



New South Wales

# **Uniform Civil Procedure (Amendment No 76) Rule 2016**

under the

Civil Procedure Act 2005

The Uniform Rules Committee has made the following rule of court under the *Civil Procedure Act 2005*.

Rebel Kenna  
Secretary of the Uniform Rules Committee

## **Explanatory note**

The object of this Rule is to amend the *Uniform Civil Procedure Rules 2005* to reflect that the electronic case management system known as Online Registry is now authorised for use in the Land and Environment Court.

## **Uniform Civil Procedure (Amendment No 76) Rule 2016**

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### **1 Name of Rule**

This Rule is the *Uniform Civil Procedure (Amendment No 76) Rule 2016*.

### **2 Commencement**

This Rule commences on the day on which it is published on the NSW legislation website.

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

**[1] Rule 3.1 Definitions**

Omit the definitions of *applicable ECM system* and *e-Court* from rule 3.1 (1).

**[2] Rule 3.1 (1), definition of “registered user”**

Omit “an applicable ECM system” and “the system”.

Insert instead “Online Registry” and “the Registry”, respectively.

**[3] Rule 3.1 (1), definition of “upload”**

Omit “the ECM system”. Insert instead “Online Registry”.

**[4] Part 3, Divisions 2 and 3 (except where otherwise amended by this Rule)**

Omit “an applicable ECM system”, “the applicable ECM system” and any other reference to “applicable ECM system” wherever occurring.

Insert instead “Online Registry”.

**[5] Rule 3.3 Registration of users**

Omit rule 3.3 (1) and (2). Insert instead:

- (1) Any person may apply to be a registered user of Online Registry by completing and submitting the application form, and agreeing to comply with the terms and conditions, published on the Online Registry website.
- (2) A person applying to be a registered user of Online Registry must provide such information as may be required by the application form, including whether or not the applicant is a legal practitioner.

**[6] Rule 3.3 (3)**

Omit “the applicable ECM System”.

Insert instead “Online Registry or has breached any of the online conditions”.

**[7] Part 3, Division 3, heading**

Omit the heading. Insert instead:

### **Division 3      Filing documents using Online Registry**

**[8] Rule 3.4 Electronic filing of documents**

Omit rule 3.4 (1). Insert instead:

- (1) This rule applies to any document that is permitted to be filed using Online Registry.

**[9] Rule 3.4 (5)**

Omit the subrule. Insert instead:

- (5) Despite a document being submitted to be filed by means of Online Registry, and notice of acceptance given by Online Registry, the document may subsequently be rejected by the court if the document fails to comply with any substantial requirements of the approved form or the rules in relation to such a document.

**[10] Part 3, Division 4, heading**

Omit the heading.

**[11] Rule 10.1 Service of filed documents**

Omit “the ECM system” from rule 10.1 (3). Insert instead “Online Registry”.

**[12] Schedule 4 Documents relating to proceedings in the Land and Environment Court**

Omit the Schedule.