



New South Wales

Local Court Rules (Amendment No 2) 2010

under the

Local Court Act 2007

The Local Court Rule Committee has made the following rules of court under the *Local Court Act 2007*.

Stephen Olischlager
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to include additional methods by which service of originating and other documents may be effected.

These Rules are made under sections 26 and 71 of the *Local Court Act 2007* and sections 4 (2) and 52 of the *Criminal Procedure Act 1986* (as it applies to the Local Court).

2010 No 609

Rule 1 Local Court Rules (Amendment No 2) 2010

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1 Name of Rules

These Rules are the *Local Court Rules (Amendment No 2) 2010*.

2 Commencement

These Rules commence on the day on which they are published on the NSW legislation website.

Schedule 1 Amendment of Local Court Rules 2009

[1] Rules 5.6A and 5.6B

Insert after rule 5.6:

5.6A Originating documents may be served on legal practitioner

If a person has engaged a legal practitioner in the proceedings and instructed that legal practitioner to accept service, service of the originating document on the person may be effected by serving the document on that legal practitioner:

- (a) in any manner agreed between the parties to the proceedings, or
- (b) in any manner permitted by these rules.

5.6B Service of originating documents on inmate of correctional centre

An originating document may be served personally on an inmate of a correctional centre or by either of the following methods:

- (a) by faxing a copy of the document, addressed to the inmate, to the correctional centre's facsimile number,
- (b) by transmitting an electronic copy of the document, addressed to the inmate, to the correctional centre's electronic service address.

[2] Rule 5.9

Omit the rule. Insert instead:

5.9 Service of court attendance notices in summary proceedings

- (1) A court attendance notice commencing proceedings for a summary offence may be served:
 - (a) personally,
 - (b) by sending the notice by post, addressed to the person, to the person's residential address,
 - (c) by faxing a copy of the notice, addressed to the person, to the person's facsimile number (if that method of service has been consented to by the person),
 - (d) by transmitting an electronic copy of the notice, addressed to the person, to the person's electronic service address (if that method of service has been consented to by the person).

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- (2) If service of the notice is effected by post, facsimile or any other electronic means, the notice must be served on the person not less than 21 days before the first listing of the offence.

[3] Rule 5.10 Service of other documents

Omit “issued by the Court in proceedings on a person named in the document concerned” from rule 5.10 (1).

Insert instead “required or permitted by the Court to be served on a person in proceedings”.

[4] Rule 5.10 (1) (c1) and (c2)

Insert after rule 5.10 (1) (c):

- (c1) by faxing a copy of the document, addressed to the person, to the person’s facsimile number (if that method of service has been consented to by the person), or
- (c2) by transmitting an electronic copy of the document, addressed to the person, to the person’s electronic service address (if that method of service has been consented to by the person), or

[5] Rule 5.10 (2) (a) and (a1)

Omit rule 5.10 (2) (a). Insert instead:

- (a) by serving the document personally on the legal practitioner, or
- (a1) by posting a copy of the document, addressed to the legal practitioner, to the legal practitioner’s business address, or

[6] Rule 5.10 (2A)

Insert after rule 5.10 (2):

- (2A) Despite any other provision of this rule, a document may be served under this rule by facsimile or other electronic means without consent if the court so orders.

[7] Rule 5.10 (3)

Omit the subrule.

[8] Rule 5.11 Substituted service of documents

Omit “rule” from subrule (1). Insert instead “Part”.

[9] Rule 5.13A

Insert after rule 5.13:

5.13A Time of service for a document sent by DX or transmitted by facsimile

Unless the contrary is proved, the time at which a document is taken to have been served is:

- (a) in the case of a document a copy of which is left in a DX box in accordance with this Part, at the end of the second day following the day on which the copy is so left, or
- (b) in the case of a document a copy of which is faxed in accordance with this Part, at the end of the first day following the day on which the copy is so faxed.