



New South Wales

District Court Rule (Minor Law Revision) 1998

under the
District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 8 October 1998.

J G Cowen
Secretary to the Committee

Explanatory note

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

- (a) to enable a registrar to submit to the Court (rather than, as is presently the case, to a Judge) any affidavits filed under Part 2A rule 3 for certain directions and orders in respect of changes of venue, and
- (b) to remove the present requirement in Part 5, rule 13 (2) that an action transferred from the Supreme Court to the District Court be treated as being subject to the jurisdictional limits that would apply to the action if it had been commenced in the District Court, and
- (c) to ensure that the requirement in Part 9, rule 27 (3) (d)(v) for a person seeking damages for personal injury to provide particulars in respect of loss of income extends to a person who was self-employed after the accident concerned, and
- (d) to provide in Part 29, rule 6 that the registrar is not required to place a copy of a subpoena issued under that rule on the Court's file, and

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- (e) to remove the requirement from Part 31, rule 15 (2) that a form of judgment or order be filed with the Court if an application has been made for a certificate of judgment. and
- (f) to ensure that a reference to section 18 (2) of the *Arbitration (Civil Actions) Act 1983* in Part 51A, rule 11 (1) is updated to reflect the substitution of section 18 by the *Courts Legislation Amendment Act 1998*.

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1 Name of Rule

This Rule is the *District Court Rule (Minor Law Revision) 1998*.

2 Commencement

This Rule commences on 30 October 1998.

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.

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Schedule 1 Amendments

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(Clause 3)

[1] Part 2A, rule 3

Omit "a Judge, who" and "he" from rule 3 (6).
Insert instead "the Court, which" and "the Court". respectively.

[2] Part 5, rule 13

Omit rule 13 (2).

[3] Part 9, rule 27

Omit "immediately before the accident" from rule 27 (3) (d) (v).

[4] Part 29, rule 6

Insert after rule 6 (4):

(4A) The registrar is not required to place a copy of the subpoena on the Court's file.

[5] Part 31, rule 15

Omit "certificate or" from rule 15 (2)

[6] Part 51A, rule 11

Omit "section 18 (2)" from rule 11 (1).
Insert instead "section 18".