

**DISTRICT COURT (CIVIL CLAIMS) AMENDMENT ACT  
1987 No. 282**

NEW SOUTH WALES



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**DISTRICT COURT (CIVIL CLAIMS) AMENDMENT ACT 1987**  
**No. 282**

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**Act No. 282, 1987**

An Act to amend the District Court Act 1973 as a consequence of the enactment of the Local Courts (Civil Claims) Amendment Act 1987.  
[Assented to 16 December 1987]

*District Court (Civil Claims) Amendment 1987***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the District Court (Civil Claims) Amendment Act 1987.

**Commencement**

2. (1) Except as provided by subsection (2), this Act commences when Schedule 1 to the Local Courts (Civil Claims) Amendment Act 1987 commences.

(2) Schedule 1 (2), and section 3 in its application to that provision, commences when Schedule 2 (25) to the Local Courts (Civil Claims) Amendment Act 1987 commences.

**Amendment of Act No. 9, 1973**

3. The District Court Act 1973 is amended as set out in Schedule 1.

**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

**(1) Section 48 (Miscellaneous limitations on jurisdiction)—**

Section 48 (1)—

Omit "\$1,000", insert instead "\$4,000".

**(2) Section 92 (Failure to attend in answer to examination summons)—**

(a) Section 92 (1)—

Omit the subsection, insert instead:

(1) If, at the time set down (whether originally or in an order under subsection (7A) (d) or on an adjournment) for the examination of the person to whom an examination summons is directed—

- (a) the person fails to attend before the presiding registrar;
- (b) that registrar has no information which satisfies that registrar that the judgment debt has been paid;
- (c) there is due proof of service of the examination summons on the person (or, if the examination has been adjourned, that the person has been notified of the time and place fixed for the examination); and
- (d) the judgment creditor so requests,

that registrar shall report in writing to the Court that the person has so failed to attend.

*District Court (Civil Claims) Amendment 1987*

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SCHEDULE 1—AMENDMENTS—*continued*

(b) Section 92 (4)—

Omit “, after the expiration of that period,”; insert instead “, not earlier than 14 days and not later than 3 months after the Court authorised the issue of the warrant for the examination of the person,”.

(c) Section 92 (4A)—

After section 92 (4), insert:

(4A) If a judgment creditor fails to make an application under subsection (4) within the time limited by that subsection, the Court may, on satisfactory explanation by the judgment creditor as to the reasons for the failure, and if it thinks fit, direct the registrar to issue a warrant for the apprehension of the person to whom the examination summons was directed.