



New South Wales

# Uniform Civil Procedure Rules (Amendment No 41) 2011

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 make provision for the notice requirements with which a group member who wishes to opt out of representative proceedings in the Supreme Court under Part 10 of the *Civil Procedure Act 2005* must comply.

## **2011 No 101**

Rule 1 Uniform Civil Procedure Rules (Amendment No 41) 2011

---

## **Uniform Civil Procedure Rules (Amendment No 41) 2011**

under the

Civil Procedure Act 2005

### **1 Name of Rules**

These Rules are the *Uniform Civil Procedure Rules (Amendment No 41) 2011*.

### **2 Commencement**

These Rules commence on 4 March 2011 and are required to be published on the NSW legislation website.

---

## Schedule 1      **Amendment of Uniform Civil Procedure Rules 2005**

### **Part 58**

Insert after Part 57:

### **Part 58 Representative proceedings**

#### **58.1 Introduction**

- (1) This Part applies to representative proceedings commenced under Part 10 of the Act.
- (2) Words and expressions used in this Part have the same meanings as they have in Part 10 of the Act.
- (3) In this Part:  
*the Act* means the *Civil Procedure Act 2005*.

#### **58.2 Opt out notice**

- (1) A group member who wishes to opt out of representative proceedings in accordance with Division 2 of Part 10 of the Act must do so by filing and serving on the representative party a notice in the approved form.
- (2) The representative party must, within 14 days after the opt out date, provide to each of the other parties to the proceedings a list of persons who have filed and served opt out notices in accordance with this Part.
- (3) In this clause:  
*opt out date* means the date fixed by the Court before which a group member may opt out of representative proceedings.