

DISTRICT COURT ACT 1973—RULE

NEW SOUTH WALES



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1. This rule is made by the Rule Committee on 29 June 1994, and has effect on and from 1 July 1994.

2. The District Court Rules 1973 are amended by inserting after Part 39, Rule 38 the following rule:

Costs after commencement of Legal Profession Reform Act 1993

39. (1) The costs recoverable in respect of any of the following matters:

- (a) issuing a statement of claim;
- (b) obtaining an order for judgment;
- (c) obtaining judgment in an undefended action;
- (d) an examination summons;
- (e) issuing a warrant for apprehension;
- (f) issuing a writ of execution;
- (g) issuing a writ against the person;
- (h) serving process; and
- (i) substituted service of process,

on or after 1 July 1994 are the costs that would have been recoverable under a rule, a scale of costs, or a costs determination in force on 30 June 1994 in respect of the matter, notwithstanding that the rule, scale or determination has ceased to have effect.

(2) Subrule (1) applies subject to any regulation made under section 196 of the Legal Profession Act 1987.

(3) An order as to costs made in proceedings after 30 June 1994 shall, unless the Court otherwise orders, be taken to confirm expressly all earlier orders as to costs made in the proceedings.

(4) Where a party to proceedings has become liable under a rule to pay any of the costs of the proceedings of any other party, the Court may order the party so liable to pay those costs.

EXPLANATORY NOTE

The purpose of the amendment is to provide for the continuation, after 30 June 1994, of the fixed amounts for minor costs in the District Court, and the efficacy of ancillary costs orders of the Court and costs liabilities arising under particular rules.

E. J. O'GRADY,
Secretary to the Rule Committee.
