

Uniform Civil Procedure Rules (Amendment No 19) 2007

Explanatory note

Schedule 1

Items [1] and [2]

The object of these amendments to rule 4.2 is to clarify the information that is to be included in filed documents.

Item [3]

The object of this amendment is to include a new rule 4.2A that sets out the circumstances when a list of parties must be filed.

Items [4] and [5]

The object of these amendments to rule 4.3 is to require information in documents about the parties to the proceedings to be in bold text rather than in bold and underlined text.

It has been found in practice that requiring this information to be underlined can be confusing, as underlining is generally used to indicate amendments to a document.

Item [6]

The object of this amendment to rule 4.6 is to require a party to file and serve a separate notice when changing his or her address for service.

Items [9] to [16]

The object of these amendments to rules 16.4 to 16.7 is to clarify the information that is to be included in the affidavit in support of an application for default judgment.

Item [17]

The object of this amendment is to amend rule 19.5 to clarify how paragraphs are to be numbered in an amended document.

Item [19]

The object of this amendment is to include a new rule 39.52 which clarifies the circumstances in which an order may be made authorising entry to premises by the Sheriff under s.135(2)(a) of the Civil Procedure Act 2005.

Item [23]

The object of this amendment to rule 50.5 is to clarify when the court below must be joined as a defendant in an appeal to the court. For example, a costs assessor must not be joined as a defendant to an appeal without leave of the Supreme Court under s.387 of the Legal Profession Act 2004.

Items [7], [8], [18], [20] to [22], [24] to [26]

These items make minor amendments to rules 7.4, 10.5, 39.3, 50.4, 50.5, 50.12 and 50.13.

Schedule 2

Items [1] to [7]

The object of these amendments is to:

- Update references to a Local Court with references to the Local Court of New South Wales
- Remove rules that provide for the transfer of proceedings between separately constituted Local Courts.

The amendments will commence on the commencement of the *Local Court Act 2007*.

Schedule 3

Items [1] to [4]

These items make minor amendments to rules 51.7, 51.10, 51.13 and 51.40.

Item [5]

The object of this amendment is to include a new rule 51.60 dealing with an application for an expedited hearing in the Court of Appeal.

Item [6]

The object of this amendment is to include a new rule 51.61 dealing with when affidavits are to be filed in the Court of Appeal.

The amendments will commence with Part 51 on 1 January 2008.

Schedule 4

Proceedings under the *Confiscation of Proceeds of Crime Act 1989* are civil proceedings. A number of uncommenced amendments to that Act are due to commence on 1 January 2008. Local Courts will be given jurisdiction to deal with some applications under the Act.

Item [1]

This amendment includes a new rule 7.32 that:

- enables a police prosecutor to commence and carry on certain proceedings in a Local Court under the Confiscation of Proceeds of Crime Act
- sets out the method for commencing proceedings and making subsequent applications in relation to the same person under the Confiscation of Proceeds of Crime Act.

Item [2]

This amendment includes a new rule 10.28 which clarifies how notice is to be given under the Confiscation of Proceeds of Crime Act.

The amendments will commence when the uncommenced Confiscation of Proceeds of Crime Act amendments commence.