

DISTRICT COURT ACT 1973—RULE

NEW SOUTH WALES



[Published in Gazette No. 49 of 19 April 1996]

1. This rule is made by the Rule Committee on 11 April 1996, and has effect on and from 19 April 1996.

2. The District Court Rules 1973 are amended by inserting after Part 29 rule 6 (2) the following subrules:

(2A) Unless the Court otherwise orders, a subpoena for production which authorises compliance with the subpoena as provided in section 64 (1A) of the Act shall not be issued in proceedings the proper place in relation to which is a place other than Parramatta.

(2B) Unless the Court otherwise orders, a subpoena for production shall not authorise compliance with the subpoena as provided in section 64 (1A) of the Act except with the approval of the registrar.

(2C) The approval of the registrar under subrule (2B) shall not be given unless the party requesting the issue of the subpoena advises the registrar in writing that that party has, at least 14 days previously, given notice of the intention to request the issue of the subpoena, and a copy of the subpoena, to:

(a) each other party; and

(b) any other person likely to have a claim of privilege in respect of the documents or things the production of which is sought,

or to a legal practitioner acting for that other party or person.

EXPLANATORY NOTE

The purpose of the amendment is to provide machinery for a pilot scheme regarding the production of documents on subpoena, made possible by the Courts Legislation Further Amendment Act 1995.

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