



New South Wales

## DISTRICT COURT RULES 1973—RULE

### Commencement

1. This rule is made by the Rule Committee on 26 August 1997, and has effect on and from 1 January 1998.

### Amendment of District Court Rules 1973

2. The *District Court Rules 1973* are amended by inserting after Part 51C:

## **Part 51D De Facto Relationships Act 1984, Family Provision Act 1982 and Testator's Family Maintenance and Guardianship of Infants Act 1916**

### **1 De Facto Relationships Act 1984**

The following rules of the *Supreme Court Rules 1970* apply to proceedings before the District Court under the *De Facto Relationships Act 1984* in the same way as they apply to proceedings before the Supreme Court:

- (a) Part 52, rule 24A (De Facto Relationships Act 1984),
- (b) Part 52, rule 24B (Orders for non-application of rules 24 and 24A),
- (c) Part 52A, rule 34 (De Facto Relationships Act 1984),
- (d) Part 52A, rule 35 (Orders for non-application of rules 33 and 34),
- (e) Part 77, Division 19, rules 74–76A (De Facto Relationships Act 1984).

### **2 Family Provision Act 1982**

The following rules 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:

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- (a) Part 77, Division 16, rules 54–69 (Family Provision Act 1982),
- (b) Part 78, rule 5 (1) (n) (Powers of the registrar),
- (c) Part 78, rule 10 (Publication of notice of intended application),
- (d) Part 78, rule 11 (Delay),
- (e) Part 78, rule 25 (Evidence in support of application for administration),
- (f) Part 78, rule 25A (Evidence in support of application for administration by de facto wife or de facto husband),
- (g) Part 78, rule 26 (Evidence in support of application for administration with will annexed),
- (h) Part 78, rule 26A (Evidence in support of application for administration for the purposes only of the Family Provision Act 1982).

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

Part 77, Division 6, rules 22–31 (Testator's Family Maintenance and *Guardianship of Infants Act 1916*) of the *Supreme Court Rules 1970* 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 Documents

If a rule of court of the Supreme Court 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.

### 5 Modifications

The forms contained in Schedule F to the *Supreme Court Rules 1970* apply with necessary modifications and to the extent that they are not inconsistent with the *District Court Act 1973*.

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**EXPLANATORY NOTE**

The purpose of the amendments is to apply certain rules of the *Supreme Court Rules 1970* to proceedings that may be commenced in the District Court as a result of amendments made to the *District Court Act 1973* by Schedule 1 [7]–[9] to the *District Court Amendment Act 1997*.

Those amendments confer jurisdiction on the District Court to deal with certain matters under the *De Facto Relationships Act 1984* and increase the Court's jurisdiction in relation to matters under the *Family Provision Act 1982* and the *Testator's Family Maintenance and Guardianship of Infants Act 1916*.

J Cowen

Secretary to the Rule Committee

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