



New South Wales

## **Local Courts (Civil Claims) Rule (Solicitor Signatures) 1998**

under the

Local Courts (Civil Claims) Act 1970

The Local Courts (Civil Claims) Rule Committee made the following rule of court under the *Local Courts (Civil Claims) Act 1970* on 13 May 1998.

W Shepherd

Acting Secretary to the Rule Committee

### **Explanatory note**

The object of this Rule is to amend the *Local Courts (Civil Claims) Rules 1988* 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.

**1998 No 449**

Clause 1      Local Courts (Civil Claims) Rule (Solicitor Signatures) 1998

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**Local Courts (Civil Claims) Rule (Solicitor Signatures) 1998**

**1   Name of Rule**

This Rule is the *Local Courts (Civil Claims) Rule (Solicitor Signatures) 1998*.

**2   Amendment of Local Court (Civil Claims) Rules 1988**

The *Local Court (Civil Claims) Rules 1988* are amended as set out in Schedule 1.

**3   Notes**

The explanatory note does not form part of this Rule.

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**Schedule 1 Amendment**

(Clause 2)

**Part 36, rule 6**

Omit the rule. Insert instead:

**6 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.
- (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.
- (3) 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