



New South Wales

# **District Court Rule (Appeal Listings) 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 10 December 1998.

J G Cowen  
Secretary to the Committee

## **Explanatory note**

The object of this Rule is to amend Part 6 of the *District Court Rules 1973* to enable statutory appeals lodged with the District Court to be listed immediately for call-over and case management by the Court.

**1998 No 729**

Clause 1

District Court Rule (Appeal Listings) 1998

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## **District Court Rule (Appeal Listings) 1998**

### **1 Name of Rule**

This Rule is the *District Court Rule (Appeal Listings) 1998*.

### **2 Commencement**

This Rule commences on 15 January 1999.

### **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      Amendment**

(Clause 3)

### **Part 6, rule 11A**

Insert after Part 6, rule 11:

#### **11A Listing of appeals**

- (1) Subject to any order of the Court, a call-over of appeals is to be held on such day or days as the registrar directs.
- (2) At the call-over of an appeal, the registrar:
  - (a) must, if satisfied that the appeal is ready for hearing, set it down to be heard, and
  - (b) may, if not satisfied that the appeal is ready for hearing, on terms adjourn the appeal to another date for call-over, or strike the appeal out of the list of appeals awaiting hearing.
- (3) Unless the Court otherwise orders, if the registrar at a proclaimed place other than Sydney sets an appeal down to be heard he or she must set it down to be heard at the next convenient sittings of the Court at that proclaimed place.
- (4) If an appeal is struck out under subrule (2) (b), the Court may, on terms, restore the appeal to the list of appeals awaiting hearing and make such orders as to costs and the continuance of the appeal as to the Court seem proper.
- (5) The provisions of this rule apply subject to the provisions of rule 12.