

88. Rules of Court, making, content

- (1) The District Court Judges, for the time being, or a majority of them, may make rules, not inconsistent with this Act —
 - (a) regulating and prescribing the practice and procedure, including the method of pleading, to be followed in the Court (including the practice and procedure to be followed in the offices of the Court);
 - (b) regulating and prescribing all matters and things incidental or relating to any such practice and procedure (including the manner in which and the time within which, any applications that under this Act or any other Act are to be made to the Court, shall be made) or necessary or convenient to be prescribed for the conduct of any business of the Court; and
 - (c) prescribing matters relating to evidence, including rules —
 - (i) requiring the disclosure (by the furnishing of copies of statements, reports, plans, photographs, models, or otherwise) of the nature and substance of evidence to be given; and
 - (ii) that depart from the law of evidence and provide for the admission as evidence and the exclusion from evidence, of any matter the disclosure of which is required by a rule made pursuant to subparagraph (i).
- (2) In particular the Rules of Court may provide —
 - (a) for regulating the sittings of the Court, and of the Judges thereof whether sitting in Court or in chambers;
 - (b) for regulating any matters relating to the costs of proceedings in the Court fixed by determinations under section 58W of the *Legal Practitioners Act 1893*;
 - (c) for regulating the means by which particular facts may be proved, and the mode in which evidence thereof may be given, in any proceedings, or on any application in connection with, or at any stage of, any proceedings;
 - (d) for the service and execution of the process of the Court including the manner in which and the extent to which the process of the Court may be served out of the jurisdiction of the Court;
 - (e) for the execution of the judgments of the Court;
 - (f) with the concurrence of the Treasurer, for the fees and percentages to be taken in the Court, or in any office connected with the Court, or in which any business connected with the Court is conducted, or by any officer attached to the Court, including the fees and poundages to be demanded, taken and received by the bailiff and his officers in the execution of any process delivered to the bailiff;
 - (g) for a Registrar or any particular Registrar to have power, either generally or in particular cases and under such conditions as are prescribed, to do such things, to transact such business, and to exercise such authority and jurisdiction as a Judge of the Court sitting in chambers may, by virtue of a statute, custom, or rule or practice of the Court, do, transact, or exercise, and to tax costs;
 - (h) for requiring and regulating pre-trial conferences in actions.

- (3) Subject to section 32 the fees and percentages referred to in subsection (2)(f) shall be paid into the Public Bank Account and credited to the Consolidated Fund.

[Section 88 amended by No. 40 of 1972 s.14; No. 111 of 1976 s.7; No. 65 of 1987 s.26; No. 14 of 1991 s.7; No. 53 of 1992 s.9(3); No. 6 of 1993 s.11; No. 49 of 1996 s.64.]