

1996—No. 114

LOCAL COURTS (CIVIL CLAIMS) ACT 1970—RULE

NEW SOUTH WALES



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1. THIS rule is made by the Rule Committee on 18 March 1996, and has effect on and from 29 March 1996.

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

(a) Part 2 rule 2 (4)

Omit “or not required because of subrule (5A)”.

(b) Part 17A rule 5 (4) (b)

Omit “commencement”, insert instead “conclusion”.

(c) Part 23 rule 1C

Omit the rule, insert instead:

Evidence by telephone, video link, etc.

1C. A court may in any proceedings order, on terms, that evidence or submissions may be received by telephone, video link or other form of communication.

(d) Part 30A rule 13

(i) In subrule (1), after “may” insert “, with the approval of the Sheriff,”;

(ii) Omit subrule (2), insert instead:

(2) The Sheriff shall not approve a sale of land under subrule (1) at a price substantially below a fair value determined by the Sheriff.

(iii) In subrule (3), omit “Sheriff’s officer” where first occurring, insert instead “Sheriff”.

(e) Part 39 rule 4 (1)

Omit “Subject to Part 24 rule 5 (5), a party”, insert instead “A party”.

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EXPLANATORY NOTE

The purpose of the amendments is:

- (a) and (e): to omit cross-references which have been superseded;
- (b): to extend to the conclusion of an arbitration hearing the time for acceptance of an offer of compromise which otherwise remains open;
- (c): to omit a rule regarding hearsay evidence which has been superseded by the Evidence Act 1995 and consequential legislation, and to make a rule enabling evidence to be received by telecommunications link;
- (d): to require the personal approval of the Sheriff before any sale of land by private treaty can proceed under a writ of execution.

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