



New South Wales

Uniform Civil Procedure Rules (Amendment No 15) 2007

under the

Civil Procedure Act 2005

The Uniform Rules Committee made the following rules of court under the *Civil Procedure Act 2005* on 30 August 2007.

Jennifer Atkinson
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to amend the *Uniform Civil Procedure Rules 2005* in relation to representative proceedings, the variation and revocation of judgments and orders and the review of directions, certificates, orders, decisions and other acts of court registrars.

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Rule 1 Uniform Civil Procedure Rules (Amendment No 15) 2007

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under the

Civil Procedure Act 2005

1 Name of Rules

These Rules are the *Uniform Civil Procedure Rules (Amendment No 15) 2007*.

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 1.12 Extension and abridgment of time

Omit “The court” from rule 1.12 (1).

Insert instead “Subject to these rules, the court”.

[2] Rule 7.5 Judgments and orders in proceedings bind represented persons

Omit “has, by an order under rule 7.4, been appointed to represent” from rule 7.4 (1).

Insert instead “has, pursuant to rule 7.4, represented”.

[3] Rule 7.11 Executors, administrators and trustees

Omit “an order has been made under rule 7.4 appointing one or more of them to represent the others” from rule 7.11 (1).

Insert instead “one or more of them has represented the others pursuant to rule 7.4”.

[4] Rule 36.16 Further power to set aside or vary judgment or order

Omit “its power under subrules (1) and (2), the court may set aside or vary any order (whether or not part of a judgment)” from rule 36.16 (3).

Insert instead “its powers under subrules (1) and (2), the court may set aside or vary any judgment or order”.

[5] Rule 36.16 (3A)–(3C)

Insert after rule 36.16 (3):

- (3A) If notice of motion for the setting aside or variation of a judgment or order is filed within 14 days after the judgment or order is entered, the court may determine the matter, and (if appropriate) set aside or vary the judgment or order under subrule (1), as if the judgment or order had not been entered.
- (3B) Within 14 days after a judgment or order is entered, the court may of its own motion set aside or vary the judgment or order as if the judgment or order had not been entered.
- (3C) Despite rule 1.12, the court may not extend the time limited by subrule (3A) or (3B).

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Schedule 1 Amendments

[6] Rule 49.19

Omit the rule. Insert instead:

49.19 Review of registrar’s directions, certificates, orders, decisions and other acts (cf SCR Part 61, rule 3; DCR Part 43, rule 15)

If in any proceedings a registrar gives a direction or certificate, makes an order or decision or does any other act, the court may, on application by any party, review the direction, certificate, order, decision or other act and make such order, by way of confirmation, variation, discharge or otherwise, as the court thinks fit.

[7] Rule 49.20 Applications generally

Omit “appeal must be instituted” from rule 49.20 (2).

Insert instead “notice of motion must be filed”.

[8] Rule 49.20 (5)

Omit the subrule. Insert instead:

(5) For the purposes of this rule, the *material date* is the date of the direction, certificate, order, decision or other act to be reviewed.

[9] Rule 49.20 (6) (c)

Insert “certificate,” after “direction,”.

[10] Rules 49.21–49.24

Omit the rules.

BY AUTHORITY
