



New South Wales

Uniform Civil Procedure (Amendment No 103) Rule 2024

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 deal with the payment of conduct money by electronic means.

Uniform Civil Procedure (Amendment No 103) Rule 2024

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Civil Procedure Act 2005

1 Name of rule

This rule is the *Uniform Civil Procedure (Amendment No 103) Rule 2024*.

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 33.1 Definitions**

Omit rule 33.1(1), definition of *conduct money*. Insert instead—

conduct money means a sum of money or its equivalent, such as prepaid travel, that is sufficient to meet the reasonable expenses of an addressee attending court as required by a subpoena and returning after attending.

Example— Items equivalent to a sum of money include cash, cheque, bank cheque and funds transferred by electronic means, including electronic funds transfer or other digital payment systems. Prepaid travel may include petrol vouchers.

[2] **Rule 33.6 Compliance with subpoena**

Omit rule 33.6(1). Insert instead—

- (1) An addressee is not required to comply with a subpoena to attend to give evidence unless one of the following has occurred a reasonable time before the date on which attendance is required—
 - (a) conduct money has been provided to the addressee,
 - (b) an offer to pay conduct money by electronic means has been made to the addressee.
- (1A) An issuing party is taken to submit to orders of the court in relation to the payment of conduct money if the issuing party—
 - (i) offered to pay conduct money by electronic means to the addressee, and
 - (ii) has not paid the conduct money to the addressee before the addressee has given evidence.