



Uniform Civil Procedure Rules (Amendment No 56) 2012

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* as a consequence of amendments that are being made to the *Supreme Court Rules 1970* in relation to probate and administration.

2012 No 608

Rule 1 Uniform Civil Procedure Rules (Amendment No 56) 2012

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1 Name of Rules

These Rules are the *Uniform Civil Procedure Rules (Amendment No 56) 2012*.

2 Commencement

These Rules commence on 21 January 2013 and are required to be published on the NSW legislation website.

Schedule 1 Amendment of Uniform Civil Procedure Rules 2005

[1] Rule 4.2 Documents to be filed to contain certain information

Insert after rule 4.2 (2):

- (2A) A notice to be filed under Division 9 of Part 78 of the *Supreme Court Rules 1970*, or a caveat to be filed under Division 10 of that Part, must contain the following information:
- (a) if the notice or caveat relates to proceedings already commenced:
 - (i) the title of the proceedings, as appearing on the originating process for the proceedings, and
 - (ii) if relevant, the division in which the proceedings are intended to be heard, and
 - (iii) if relevant, the list in which the proceedings are intended to be entered,
 - (b) the case number or unique identifier assigned to the notice or caveat under rule 64 or 73 of that Part, as the case may be,
 - (c) the nature of the document,
 - (d) if the person has engaged a solicitor to act as the person's legal representative, the name of the solicitor,
 - (e) if the notice or caveat is filed by a person who is neither a party nor a party's solicitor or solicitor's agent, the capacity in which the person acts when filing the notice or caveat.

[2] Rule 4.11 Case number or other unique identifier to be assigned to originating process

Insert after rule 4.11 (2):

- (3) In the case of originating process to commence proceedings for the grant of probate or administration, or the resealing of a foreign grant within the meaning of Part 78 of the *Supreme Court Rules 1970*, for an estate in respect of which:
- (a) a notice has been filed under Division 9 of that Part, or
 - (b) a caveat has been filed under Division 10 of that Part,
- the case number or other unique identifier assigned to the proceedings is to be the same as that previously assigned to the notice or caveat.

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Schedule 1 Amendment of Uniform Civil Procedure Rules 2005

[3] Rule 45.1 Entry as indicated by originating process

Insert at the end of rule 45.1 (2):

The Probate List

[4] Schedule 8 Assignment of business in the Supreme Court

Insert in alphabetical order of Acts in Part 1 of the Schedule, in Columns 1, 3 and 4, respectively:

Probate and Administration Act 1898

Equity Probate List