



New South Wales

District Court Rule (Miscellaneous Amendments) 1997

under the
District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 4 December 1997.

J Cowen
Secretary to the Rule Committee

Explanatory note

The object of this Rule is to amend the *District Court Rules 1973*:

- (a) to require a defendant who moves the Court to dismiss an action under the *Motor Accidents Act 1988* on the ground of non-compliance with the Act to do so within 2 months after service on the defendant's insurer of the statement of claim in the action, and
- (b) to expand the categories of persons who may sign documents required to be signed by a solicitor on the record or his or her agent to include solicitors who are employed by the same employer as the employer of the solicitor on the record or by the firm in which the solicitor on the record is a partner.

1997 No 699

Clause 1 District Court Rule (Miscellaneous Amendments) 1997

**District Court Rule (Miscellaneous Amendments)
1997**

1 Name of Rule

This Rule is the *District Court Rule (Miscellaneous Amendments) 1997*.

2 Commencement

This Rule commences on 19 December 1997.

3 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Rule.

Schedule 1 Amendments

(Clause 3)

[1] Part 24C, rule 8 Non-compliance with Act

Insert “or dismiss” after “strike out”.

[2] Part 47, rule 5

Omit the rule. Insert instead:

5 Signature for solicitor

- (1) Where any signature by a solicitor (*the Solicitor*) is required or permitted for the purpose of any proceedings, the signature for the Solicitor by any of the following persons shall, as well as the signature of the Solicitor, be sufficient:
 - (a) a partner of the Solicitor,
 - (b) a solicitor who is agent of the Solicitor for the purpose of the proceedings,
 - (c) a partner of the agent,
 - (d) a solicitor employed by:
 - (i) the Solicitor, or
 - (ii) the agent of the Solicitor, or
 - (iii) the Solicitor’s employer, or
 - (iv) the firm in which the Solicitor or the agent is a partner,
 - (e) a signatory authorised under subrule (3).
- (2) Anything that is required or permitted for the purpose of any proceedings to be signed by a solicitor is to be taken to have been signed by the solicitor (being a solicitor corporation) if:
 - (a) it has the corporation’s seal affixed to it, or
 - (b) it is signed by a director of the corporation or by an officer or employee of the corporation who is a solicitor.

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Schedule 1 Amendments

- (3) The registrar may authorise a clerk of a solicitor to be a signatory for the purposes of subrule (1) (e) in all or in any class of proceedings for his or her employer and for any solicitor of whom his or her employer is agent and may revoke any authority given under this rule.
- (4) A signature made pursuant to this rule shall be accompanied by a statement of the capacity in which the signature is made.

cf SCR, Pt 66, r 9