

NORTHERN TERRITORY OF AUSTRALIA

LOCAL COURT (GENERAL) RULES

Subordinate Legislation No. 21 of 2016

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Subordinate Legislation No. 21 of 2016*

Local Court (General) Rules

I, John Allan Lowndes, Chief Judge, and the Judges specified below, under section 48(1) of the *Local Court Act*, make the following rules.

Dated 4 May 2016

J. A. LOWNDES
Chief Judge

J. M. R. NEILL
Judge

E. H. ARMITAGE
Judge

T. P. FONG LIM
Judge

J. W. A. BIRCH
Judge

* Notified in the *Northern Territory Government Gazette* on 16 May 2016.

1 Citation

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

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
 - (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 Proceedings) Rules* 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.
- (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.

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- (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.