

1993—No. 193

DISTRICT COURT ACT 1973—RULE

NEW SOUTH WALES



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1. This rule is made by the Rule Committee on 19th May, 1993, and has effect on and from 28th May, 1993.

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

(a) Part 18 rule 4 (3)

After Part 18 rule 4 (2) insert the following subrule:

(3) The notice may contain a statement signed by any other party to the proceedings that the discontinuing party is not liable to pay the costs of that other party in the proceedings.

(b) Part 18 rule 6 (1)

Omit the subrule, insert instead the following subrule:

(1) Where a party to any proceedings discontinues the proceedings against another party as to the whole or any part thereof, the discontinuing party shall, unless:

(a) the Court otherwise orders; or

(b) the notice of discontinuance contains a statement by that other party under rule 4 (3),

pay the costs of that other party.

(c) Part 43 rule 10A

(i) After subrule (3) insert the following subrule:

(3A) The registrar for any proclaimed place may exercise the power conferred on the Court by Section 30 (1) (b) of the Service and Execution of Process Act 1992 (Cth.) to shorten the time for service of a subpoena issued at that proclaimed place.

(ii) In subrule (4) omit “1901”, insert instead “1992”.

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EXPLANATORY NOTE

The purpose of amendments (a) and (b) is to accord with a recent Supreme Court amendment which protects a party who discontinues proceedings only if the other parties specifically waive their entitlement to costs.

The purpose of amendment (c) is to enable orders shortening the time for service of interstate subpoenas to be made by registrars.

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