

1994—No. 242

LOCAL COURTS (CIVIL CLAIMS) ACT 1970—RULE

NEW SOUTH WALES



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1. This rule is made by the Rule Committee on 6 June 1994, and has effect on and from 17 June 1994.

2. The Local Courts (Civil Claims) Rules 1988 are amended as follows:

(a) Part 3 rule 4 (2)

After the matter “Part 9 rule 1” insert “or 6”.

(b) Part 9 rule 4

After subrule (4) insert the following subrule:

(4A) Where the court strikes out an action, defence, cross-claim, or third or subsequent party notice under subrule (2) (d) or (3) (c), it may make an order for costs consequential on the striking out.

(c) Part 24 rule 5

After subrule (4) insert the following subrule:

(5) A subpoena for production may, with the leave of the court or registrar, be made returnable on any day.

(d) Part 31 rule 10 (4)

After “summons” insert “(other than disbursements)”.

EXPLANATORY NOTE

The purpose of the amendments is:

- (a) to ensure that a defendant in the Small Claims Division is not deprived of the right to object to the venue;
- (b) to enable the court or registrar, when striking out a claim or defence, etc., at a call-over to complete the matter by making an order for costs;
- (c) to make it clear that a subpoena for production may be made returnable before the hearing of the action;
- (d) to remove an obstacle to a judgment creditor recovering fees paid for service of an examination summons.

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