

DISTRICT COURT COURT ACT 1973—RULE

NEW SOUTH WALES



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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.

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(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”.

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.
