

DISTRICT COURT ACT 1973—RULE

NEW SOUTH WALES



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1. This rule is made by the Rule Committee on 8 June 1994, and has effect on and from 17 June 1994.

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

(a) Part 29 rule 6

After subrule (4) insert the following subrule:

(5) A subpoena for production may be made returnable on the day fixed for the hearing of the proceedings in which it is issued, or, with the leave of the Court or registrar, on any other day.

(b) Part 30 rule 10

(i) Omit the matter “10.”, insert instead the matter “10. (1)”;

(ii) After subrule (i) insert the following subrules:

(2) A document (other than a statement of claim) which is filed in the proceedings and has been served may be identified in an affidavit of service by:

(a) exhibiting to the affidavit of service a copy of the document served; or

(b) including in the affidavit of service a sufficient description of the document served.

(3) A copy of a document (other than a statement of claim) which is filed in the proceedings and has been served shall not be annexed to an affidavit of service.

EXPLANATORY NOTE

The purpose of the amendments is:

- (a) to make it clear that a subpoena for production may be made returnable before the hearing of the action;
- (b) to avoid the creation of bulky affidavits of service by prohibiting the annexing of a copy of the document served.

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