



New South Wales

Uniform Civil Procedure Rules (Amendment No 8) 2006

under the

Civil Procedure Act 2005

The Uniform Rules Committee made the following rules of court under the *Civil Procedure Act 2005* on 3 April 2006.

Jennifer Atkinson
Secretary of the Rule Committee

Explanatory note

The objects of these Rules are:

- (a) to enable an affidavit in relation to proceedings brought by a person pursuant to a right of subrogation to be made by that person, and
- (b) to enable an affidavit in relation to proceedings in the Small Claims Division of a Local Court on an application for default judgment to be made by a solicitor or commercial agent or subagent.

2006 No 171

Rule 1 Uniform Civil Procedure Rules (Amendment No 8) 2006

Uniform Civil Procedure Rules (Amendment No 8) 2006

under the

Civil Procedure Act 2005

1 Name of Rules

These Rules are the *Uniform Civil Procedure Rules (Amendment No 8) 2006*.

2 Amendment of Uniform Civil Procedure Rules 2005

The *Uniform Civil Procedure Rules 2005* are amended as set out in Schedule 1.

Schedule 1 Amendments

(Rule 2)

[1] Rule 35.3 Persons who may make affidavit

Insert at the end of rule 35.3 (1) (d):

, or

- (e) if the proceedings are being brought in the plaintiff's name by some other person pursuant to a right of subrogation:
 - (i) by that other person, or
 - (ii) if that other person is a corporation, by a member or officer of the corporation or (if it is in liquidation) by its liquidator.

[2] Rule 35.3 (2) (a) (v)

Insert after rule 35.3 (2) (a) (iv):

- (v) default judgment (but only in the Small Claims Division), or