



New South Wales

# Uniform Civil Procedure (Amendment No 86) Rule 2018

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*:

- (a) to allow a person, pursuant to a right of subrogation or the terms of a contract of insurance, to make an affidavit or verify any matter by affidavit, on behalf of a party to proceedings, and
- (b) to require an affidavit in support of an application for a garnishee order to only identify debts that are, or are reasonably likely to be, owed by a garnishee to a judgment debtor, and include the grounds relied on in support of identifying those debts.

## **Uniform Civil Procedure (Amendment No 86) Rule 2018**

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### **1 Name of Rule**

This Rule is the *Uniform Civil Procedure (Amendment No 86) Rule 2018*.

### **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 35.3 Persons who may make affidavit**

Omit “brought in the plaintiff’s” from rule 35.3 (1) (e).

Insert instead “conducted in the party’s”.

#### **(2) Rule 35.3 (1) (e)**

Insert “or the terms of a contract of insurance” after “subrogation”.

#### **(3) Rule 39.35 Affidavit in support of application for garnishee order**

Omit “appear to be” from rule 39.35 (2) (a).

Insert instead “are, or are reasonably likely to be,”.

#### **(4) Rule 39.35 (2) (a1)**

Insert after rule 39.35 (2) (a):

- (a1) must state the grounds relied on in support of identifying a debt for the purposes of paragraph (a), and