



New South Wales

Uniform Civil Procedure Rules (Amendment No 36) 2010

under the

Civil Procedure Act 2005

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

Steven Jupp
Secretary of the Rules Committee

Explanatory note

The object of these Rules is to amend the *Uniform Civil Procedure Rules 2005* to provide that:

- (a) if, in proceedings in the Supreme Court, a judgment against a defendant in an amount of less than \$500,000 is made, an order for costs may, but will not ordinarily, be made unless the Court is satisfied it was appropriate for the proceedings to be conducted in that Court rather than the District Court, and
- (b) if, in proceedings in the District Court, a judgment against a defendant in an amount of less than \$40,000 is made, an order for costs may, but will not ordinarily, be made unless the Court is satisfied it was appropriate for the proceedings to be conducted in that Court rather than the Local Court.

2010 No 528

Rule 1 Uniform Civil Procedure Rules (Amendment No 36) 2010

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Civil Procedure Act 2005

1 Name of Rules

These Rules are the *Uniform Civil Procedure Rules (Amendment No 36) 2010*.

2 Commencement

These Rules commence on the day on which they are published on the NSW legislation website.

Schedule 1 Amendment of Uniform Civil Procedure Rules 2005

Rules 42.34 and 42.35

Insert after rule 42.33:

42.34 Costs order not to be made in proceedings in Supreme Court unless Court satisfied proceedings in appropriate court

- (1) This rule applies if:
 - (a) in proceedings in the Supreme Court, other than defamation proceedings, a plaintiff has obtained a judgment against the defendant or, if more than one defendant, against all the defendants, in an amount of less than \$500,000, and
 - (b) the plaintiff would, apart from this rule, be entitled to an order for costs against the defendant or defendants.
- (2) An order for costs may be made, but will not ordinarily be made, unless the Supreme Court is satisfied the commencement and continuation of the proceedings in the Supreme Court, rather than the District Court, was warranted.

42.35 Costs order not to be made in proceedings in District Court unless Court satisfied proceedings in appropriate court

- (1) This rule applies if:
 - (a) in proceedings in the District Court, a plaintiff has obtained a judgment against the defendant or, if more than one defendant, against all the defendants, in an amount of less than \$40,000, and
 - (b) the plaintiff would, apart from this rule, be entitled to an order for costs against the defendant or defendants.
- (2) An order for costs may be made, but will not ordinarily be made, unless the District Court is satisfied the commencement and continuation of the proceedings in the District Court, rather than the Local Court, was warranted.