

Magistrates Court (Minor Cases Procedure) Amendment Rules 2016

Made by the Magistrates Court in accordance with the *Magistrates Court Act 2004* section 39.

1. Citation

These rules are the *Magistrates Court (Minor Cases Procedure) Amendment Rules 2016*.

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 *Magistrates Court (Minor Cases Procedure) Rules 2005*.

4. Rule 7 amended

In rule 7(2) delete “claim in accordance with rule 25A.” and insert:

claim.

5. Rule 7A inserted

After rule 7 insert:

7A. Statement of claim

- (1) Unless you lodged and served your statement of claim with your claim under rule 7, you must lodge and serve your statement of claim within 14 days after you have received a response that indicates an intention to defend the claim, or such other time as is ordered by the registrar.
- (2) A statement of claim must be in the approved form.
- (3) Your statement of claim must contain —

- (a) a summary of the facts relevant to your claim;
and
- (b) what remedy or relief you want.

6. Rule 8 amended

- (1) In rule 8(2) delete “rule 25B.” and insert:

rule 9A.

- (2) In rule 8(3) delete “claim in accordance with rule 25A.” and insert:

claim.

7. Rule 9 amended

Delete rule 9(2) and insert:

- (2) If a statement of claim has been lodged together with a claim under rule 7(2) or 8(3), your response may, but need not, be lodged together with your statement of defence.

8. Rule 9A inserted

After rule 9 insert:

9A. Statement of defence

- (1) Unless you lodged and served your statement of defence with your response under rule 9(2), you must lodge and serve your statement of defence within 14 days, or such other time as is ordered by the registrar, after you have been served with the relevant statement of claim.
- (2) A statement of defence must be in the approved form.
- (3) Your statement of defence must contain —
 - (a) a summary of the facts relevant to your defence; and
 - (b) the details of anyone who you allege is liable for the claim and the grounds upon which you base that allegation.

9. Rule 16 amended

In rule 16(b) delete “rule 25B.” and insert:

rule 9A.

10. Rule 23 amended

In rule 23(1) delete “a response that indicates an intention to defend the claim.” and insert:

a statement of defence.

11. Rule 24 amended

Delete rule 24(3)(b)(i).

12. Rules 25A and 25B deleted

Delete rules 25A and 25B.

13. Rule 64 amended

In rule 64(2)(a)(ii) delete “rule 25B; or” and insert:

rule 9A; or

Made by the Magistrates Court,

STEVEN HEATH, Chief Magistrate.