

**DISTRICT COURT ACT 1973—RULE**

NEW SOUTH WALES



*[Published in Gazette No. 49 of 16 April 1992]*

1. This rule is made by the Rule Committee on 7 April 1992, and has effect on and from 16 April 1992.

2. The District Court Rules 1973 are amended as follows:

(a) Part 1 rule 3

Omit the matter relating to Part 24C.

(b) Part 10 rule 4

After Part 10 rule 3 insert the following rule:

**Notice of appearance**

4. Where in an action:

(a) a defendant who has not filed notice of the grounds of his defence; or

(b) a person who is not a party to the action,

seeks to make any application or objection to the Court, the defendant or other person shall before making the application or objection file, and serve on every other party to the action who has separately pleaded, a notice of appearance.

(c) Part 24C

Omit the Part.

(d) Part 29 rule 7A (4)

Omit “\$25”, insert instead “\$28”.

(e) Part 29 rule 8

Omit the rule, insert instead the following rules:

**Setting aside**

8. The Court may, of its own motion or on the motion of any person having a sufficient interest, set aside a subpoena wholly or in part.

**Expense and loss**

8A. Where a person named is not a party and, in complying with the subpoena, reasonably incurs expense or loss substantially exceeding any sum paid under rule 2, the Court may order that the party who requested the issue of the subpoena pay to the person named an amount sufficient to make good the expense or loss.

(f) Part 33 rule 7

Omit “\$14.00”, insert instead “\$19”.

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**EXPLANATORY NOTE**

The purpose of the amendments is:

- (a) and (c): To omit the provisions (prescribed to commence on 1 May 1992) establishing a Motor Accidents List so that amended provisions, to commence on 1 July 1992, can be made in their place.
- (b) To provide for the filing of notices of appearance.
- (d) To update the amount payable to a doctor for supplying photocopies of medical records on subpoena; accords with recent amendments to the Supreme Court Rules.
- (e) To bring the Rules into line with the Supreme Court Rules as to setting aside a subpoena without a formal notice of motion and as to entitling a person subpoenaed to recoup extraordinary expense or loss in complying with the subpoena.
- (f) To update the amount retainable by a garnishee who pays money attached by the order served on him, accords with recent amendments to the Supreme Court Rules.

E. J. O’Grady  
Secretary to the Rule Committee.

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