



New South Wales

# Uniform Civil Procedure Rules (Amendment No 39) 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 Uniform Rules Committee

## Explanatory note

The object of these Rules is to amend rule 36.10 of the *Uniform Civil Procedure Rules 2005*:

- (a) to alter the language of the rule so that it better comports with the language of the *Legal Profession Act 2004* in relation to the effect of the filing of a costs assessor's certificate, and
- (b) to enable a number of costs assessors' certificates to be filed together in relation to the same costs assessment.

## **2010 No 678**

Rule 1 Uniform Civil Procedure Rules (Amendment No 39) 2010

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## **Uniform Civil Procedure Rules (Amendment No 39) 2010**

under the

Civil Procedure Act 2005

### **1 Name of Rules**

These Rules are the *Uniform Civil Procedure Rules (Amendment No 39) 2010*.

### **2 Commencement**

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

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## Schedule 1      Amendment of Uniform Civil Procedure Rules 2005

### Rule 36.10 Filing of cost assessors' certificates

Omit rule 36.10 (2). Insert instead:

- (2) A number of certificates may be filed together under subrule (1) if each of the certificates:
  - (a) relates to the same costs assessment, and
  - (b) requires the same person or persons to pay costs.
- (3) If some of the costs specified in the certificate or certificates have been paid, the certificate or certificates must be accompanied by an affidavit, sworn not earlier than 14 days before the certificate or certificates are filed, stating the amount of the costs that have been paid.

**Note.** The certificate or certificates will, from the date of filing, be taken to be a judgment of the court under Division 11 of Part 3.2 of the *Legal Profession Act 2004* for:

- (a) if the certificate or certificates are not accompanied by an affidavit under subrule (3)—the total amount of costs specified in the certificate or certificates, or
- (b) if the certificate or certificates are accompanied by an affidavit under subrule (3)—the amount of costs that have not been paid.