



New South Wales

Uniform Civil Procedure (Amendment No 90) Rule 2019

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 provide that decisions of the registrar of the court under clause 11 (1) of the *Civil Procedure Regulation 2017* are not reviewable by a court under Division 4 of Part 49 of the Rules, and to make other consequential changes.

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1 Name of Rule

This Rule is the *Uniform Civil Procedure (Amendment No 90) Rule 2019*.

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 49.19**

Omit the rule. Insert instead:

49.19 Review of registrar's directions, certificates, orders, decisions and other acts

- (1) Subject to subrule (2), if in any proceedings a registrar gives a direction or certificate, makes an order or decision or does any other act, the court may, on application by any party, review the direction, certificate, order, decision or other act and make such order, by way of confirmation, variation, discharge or otherwise, as the court thinks fit.
- (2) An application may not be made in relation to the following:
 - (a) **Decision to waive, postpone or remit fees**
a decision to make, or not to make, an order under clause 11 (1) of the *Civil Procedure Regulation 2017*, except as provided by clauses 14 and 19 of the *Guidelines for the Waiver, Remission and Postponement of Fees*, published by the Attorney General,
 - (b) **Particular winding up order**
an order to which Part 80A rule 21 (1) of the *Supreme Court Rules 1970* applies,
 - (c) **Winding up order made under Corporations Act**
an order to which rule 16.1 of the *Supreme Court (Corporations) Rules 1999* applies,
 - (d) **Mutual recognition**
a direction, certificate, order, decision or other act of a registrar in relation to the functions of the Court under the *Mutual Recognition Act 1992* of the Commonwealth or the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth.

[2] **Rule 49.20 Applications generally**

Omit rule 49.20 (6).