

DISTRICT COURT ACT 1973—RULE
NEW SOUTH WALES



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1. This rule is made by the Rule Committee on 24 September 1991, and has effect on and from 4 October 1991.
2. The District Court Rules 1973 are amended as follows—
 - (a) Part 1 rule 3
 - (i) After the matter relating to Part 12 insert the matter:
PART 12A—INDIVIDUAL LIST PROJECT
 - (ii) After the matter relating to Part 51A insert the matter:
PART 51B—COMMERCIAL ARBITRATION ACT
1984
 - (b) Part 12A rule 2 (1)

After “included” where secondly occurring insert “, or, in a case where no such notice has been sent, when the Court orders that the action be so included”.
 - (c) Part 19A rule 3

Omit subrule (4) (b), insert instead the following paragraphs—

 - (b) in the case of an action referred for determination under section 63A (1) of the Act, the commencement of the hearing of the action before the arbitrator; or
 - (c) verdict or judgment in respect of the claim to which the offer relates,
 - (d) Part 19A rule 7 (2)

After “trial” insert “, or, as the case may require, to the arbitrator,”.
 - (e) Part 39 rule 1B (3)
 - (i) In paragraph (c) omit “or” where secondly occurring;
 - (ii) In paragraph (d) after “1988” insert “but before 1 November 1991”,
 - (iii) In paragraph (d) (iii) omit “\$5,000.”, insert instead “\$5,000; or”;

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- (iv) After paragraph (d) insert the following paragraph—
 - (e) in relation to an action commenced on or after 1 November 1991—
 - (i) if the action is, or could under the rules have been, commenced by the lodging of a statement of liquidated claim—\$20,000; or
 - (ii) in any other case—\$10,000.

EXPLANATORY NOTE

The purpose of the amendments is—

- (a) to prohibit acceptance of an offer of compromise after commencement of an arbitration and also to prohibit the disclosure of any such offer to the arbitrator before he completes the hearing;
- (b) to provide that, for actions which could have been commenced in a Local Court after the jurisdiction of that Court is extended to \$40,000, there be no costs recoverable in the District Court in liquidated claims involving \$20,000 or less, or in unliquidated claim involving \$10,000 or less;
- (c) to ensure the efficacy of an order of the Court transferring an action to the Individual List Project; and
- (d) to make other minor and consequential amendments.

E. J. O'Grady

Secretary to the Rule Committee.
