



New South Wales

# Uniform Civil Procedure Rules (Amendment No 32) 2010

under the

Civil Procedure Act 2005

The Uniform Rules Committee has made the following rules of court under the *Civil Procedure Act 2005*.

J 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:

- (a) the rate of interest after judgment prescribed for the purposes of section 101 of the *Civil Procedure Act 2005*, and
- (b) the format in which documents may be produced in order to comply with a subpoena, and
- (c) the power of the court to award costs under section 98 of the *Civil Procedure Act 2005*.

## **2010 No 172**

Rule 1 Uniform Civil Procedure Rules (Amendment No 32) 2010

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## **Uniform Civil Procedure Rules (Amendment No 32) 2010**

under the

Civil Procedure Act 2005

### **1 Name of Rules**

These Rules are the *Uniform Civil Procedure Rules (Amendment No 32) 2010*.

### **2 Commencement**

- (1) Except as provided by subrule (2), these Rules commence on the day on which they are published on the NSW legislation website.
- (2) Schedule 1 [1], [2], [5] and [7]–[12] commences on 1 July 2010.

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## Schedule 1      Amendment of Uniform Civil Procedure Rules 2005

**[1] Rule 6.12 Relief claimed**

Omit “Schedule 5” from rule 6.12 (8). Insert instead “rule 36.7 (1)”.

**[2] Rule 26.6 Default**

Omit “Schedule 5” from rule 26.6 (3).

Insert instead “rule 36.7 (1) or such lesser rate as the court may determine”.

**[3] Rule 33.6 Compliance with subpoena**

Omit “, or” from rule 33.6 (7) (b). Insert instead “.”.

**[4] Rule 33.6 (7) (c)**

Omit the paragraph.

**[5] Rule 36.7 Payment of interest**

Omit rule 36.7 (1). Insert instead:

- (1) The prescribed rate at which interest is payable under section 101 of the *Civil Procedure Act 2005* is:
  - (a) in respect of the period from 1 January to 30 June in any year—the rate that is 6% above the cash rate last published by the Reserve Bank of Australia before that period commenced, and
  - (b) in respect of the period from 1 July to 31 December in any year—the rate that is 6% above the cash rate last published by the Reserve Bank of Australia before that period commenced.

**[6] Rule 42.3 Powers of the court generally**

Omit the rule.

**[7] Rule 46.17 Interest on debts**

Omit “Schedule 5” from rule 46.17 (3) and (5) wherever occurring.

Insert instead “rule 36.7 (1)”.

**[8] Rule 46.17 (3)**

Insert “, or such lesser rate as the court may determine,” after “*Civil Procedure Act 2005*”.

## 2010 No 172

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Schedule 1 Amendment of Uniform Civil Procedure Rules 2005

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**[9] Rule 46.17 (5)**

Insert “or such lesser rate as the court may determine,” after “*Civil Procedure Act 2005*”.

**[10] Rule 51.19 How claims for reinstatement or restitution to be made in appeal or cross-appeal**

Omit “Schedule 5” from rule 51.19 (b). Insert instead “rule 36.7 (1)”.

**[11] Rule 51.36 Content of written submissions**

Omit “Schedule 5” from rule 51.36 (4) (b). Insert instead “rule 36.7 (1)”.

**[12] Schedule 5**

Omit the Schedule.