



# District Court Amendment (Preliminary Dismissal Orders) Rule 2004

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 17 August 2004.

A Grew  
Secretary of the Rule Committee

## **Explanatory note**

The object of this Rule is to amend the *District Court Rules 1973* to enable the Court to make a preliminary dismissal order under rule 7A of Part 1 against a plaintiff who does not appear when an action is called on for trial even if the plaintiff has not been notified that the order may be made.

## **2004 No 632**

Clause 1            District Court Amendment (Preliminary Dismissal Orders) Rule 2004

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### **District Court Amendment (Preliminary Dismissal Orders) Rule 2004**

under the

District Court Act 1973

**1 Name of Rule**

This Rule is the *District Court Amendment (Preliminary Dismissal Orders) Rule 2004*.

**2 Amendment of District Court Rules 1973**

The *District Court Rules 1973* are amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 2)

**[1] Part 1, rule 7A**

Omit “The Court” from rule 7A (2).

Insert instead “Subject to rule 5A (1) (d) of Part 26, the Court”.

**[2] Part 26, rule 5A**

Omit “only, or” from rule 5A (1) (b). Insert instead “only,”.

**[3] Part 26, rule 5A (1) (c)**

Omit “claim or costs.”. Insert instead “claim or costs, or”.

**[4] Part 26, rule 5A (1) (d)**

Insert after rule 5A (1) (c):

- (d) if the plaintiff does not appear, the Court may proceed to make a preliminary dismissal order (within the meaning of rule 7A of Part 1) in respect of proceedings brought by the plaintiff even if the plaintiff has not been notified that the order may be made in accordance with rule 7A (2) of Part 1.