

**DISTRICT COURT COURT ACT 1973—RULE**

NEW SOUTH WALES



*[Published in Gazette No. 35 of 11 February 1994]*

1. This rule is made by the Rule Committee on 2 February 1994, and has effect on and from 11 February 1994.

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

(a) Part 6 rule 51 (2)

(i) Before “Bathurst” insert “Albury,”;

(ii) After “Gosford,” insert “Griffith,”.

(b) Part 12 rule 4A (2)

(i) In paragraph (d) (iv) omit “and” where secondly appearing;

(ii) In paragraph (d) (v) omit “income,”, insert instead “income; and”;

(iii) After paragraph (d) (v) insert the following subparagraph:

(vi) particulars of any claim for domestic assistance or attendant care,

(iv) In paragraph (e) (ii) omit “and”;

(v) After paragraph (e) (iii) insert the following subparagraph:

(iv) reports, award rates and correspondence relied on to support any claim for domestic assistance or attendant care; and

(c) Part 29 rule 6 (6)

Omit the subrule.

(d) Part 29 rule 7 (3), (4)

After Part 29 rule 7 (2) insert the following subrules:

(3) Subject to subrule (4), service of a subpoena for production which requires production on a specified date, being a date not later than 21 days before the hearing of the proceedings in which the subpoena is issued, may be effected by sending a copy of the subpoena by pre-paid post addressed to the person named at that person’s usual or last known residence or place of business.

(4) Service pursuant to subrule (3) shall not be effective unless and until the subpoena is actually received by the person named.

(e) Part 34 rule 5 (2)

Omit “levying against goods of a judgment debtor under the writ of execution”, insert instead “executing or attempting to execute the writ of execution”.

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#### **EXPLANATORY NOTE**

The purpose of the amendments is:

- (a) to include Albury and Griffith in the list of places at which an appeal under the Victims Compensation Act 1987 may be heard without a special order of the Court;
- (b) to require a plaintiff who claims compensation for domestic care to give adequate and timely particulars of the claim to the defendant and the Court;
- (c) and (d) to provide for service by post of subpoenas for production;
- (d) to enable a Sheriff’s Officer to give a judgment debtor notice of a writ of execution when attempting to execute the writ instead of, as at present, only when actually making a levy.

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

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