



New South Wales

Uniform Civil Procedure (Amendment No 81) 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 facilitate the making of garnishee orders in relation to rent as a consequence of the amendment of the *Civil Procedure Act 2005* by the *Strata Schemes Management Act 2015*.

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1 Name of Rule

This Rule is the *Uniform Civil Procedure (Amendment No 81) Rule 2016*.

2 Commencement

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

3 Amendment of Uniform Civil Procedure Rules 2005

Rule 39.43A

Insert after rule 39.43:

39.43A Application of Division to application for garnishee order by owners corporation relating to unpaid contributions

- (1) This Division applies to an application by an owners corporation for a garnishee order for rent in relation to unpaid contributions in the same way as it applies to an application for a garnishee order for wages or salary, subject to the following:
 - (a) a reference to a wage or salary is taken to be a reference to rent,
 - (b) an affidavit in support of the application under rule 39.35 must include a statement that the judgment debt relates to an unpaid contribution.
- (2) In this rule, *owners corporation* and *unpaid contribution* have the same meanings as in Subdivision 2A of Division 3 of Part 8 of the *Civil Procedure Act 2005*.