



## **District Court Amendment (Civil Procedure) Rule 2002**

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 4 April 2002.

J G Cowen

Secretary to the Rule Committee

### **Explanatory note**

The object of this Rule is to make amendments to the *District Court Rules 1973* consequent on the reissue of Practice Note 33 on 4 October 2001.

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Clause 1                      District Court Amendment (Civil Procedure) Rule 2002

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**District Court Amendment (Civil Procedure)  
Rule 2002**

**1 Name of Rule**

This Rule is the *District Court Amendment (Civil Procedure) Rule 2002*.

**2 Amendment of District Court Rules 1973**

The *District Court Rules 1973* are amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 2)

### [1] Part 9, rule 27

Omit rule 27 (9) and (10). Insert instead:

- (9) If, after service of any statement, document or report mentioned in subrule (2) or (6) and at least 42 days before the day first scheduled for a status conference in the proceedings (the *latest advice date*), the plaintiff becomes aware that any information contained in the statement, document or report is no longer accurate and complete information as regards the plaintiff's claim, the plaintiff must as soon as practicable give to all other parties who have separately pleaded such advice as is necessary to make that information accurate and complete.
- (10) An amended statement of particulars may not be filed after the latest advice date referred to in subrule (9) unless the Court grants leave for it to be filed.
- (10A) At the first scheduled status conference in the proceedings, each party to the proceedings must provide to the Court:
  - (a) a schedule of all the documents and reports served by the party as required under these rules (including the dates of service of the documents and reports), and
  - (b) a schedule of any documents or reports that the party will seek the leave of the Court to file in the future and the expected date of service of such documents or reports.

### [2] Part 18, rule 9

Omit the rule. Insert instead:

#### **9 Dismissal of dormant actions commenced by lodging statements of liquidated claims**

If an action is commenced by the lodging of a statement of liquidated claim and, on the expiry of the period of 6 months and 28 days from the date of the commencement of the action:

- (a) a notice of grounds of defence has not been filed, and

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- (b) default judgment has not been entered or the action otherwise disposed of by judgment or final order, the action is taken to be dismissed on the day following the day on which that period expires.

**[3] Part 28, rule 8**

Omit rule 8 (3). Insert instead:

- (3) Unless the Court otherwise orders, in proceedings to which this rule applies, each party to the proceedings must, at least 28 days before the day first scheduled for a status conference in the proceedings, serve experts' reports and hospital reports on each other party who has an address for service in the proceedings.

**[4] Part 28, rule 8 (6A)**

Insert after rule 8 (6):

- (6A) The Court may grant leave under subrule (6) only if the Court is satisfied that:
  - (a) there are exceptional circumstances that warrant the granting of leave, or
  - (b) the expert's report or hospital report concerned merely updates an earlier version of the report that was served in accordance with this rule.

BY AUTHORITY

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