

NORTHERN TERRITORY OF AUSTRALIA

LOCAL COURT (GENERAL) RULES 2016

As in force at 23 December 2016

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 23 December 2016

LOCAL COURT (GENERAL) RULES 2016

Rules under the *Local Court Act 2015*

1 Citation

These Rules may be cited as the *Local Court (General) Rules 2016*.

2 Delegation of powers to registrars – civil jurisdiction

- (1) For section 74 of the Act, all of the powers of the Court in the exercise of its civil jurisdiction are delegated to the registrars except:
 - (a) the powers excluded by subrule (2); and
 - (ab) the powers mentioned in section 74(2) and (4) of the Act; and
 - (b) powers that another Act requires to be exercised by the Court constituted by a Judge or one or more JPs.
- (2) The power to make an order under any of the following provisions of the *Local Court (Civil Jurisdiction) Rules 1998* is excluded:
 - (a) Parts 2, 26, 27, 28, 29, 31, 36, 37, 51, 52 and 53;
 - (b) rule 47.07(e).

3 Application to be considered by Court constituted by Judge if more appropriate

If an application is made for the exercise of power by a registrar, and the registrar considers it proper for the application to be determined by the Court constituted by a Judge, the Registrar must adjourn the proceedings to be considered by the Court constituted by a Judge.

4 Service of summons or notice by bailiff

- (1) A bailiff must serve a summons or notice as soon as practicable after receiving it from the Court.

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- (2) After serving a summons or notice, the bailiff must:
 - (a) immediately endorse on the duplicate the time and date of service; and
 - (b) as soon as practicable make an affidavit of service and lodge the affidavit with the Court's Civil Registry.
 - (3) If the bailiff receives more than one summons or notice directed to one person, the bailiff must serve them in the order in which the bailiff received them.
 - (4) If the bailiff does not serve a summons or notice within 7 days after receiving it, the bailiff must, as soon as practicable, report the non-service and the reasons for it to a registrar.

5 Execution of warrant

- (1) A bailiff must execute a warrant not later than 14 days after receiving it from the Court, or sooner if required by the Court.
- (2) As soon as practicable after execution of the warrant, the bailiff must endorse on the warrant:
 - (a) the time, date and manner of execution; and
 - (b) for a warrant of execution – each amount of money received and disbursed or retained on account of the warrant.
- (3) If a bailiff receives more than one warrant of execution issued against one person, the bailiff must execute them in the order in which they were received.
- (4) If a bailiff does not execute a warrant within the time mention in subrule (1), the bailiff must, as soon as practicable, report the non-execution and the reasons for it to a registrar.
- (5) In this rule:

warrant means a warrant of execution or warrant for the arrest of a person.

warrant of execution means one of the following:

- (a) a warrant of seizure and sale;
- (b) a warrant of possession;
- (c) a warrant of delivery.

6 Payment of money to registrar

If a bailiff receives money in the course of exercising the bailiff's powers, the bailiff must pay the money to a registrar as soon as practicable after receiving it.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Local Court (General) Rules (SL No. 21, 2016)

Notified	16 May 2016
Commenced	16 May 2016

Local Court (General) Amendment Rules (SL No. 45, 2016)

Notified	23 December 2016
Commenced	23 December 2016

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: rr 1 and 2.

4 LIST OF AMENDMENTS

r 2 amd No. 45, 2016, r 3