



New South Wales

Uniform Civil Procedure (Amendment No 79) 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 extend the circumstances in which a cost assessor's certificate must be accompanied by an affidavit.

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1 Name of Rule

This Rule is the *Uniform Civil Procedure (Amendment No 79) Rule 2016*.

2 Commencement

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

3 Amendment of Uniform Civil Procedure Rules 2005

(1) Rule 36.10 Filing of cost assessors' certificates

Omit rule 36.10 (3). Insert instead:

- (3) The certificate or certificates must be accompanied by an affidavit, sworn not more than 14 days before the certificate or certificates are filed, stating:
 - (a) if some of the costs specified in the certificate or certificates have been paid—the amount of the costs that have been paid, or
 - (b) that none of the costs specified in the certificate or certificates have been paid.

(2) Rule 36.10, note

Omit the note. Insert instead:

Note. The certificate or certificates will, from the date of filing, be taken to be a judgment of the court under the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*) for the amount of costs that have not been paid.