



New South Wales

Local Court (Amendment No 10) Rule 2019

under the

Local Court Act 2007

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

Stephen Olischlager
Secretary of the Rule Committee

Explanatory note

The objects of this Rule are to amend the *Local Court Rules 2009*, in relation to proceedings in the Small Claims Division of the Local Court, to:

- (a) vary the maximum amount of costs that may be awarded, in certain situations, to a party if judgment is given after a trial of proceedings, and
- (b) provide for the Court to be able to award costs in relation to, or arising out of, the issue of a subpoena.

Local Court (Amendment No 10) Rule 2019

under the

Local Court Act 2007

1 Name of Rule

This Rule is the *Local Court (Amendment No 10) Rule 2019*.

2 Commencement

This Rule commences on the day on which it is published on the NSW legislation website.

3 Amendment of Local Court Rules 2009

(1) Rule 2.9 Costs

Omit rule 2.9 (3). Insert instead:

(3) The maximum amount of costs that may be awarded to a party under subrule (2) is:

- (a) in the circumstances referred to in subrule (2) (a), (b) or (c)—the amount of costs that would be allowable on entry of default judgment for a liquidated claim in the proceedings, and
- (b) in the circumstances referred to in subrule (2) (d)—the amount of costs that would be allowable on entry of default judgment for an unliquidated claim in the proceedings.

(3A) Despite subrule (3) (b), the maximum amount of costs that may be awarded to the party under subrule (3) (b) is increased by 25% if the Court considers that:

- (a) the party made a genuine offer to compromise on the claim that was not accepted by the other party, and
- (b) it was unreasonable for the other party not to have accepted the offer.

(2) Rule 2.9 (4)

Omit “subrules (2) and (3)”. Insert instead “subrule (2)”.

(3) Rule 2.9 (4) (e)

Insert after rule 2.9 (4) (d):

- (e) costs in relation to, or arising out of, the issue of a subpoena.