



New South Wales

Uniform Civil Procedure Rules (Amendment No 18) 2007

under the

Civil Procedure Act 2005

The Uniform Rules Committee made the following rules of court under the *Civil Procedure Act 2005* on 5 November 2007.

Jennifer Atkinson
Secretary of the Rules Committee

Explanatory note

The object of these Rules is to amend the *Uniform Civil Procedure Rules 2005* to make further provision with respect to representative proceedings.

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Rule 1 Uniform Civil Procedure Rules (Amendment No 18) 2007

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1 Name of Rules

These Rules are the *Uniform Civil Procedure Rules (Amendment No 18) 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 7.4 Representation of current interests

Omit rule 7.4 (1). Insert instead:

- (1) Subject to subrule (5), this rule applies to any proceedings concerning:
 - (a) any matter in which:
 - (i) numerous persons have claims against the same person, and
 - (ii) the claims of all those persons are in respect of, or arise out of, the same, similar or related circumstances, and
 - (iii) the claims of all those persons give rise to a substantial common issue of law or fact, or
 - (b) any matter in which numerous persons have the same liability.

[2] Rule 7.4 (2)

Omit “Unless the court orders otherwise, the proceedings may be commenced and”.

Insert instead “Proceedings to which this rule applies may be commenced and, unless the court orders otherwise,”

[3] Rule 7.4 (2A)

Insert after rule 7.4 (2):

- (2A) Any such proceedings may be commenced:
 - (a) whether or not the relief sought:
 - (i) is, or includes, equitable relief, or
 - (ii) consists of, or includes, damages, or
 - (iii) includes claims for damages that would require individual assessment, or
 - (iv) is the same for each represented person, and
 - (b) whether or not the proceedings:
 - (i) are concerned with separate contracts or transactions between the defendant in the proceedings and individual represented persons, or

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Schedule 1 Amendments

- (ii) involve separate acts or omissions of the defendant done or omitted to be done in relation to individual represented persons.

[4] Rule 7.4 (4A)–(4C)

Insert after rule 7.4 (4):

- (4A) If it appears to the court that determination of the issue or issues common to all the represented persons will not finally determine the claims of all the represented persons, the court may give directions in relation to the determination of the remaining issues.
- (4B) Without limiting subrule (4A), the court may direct that notice be given to some or all of the represented persons in the proceedings in respect of any matter.
- (4C) A represented person, whether or not joined as a party, is taken to have brought proceedings on the day on which the person became a represented person on all of the person's causes of action that may be determined by judgment in the proceedings.

BY AUTHORITY
