



New South Wales

# Uniform Civil Procedure Rules (Amendment No 68) 2014

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 enable the Supreme Court to make an order dismissing proceedings entered in the Possession List (being proceedings in the Common Law Division of the Supreme Court in which a claim for possession of land is made) that have been inactive for over 9 months, without the parties to the proceedings having to be notified of the proposed order. (Currently, the Supreme Court may dismiss such proceedings with notice to the plaintiff and each other active party, if the proceedings have been inactive for over 5 months.)

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### **1 Name of Rules**

These Rules are the *Uniform Civil Procedure Rules (Amendment No 68) 2014*.

### **2 Commencement**

These Rules commence on 1 September 2014 and are required to be published on the NSW legislation website.

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

### **[1] Rule 12.8 Additional grounds for dismissal of proceedings by Supreme Court or Land and Environment Court**

Insert after rule 12.8 (6):

- (7) Despite subrule (4), the court may make an order under subrule (2) without notice being given under subrule (4) if:
  - (a) the proceedings the subject of the order are proceedings that are entered in the Possession List, and
  - (b) it appears from the court's records that, for over 9 months, no party to the proceedings has taken any step in the proceedings.

### **[2] Schedule 12 Savings and transitional provisions**

Insert after Part 1:

## **Part 2      Provision consequent on making of Uniform Civil Procedure Rules (Amendment No 68) 2014**

### **2      Proceedings entered in Possession List before commencement of amendment**

Rule 12.8, as in force immediately before the commencement of *Uniform Civil Procedure Rules (Amendment No 68) 2014*, continues to apply to a proceeding entered in the Possession List before that commencement.