

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF SMALL CLAIMS RULES

Regulations 2002, No. 49

TABLE OF PROVISIONS

Rule

1. Principal Rules
2. Repeal
3. Heading to Part 23
4. Application for re-hearing
5. Repeal
6. New rules
 - 23.05 Application for leave to appeal from order made by Registrar
 - 23.06 Appeal from order made by Registrar
7. Schedule 1



NORTHERN TERRITORY OF AUSTRALIA

Regulations 2002, No. 49*

Rules under the *Small Claims Act*

I, HUGH BURTON BRADLEY, the Chief Magistrate, in pursuance of section 50 of the *Small Claims Act*, make the following rules.

Dated 25 September 2002.

HUGH BRADLEY
Chief Magistrate

* Notified in the *Northern Territory Government Gazette* on 4 December 2002.

Small Claims Rules

AMENDMENTS OF SMALL CLAIMS RULES

1. Principal Rules

The Small Claims Rules are in these Rules referred to as the Principal Rules.

2. Repeal

Rule 21.07 of the Principal Rules is repealed.

3. Heading to Part 23

The heading to Part 23 of the Principal Rules is amended by adding at the end "**AND APPEAL FROM ORDER OF REGISTRAR**".

4. Application for re-hearing

Rule 23.01 of the Principal Rules is amended –

- (a) by omitting subrule (1);
- (b) by omitting from subrule (2) "referred to in subrule (1)" and substituting "under section 20 of the Act"; and
- (c) by omitting from subrule (3)(c) "a final order" and substituting "the order that is the subject of the application".

5. Repeal

Rule 23.03 of the Principal Rules is repealed.

6. New rules

The Principal Rules are amended by inserting after rule 23.04 in Part 23 the following:

"23.05 Application for leave to appeal from order made by Registrar

"An application for leave to appeal to a magistrate from an order made by a Registrar, as required by section 31(3)(b) of the Act, is to be in accordance with Form 23B.

"23.06 Appeal from order made by Registrar

"(1) A party who under section 31(1) of the Act appeals to a magistrate from an order made by a Registrar must file a notice of appeal in accordance with Form 23C.

Small Claims Rules

"(2) A copy of a notice of appeal is to be served personally on each other party unless the Court orders otherwise."

7. Schedule 1

Schedule 1 to the Principal Rules is amended by adding at the end the following:

"FORM 23B
Small Claims Act

Rule 23.05

**APPLICATION FOR LEAVE TO APPEAL
FROM ORDER MADE BY REGISTRAR**

IN THE LOCAL COURT
AT

Claim No.

(PLACE)

Between	.....	full name
the plaintiff:	.....	address
	.....	for service
and	.....	name
the defendant:	.....	address
	

TO THE COURT
AND TO

(NAME AND ADDRESS OF OTHER PARTY TO PROCEEDING)

The * plaintiff/defendant * applies to a Registrar or a magistrate for leave to appeal from an order made by a Registrar on # _____ and for a new hearing of the matter in relation to which the order was made.

The order appealed from is as follows: (*Set out terms of order.*)

.....
Signature of applicant

The hearing of this application has been listed to take place at the Court at _____ at _____ a.m./p.m. on _____ or as soon afterwards as the business of the Court allows.

Filed:

Small Claims Rules

Registrar

* Delete if inapplicable.

Enter date.

FORM 23C
Small Claims Act

Rule 23.06

NOTICE OF APPEAL FROM ORDER MADE BY REGISTRAR

IN THE LOCAL COURT
AT

Claim No.

(PLACE)

Between	.....	full name
the plaintiff:	.....	address
	.....	for service
and	.....	name
the defendant:	.....	address
	

TO THE COURT
AND TO

(NAME AND ADDRESS OF OTHER PARTY TO PROCEEDING)

The * plaintiff/defendant * appeals from the order made by a Registrar on # and for a new hearing of the matter in relation to which the order was made.

The order appealed from is as follows: (Set out terms of order.)

* This appeal is brought with the leave of the Court granted on #

The grounds for this appeal are as follows: (Briefly set out grounds for appeal.)

.....
Signature of applicant

Small Claims Rules

The hearing of this appeal has been listed to take place at the Court at _____ at _____ a.m./p.m. on _____ or as soon afterwards as the business of the Court allows.

Filed:

Registrar

* Delete if inapplicable.

Enter date.

