 3—Transitional provisions

1 Forms

(1) This item applies if:

(a) during the 6‑month period beginning on the commencement of this item a person does something, for the purpose of a provision of the *Federal Court (Bankruptcy) Rules 2016* (the ***new Rules***), using a form that was, immediately before the commencement of this item, prescribed by the *Federal Court (Bankruptcy) Rules 2005* for doing that thing; and

(b) the new Rules require a form approved under subrule 1.07(2) of the new Rules to be used for doing that thing.

(2) For the purposes of the new Rules, the requirement to use the approved form for doing that thing is taken to have been satisfied by using a document that:

(a) is substantially in accordance with the prescribed form; or

(b) has only such variations as the nature of the case requires.