



**Local Court
New South Wales**

Instrument Delegating Powers to Registrars

1. Introduction

Pursuant to s.13 of the *Civil Procedure Act 2005* (NSW), the senior judicial officer of any court may, by instrument in writing, direct that any function of the court under the Act or any other Act or law in respect of which the court has jurisdiction (including any rules of court) may be exercised by such registrars or other officers of the court, and in such circumstances and subject to such conditions, as are specified in the instrument; and may vary or revoke any such instrument.

Pursuant to s.19(1) of the *Local Court Act 2007* (NSW), a registrar has and may exercise the functions conferred on a registrar by or under the Act, the rules or any other Act or law.

Pursuant to s.19(3) of the *Local Court Act 2007* (NSW), a person employed as a deputy registrar has, under the registrar, all of the functions of the registrar and may exercise those functions in respect of any place in the State at which the registrar may exercise the functions.

2. Direction

Pursuant to s.13 of the *Civil Procedure Act 2005* (NSW), I direct that a registrar of the Local Court may exercise the powers of the Court conferred by the legislation listed in Column 1 and described in Column 2, but subject to any restrictions listed in Column 3, of the Schedule below.

3. Further delegation

3.1 Pursuant to s.13 of the *Civil Procedure Act 2005* (NSW), I further direct that a registrar of the Local Court may exercise the powers of the Court conferred by the *Civil Procedure Act 2005* (NSW) and the *Uniform Civil Procedure Rules 2005* (NSW) in respect of civil proceedings where the exercise of that power by the registrar is done with the consent of the parties to the proceedings.

3.2 I further direct that a registrar of the Local Court may exercise the functions of the Court to: -

- (a) Waive, postpone and remit fees as referred to in cl.17(3) of the *Criminal Procedure Regulations 2005* (NSW).
- (b) Waive, postpone and remit fees as referred to in cl.11 of the *Civil Procedure Regulations 2005* (NSW).


Judge Peter Johnstone
Chief Magistrate



Date: 3 June 2024

Schedule

Column 1	Column 2	Column 3
Legislation	Description	Restriction
<i>Civil Procedure Act 2005</i> (NSW)	Section 14 Dispense with rules in particular cases	Restricted to those matters which a Registrar may deal with
<i>Civil Procedure Act 2005</i> (NSW)	Section 38 Referral to arbitration Revoking a referral to arbitration	Restricted to Registrars at Local Court where the Registrar is graded 7/8 and above
<i>Civil Procedure Act 2005</i> (NSW)	Section 43(1) Order for Rehearing before award takes effect as judgment	
<i>Civil Procedure Act 2005</i> (NSW)	Section 61(1),(2) Directions as to practice and procedure	Courts where the Registrar is graded 7/8 and above
<i>Civil Procedure Act 2005</i> (NSW)	Section 64 Amendment of Documents	Restricted to Registrars at Local Courts where the Registrar is graded 7/8 and above or Registrar by consent
<i>Civil Procedure Act 2005</i> (NSW)	Section 66(1) Adjournment	
<i>Civil Procedure Act 2005</i> (NSW)	Section 67 Stay of Proceedings	Subject to stay subsisting only pending hearing by court set down for first available day
<i>Civil Procedure Act 2005</i> (NSW)	Section 68 Attendance and production	
<i>Civil Procedure Act 2005</i> (NSW)	Section 98 Costs	On default judgment, motions adjournments, enforcement of judgments and orders, case management and interlocutory matters
<i>Civil Procedure Act 2005</i> (NSW)	Section 100 Interest up to judgment	In respect of a judgment given or entered under Part 16 of the rules
<i>Civil Procedure Act 2005</i> (NSW)	Section 101 Interest after judgment	In respect of a judgment given or entered under Part 16 of the rules
<i>Civil Procedure Act 2005</i> (NSW)	Section 108 Order for examination of judgment debtor	

Column 1	Column 2	Column 3
Legislation	Description	Restriction
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 1.12 Extension and abridgment of time	Restricted to Registrars at Local Courts where the Registrar is graded 7/8 and above
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 1.13 Fixing Time	Restricted to Registrars at Local Courts where the Registrar is graded 7/8 and above
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Part 2 Case management generally	Restricted to Call-over and Pre-Trial Review
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 3.3 Registration of user of Electronic Case Management system	
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 4.10 Filing Generally	Restricted to the filing of a defence where a judgment has been entered against the defendant seeking to file the defence
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 6.16 Alter return day in summons	
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 7.3 Leave to an unrepresented litigant to issue subpoena	
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 10.14 Substituted and informal service	Restricted to Registrars at Local Courts where the Registrar is graded 7/8 and above
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 12.2 Leave to discontinue	Restricted to where statement of claim not served
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 12.7 Dismiss proceedings and/or strike out defence for want of due despatch	Restricted to Registrars at Local Courts where the Registrar is graded 7/8 and above
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 12.9 Dismiss where inactive for 9 months	
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Part 15.10 Particulars	Restricted to Registrars at Local Court where the Registrar is graded 7/8 and above
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 16.9	

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<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 1.12 Extension and abridgment of time	Restricted to Registrars at Local Courts where the Registrar is graded 7/8 and above
	Judgment for costs alone	
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Part 16 Default Judgment	Except for Rule 16.4 and Rule 16.10
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 18.2 Motions - requirement for notice	All Registrars in relation to an urgent stay of proceedings and Restricted to Registrars at Local Courts where the Registrar is graded 7/8 and above in relation to substituted service
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 18.4 Time for service of Notice of Motion	
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 28.5 Consolidation of Proceedings	Restricted to Registrars at Local Courts where the Registrar is graded 7/8 and above
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 31.4(1) Directing party furnish witness statement	
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 31.19 Parties to seek direction before calling expert witnesses	Restricted to Registrars at Local Courts where the Registrar is graded 7/8 and above
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 31.20 Directions in relation to expert witnesses	Restricted to Registrars at Local Courts where the Registrar is graded 7/8 and above
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 33.2 Issuing a subpoena	Registrar
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 33.4 Setting aside a subpoena	Restricted to Registrars at Local Courts where the Registrar is graded 7/8 and above
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 36.16(2) Setting aside default judgment	Restricted to Registrars at Local Courts where the Registrar is graded 7/8 and above
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 36.17 “Slip Rule”	Restricted to judgments entered by default
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 37.4 Objections to instalment order	Restricted to Registrars at Local Courts where the Registrar is graded 7/8 and above
<i>Uniform Civil Procedure</i>	Rule 38.3-38.4	

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<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 1.12 Extension and abridgment of time	Restricted to Registrars at Local Courts where the Registrar is graded 7/8 and above
<i>Rules 2005 (NSW)</i>	Examination Order and Venue for Examination	
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 38.5 Examination	
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rule 38.6 Arrest Warrant	
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Part 39.2 Application for Writ	
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Part 39.34 Application Garnishee Order	
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Part 39.38 Refusal to make Garnishee Order	
<i>Uniform Civil Procedure Rules 2005 (NSW)</i>	Rules 42.1-42.4 Order for costs	Restricted to matters that may be dealt with by Registrars