

**1990 - No. 255**

**DISTRICT COURT ACT 1973 - RULE**

NEW SOUTH WALES



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1. This rule is made by the Rule Committee on 24 April 1990, and has effect on and from 11 May 1990.

2. The District Court Rules 1973 are amended as follows:

(a) Part 43 rule 10B (2A) Powers of registrar for Sydney

Omit "by that registrar under any power exercised under rule 10A or this rule", insert instead "or refused by that registrar under these rules and in respect of any call-over or conference presided over, or scheduled to be presided over, by that registrar".

(b) Part 53 rule 5 *Representation*

After Part 53 rule 5 (4) insert the following subrules:

(5) A solicitor who acts for a party in any proceedings and has reason at any time to believe that he has lost contact with the party shall as soon as practicable, in writing, so inform every other party, the registrar and the Criminal Listing Director.

(6) Without limiting the generality of subrule (5), a solicitor who acts for a party in any proceedings shall, not less than 1 month nor more than 2 months before the date fixed for the hearing of the proceedings, ascertain whether he remains in contact with the party.

(7) The provisions of this rule apply in addition to, and not in derogation from, the provisions of clause 6 of the Criminal Procedure Regulation 1984.

**EXPLANATORY NOTE**

The purposes of the amendments are:

- \* to clarify the powers of the Sydney registrar to award costs in respect of a call-over or pre-trial conference;
- \* to ensure that a solicitor who loses contact with his client in criminal proceedings make himself aware of that fact in good time, and minimises the waste of Court resources that is likely to result.

**E. J. O'GRADY**  
Secretary to the Rule Committee

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