

**1994—No. 60**

**LOCAL COURTS (CIVIL CLAIMS) ACT 1970—RULE**

NEW SOUTH WALES



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1. This rule is made by the Rule Committee on 7 February 1994 and has effect on and from the date on which section 41 (4) of the Local Courts (Civil Claims) Act 1970, as substituted by the Courts Legislation (Amendment) Act 1993, commences.

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

(a) Part 28 rule 1 (2)

Omit the subrule, insert instead the following subrules:

(2) Where the judgment creditor does not have an address for service at, and does not carry on business or have an agent at, a place within 30 kilometres from the court at which the judgment debtor is required to attend, the judgment creditor may file with the examination summons a request that the registrar of that court orally examine the judgment debtor as provided in section 41 (4) (b) of the Act, together with a copy of the request for that registrar if that registrar is not the issuing registrar.

(2A) Where the judgment creditor has an address for service at, or carries on business or has an agent at, a place within 30 kilometres from the court at which the judgment debtor is required to attend, the registrar of that court is not required to orally examine the judgment debtor.

(b) Part 28 rule 1 (3)

Omit “section 41 (4) of the Act”, insert instead “subrule (2)”.

(c) Part 28 rule 1 (4)

Omit “section 41 (4) of the Act”, insert instead “subrule (2)”.

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(d) Part 28 rule 3 (2)

Omit the subrule.

(e) Part 28 rule 3 (3)

Omit “section 41 (4) of the Act”, insert instead “rule 1 (2)”.  
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**EXPLANATORY NOTE**

The purpose of the amendments is to provide for the circumstances in which a registrar may be required to examine a judgment debtor, as envisaged by amendments to the Local Courts (Civil Claims) Act 1970 made by the Courts Legislation (Amendment) Act 1993.

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