



New South Wales

District Court Amendment (Property Relationships, Family Provision and Testator's Family Maintenance and Guardianship of Infants) Rule 2006

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 31st January 2006.

A. GREW,
Secretary to the Rule Committee

Explanatory note

Part 52, Part 52A and Part 77 of the *Supreme Court Rules 1970* have been repealed.

The object of this rule is to amend Part 51D of the *District Court Rules 1973* to reflect the amendments to the *Supreme Court Rules 1970* referred to above.

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Clause 1

District Court Amendment (Property Relationships, Family Provision and Testator's Family Maintenance and Guardianship of Infants) Rule 2006

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1 Name of Rule

This Rule is the *District Court Amendment (Property Relationships, Family Provision and Testator's Family Maintenance and Guardianship of Infants) Rule 2006*.

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 51D rule 1

Omit the rule. Insert instead:

1 Property (Relationships) Act 1984

The provisions of Schedule J to the *Supreme Court Rules 1970* referable to the *Property (Relationships) Act 1984* apply to proceedings before the District Court under the *Property (Relationships) Act 1984* in the same way as they apply to proceedings before the Supreme Court.

[2] Part 51D rule 2

Omit the rule. Insert instead:

2 Family Provision Act 1982

The provisions of Schedule J to the *Supreme Court Rules 1970* referable to the *Family Provision Act 1982* and the following provisions of Part 78 of the *Supreme Court Rules 1970* apply to proceedings before the District Court under the *Family Provision Act 1982* in the same way as they apply to proceedings before the Supreme Court:

- (a) Part 78, rule 5 (1) (n) (Powers of the registrar),
- (b) Part 78, rule 10 (Publication of notice of intended application),
- (c) Part 78, rule 11 (Delay),
- (d) Part 78, rule 25 (Evidence in support of application for administration),
- (e) Part 78, rule 25A (Evidence in support of application for administration by de facto wife or de facto husband),
- (f) Part 78, rule 26 (Evidence in support of application for administration with will annexed),
- (g) Part 78, rule 26A (Evidence in support of application for administration for the purposes only of the *Family Provision Act 1982*).

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District Court Amendment (Property Relationships, Family Provision and Testator's Family Maintenance and Guardianship of Infants) Rule 2006

Schedule 1 Amendments

[3] Part 51D rule 3

Omit the rule. Insert instead:

3 Testator's Family Maintenance and Guardianship of Infants Act 1916

The provisions of Schedule J to the *Supreme Court Rules 1970* referable to the *Testator's Family Maintenance and Guardianship of Infants Act 1916* apply to proceedings before the District Court under the *Testator's Family Maintenance and Guardianship of Infants Act 1916* in the same way as they apply to proceedings before the Supreme Court.

[4] Part 51D rule 4

Omit the rule. Insert instead:

4 Documents

If a provision of Schedule J to the *Supreme Court Rules 1970* or of Part 78 of the *Supreme Court Rules 1970* that is referred to in rules 1, 2 or 3 requires a document to be in a form specified in Schedule F to the *Supreme Court Rules 1970* the document is to be in that form in proceedings in the District Court.

BY AUTHORITY
