

DISTRICT COURT ACT 1973—RULE

NEW SOUTH WALES



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1. This rule is made by the Rule Committee on 16 April 1991 and has effect on and from 26 April 1991.
2. The District Court Rules 1973 are amended as follows—

(a) Part 3 rule 4

Omit the rule.

(b) Part 19A rule 4

Omit the rule, insert instead the following rule—

Time for compliance

4. An offer providing for the payment of a sum of money, or for the doing of any other act, shall, unless the notice of offer otherwise provides, be taken to provide for the payment of that sum or the doing of that act within 28 days after acceptance of the offer.

(c) Part 19A rule 5 (1) (a)

Omit the paragraph, insert instead the following paragraph—

(a) where the offer provides for payment of a sum of money or the doing of any other act and the sum is not paid to the offeree or into Court or the act is not done within 28 days after acceptance of the offer or within such other time as the offer provides; or

(d) Part 19A rule 8 (1) (a)

Omit the paragraph, insert instead the following paragraph—

(a) such judgment or order as is appropriate to give effect to the terms of the accepted offer; or

(e) Part 19A rule 9 (5) and (6)

After “obtains” where occurring insert “an order or”.

(f) Part 39 rule 25 (5)

After Part 39 rule 25 (4) insert the following subrule—

(5) Without limiting subrule (4), Part 19A rule 3 is for the purposes of subrule (4) modified to the extent necessary to allow an offer of compromise in respect of costs payable to be served no later than 5 days before the day appointed for the taxation of the costs and accepted at any time before the taxation commences.

(g) Part 51A rule 1

(i) Omit “1.”, insert instead “1. (1)”;

(ii) After subrule (1) insert the following subrule—

(2) The Chief Judge may be direction specify proclaimed places, other than those prescribed in subrule (1), to be prescribed places for the purposes of section 63A of the Act, and any place so specified shall be appointed by the Chief Judge for the purposes of rule 3 (3).

(h) Part 51A rule 3 (3)

Omit “mentioned”, insert instead “referred to”.

EXPLANATORY NOTE

The purpose of the amendments is—

- (a) to remove an outdated provision that time does not run, for the purposes of the Rules, during summer vacation;
- (b) to make it clear that the same consequences attach to rejecting an offer of compromise whether the offer is to pay money or to do some other act;
- (c) to shorten the time before taxation within which an offer may be made to compromise a bill of costs;
- (d) to enable places to be specified by direction at which arbitration under the “Philadelphia” system may occur.

E. J. O’GRADY

Secretary to the Rule Committee
