

**123. Issue of summons**

On receipt of a plaint, the mining registrar shall —

- (a) fix a date and time for hearing in the warden's court being not less than 45 days from the date of lodgement, unless all parties to the action consent to an earlier hearing date;
- (b) advise the plaintiff of the hearing date; and
- (c) issue a summons in the form No. 34 in the First Schedule in duplicate addressed to each defendant and forward it for service to —
  - (i) the plaintiff;
  - (ii) the bailiff of the court; or
  - (iii) if there is no bailiff, to the local police constable or some other suitable person approved by the mining registrar for purposes of regulation 124.

*[Regulation 123 amended in Gazette 17 Jan 2003 p. 114.]*