



# Uniform Civil Procedure Rules (Amendment No 47) 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 amend the *Uniform Civil Procedure Rules 2005* to clarify the particulars that are required to be included in an affidavit in support of a default judgment, or an affidavit in support of a writ for possession of land, on a claim for the possession of land arising out of a default in the payment of money.

## **2011 No 483**

Rule 1 Uniform Civil Procedure Rules (Amendment No 47) 2011

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## **Uniform Civil Procedure Rules (Amendment No 47) 2011**

under the

Civil Procedure Act 2005

### **1 Name of Rules**

These Rules are the *Uniform Civil Procedure Rules (Amendment No 47) 2011*.

### **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

**[1] Rule 16.4 Default judgment on claim for possession of land**

Insert “(including any payments made to date to reduce the amount owing and the current amount owing taking into account any such payments)” after “particulars of the default” in rule 16.4 (3) (c).

**[2] Rule 39.3 Affidavit in support of application for writ of execution**

Omit “particulars of the default” from rule 39.3 (2) (c).

Insert instead “the particulars required under subrule (2A)”.

**[3] Rules 39.3 (2A)**

Insert after rule 39.3 (2):

- (2A) The particulars required for the purposes of subrule (2) (c) are:
- (a) if judgment has been entered for the payment of money in addition to possession of the land—each of the following particulars:
    - (i) the amount of the judgment debt,
    - (ii) the amount of interest accruing on the judgment debt to date,
    - (iii) any payments made by or on behalf of the judgment debtor after judgment was entered,
    - (iv) the current amount owing taking into account the matters referred to in subparagraphs (i), (ii) and (iii), or
  - (b) if judgment has been entered only for possession of the land—each of the following particulars:
    - (i) the amount owing following the default,
    - (ii) any payments made to date to reduce the amount owing,
    - (iii) the current amount owing taking into account any such payments.