



New South Wales

# District Court Rule (Security for Costs) 1999

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 18 February 1999.

J G Cowen

Secretary to the Committee

## Explanatory note

The object of this Rule is to replace Part 40, rule 1 (2) (e) of the *District Court Rules 1973* with a provision that is consistent with Part 53, rule 2 (1) (e) of the *Supreme Court Rules 1970*.

At present, Part 40, rule 1 (2) (e) enables the Court to order a plaintiff to give security for costs if it appears to the Court that there is reason to believe that the plaintiff is unlikely to succeed in the proceedings and will be unable to pay the costs of the defendant if ordered to do so. The new provision will enable the Court to require security for costs if the Court has reason to believe that a plaintiff (being a body corporate) will be unable to pay the costs of the defendant if ordered to do so.

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## District Court Rule (Security for Costs) 1999

### 1 Name of Rule

This Rule is the *District Court Rule (Security for Costs) 1999*.

### 2 Commencement

This Rule commences on 12 March 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.

## Schedule 1 Amendment

(Clause 3)

### Part 40, rule 1

Omit Part 40, rule (2) (e). Insert instead:

- (e) that there is reason to believe that a plaintiff being a body corporate will be unable to pay the costs of the defendant if ordered to do so,