

District Court Amendment Rules 2021

SL 2021/208

Made by the judges of the District Court.

1. Citation

These rules are the *District Court Amendment Rules 2021*.

2. Commencement

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day after that day.

3. Rules amended

These rules amend the *District Court Rules 2005*.

4. Rule 42A amended

In rule 42A(2) delete “rule 10(4) does” and insert:

rule 10(4) and (5A) do

5. Rule 42 amended

In rule 42(1)(c) delete “Part 5;” and insert:

Part 5A;

6. Rule 45E amended

After rule 45E(4A) insert:

- (4B) If a party has filed an index under subrule (3) and subsequently obtains a further report of any expert witness that the party intends to tender as evidence at trial, the party must, at least 2 months before the commencement of the trial, file and serve an amended index of the reports of any expert witness that the party intends to tender as evidence at trial.

7. Rule 47F amended

Delete rule 47F(3) and (4) and insert:

- (3) Expert evidence cannot be adduced at a trial except with the leave of the Court unless —
 - (a) the party seeking to adduce the evidence has, before the time that applies under subrule (4), applied to the Court to determine whether a direction should be given under this rule and has complied with any direction given on the application; or
 - (b) all parties consent to it being adduced; or
 - (c) the Court has permitted the evidence to be given by affidavit.
- (4) For the purposes of subrule (3)(a), the time is —
 - (a) in the case of the party who entered the case for trial — when the case is entered for trial; and
 - (b) in the case of any other party — when the time for applying under rule 38B for an order countermanding the entry for trial expires, or any later time that may be fixed by order made on such an application.

8. Rule 47H amended

In rule 47H(1) delete “Rules 47E(7)” and insert:

Rules 47E(8)

Her Honour Judge JULIE ANNE WAGER,
Chief Judge of the District Court,
District Court of Western Australia.

Date: 22 November 2021.
