

**LOCAL COURTS (CIVIL CLAIMS) ACT 1970—RULE**

NEW SOUTH WALES



*[Published in Gazette No. 116 of 22 September 1995]*

1. This rule was made by the Rule Committee on 18th September 1995, and has effect on and from 22 September 1995.

2. The Local Courts (Civil Claims) Rules 1988 are amended as follows:

(a) Part 7 rule 19

Omit the rule.

(b) Part 20 rule 8

After subrule (4) insert:

(5) The court shall not make an order under this rule unless it is satisfied that sufficient relief is not available under section 169 of the Evidence Act 1995.

(c) Part 20 rule 9

Omit the rule.

(d) Part 23 rules 2 (5) and 3 (6) (b)

Omit “14B or 14CE of the Evidence Act 1898” where occurring, insert instead “63, 64 or 69 of the Evidence Act 1995”.

(e) Part 23 rule 3A

After Part 23 rule 3 insert:

**Notice under section 67 or 99 of the Evidence Act 1995**

3A. (1) Notice for the purposes of section 67 or 99 of the Evidence Act 1995 shall, unless the court otherwise orders, be given 14 days before the hearing.

(2) If an intended witness to whose evidence a notice mentioned in this rule relates does not give evidence, no party may put the notice in evidence at the hearing without the leave of the court.

(3) Where the party serving the notice calls the witness at the hearing:

- (a) the party may not, except with the leave of the court, adduce, in respect of matters the subject of the notice, evidence from the witness which is not included in the notice served, except in relation to new matters which have arisen in the course of the hearing;
- (b) the court may direct that the notice served, or part of it, shall stand as the evidence, or part of the evidence, in chief of the witness; and
- (c) whether or not the notice or any part of it is referred to during the evidence in chief of the witness, any party may put the notice or any part of it in cross-examination of the witness.

- (f) Part 24 rule 4  
Omit the rule.

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**EXPLANATORY NOTE**

The purpose of the amendments is to align the Rules with changes to the laws of evidence brought about by enactment of the Evidence Act 1995.

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

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