JM302*

Local Courts Act 1904

Local Court Amendment Rules 2000

Made by the Administrator in Executive Council.

1. Citation

These rules may be cited as the *Local Court Amendment Rules 2000*.

2. Commencement

These rules take effect one month after their publication in the *Gazette*.

3. The rules amended

The amendments in these rules are to the *Local Court Rules* 1961*.

[* Reprinted as at 26 February 1996. For amendments to 6 June 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 165, and Gazette 24 March 2000.]

4. Order 5 amended

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- (1) Order 5, rule 8 is repealed.
- (2) Order 5, rule 9 is repealed and the following rule is inserted instead —

9. Time to be limited for notice of defence

- (1) The time to be limited in a summons in a personal action for giving notice of defence is
 - (a) where the place of service is within Western Australia, 14 days;
 - (b) where the place of service is outside Western Australia but within the Commonwealth —
 - (i) 21 days; or
 - (ii) such shorter period as the magistrate, on application, allows;

and

(c) where the place of service is outside the Commonwealth, such time as is directed by the magistrate.

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- (2) For the purposes of subrule (1)(b)(ii), the matters that the magistrate must take into account in determining an application to allow a shorter period include —
 - (a) urgency;
 - (b) the places of residence or business of the parties; and
 - (c) whether a related or similar proceeding has been commenced against the person to be served with the summons or another person.

By Command of the Administrator,

M. C. WAUCHOPE, Clerk of the Executive Council.