



New South Wales

Uniform Civil Procedure (Amendment No 76) 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 amend the *Uniform Civil Procedure Rules 2005* to reflect that the electronic case management system known as Online Registry is now authorised for use in the Land and Environment Court.

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1 Name of Rule

This Rule is the *Uniform Civil Procedure (Amendment No 76) Rule 2016*.

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 3.1 Definitions

Omit the definitions of *applicable ECM system* and *e-Court* from rule 3.1 (1).

[2] Rule 3.1 (1), definition of “registered user”

Omit “an applicable ECM system” and “the system”.

Insert instead “Online Registry” and “the Registry”, respectively.

[3] Rule 3.1 (1), definition of “upload”

Omit “the ECM system”. Insert instead “Online Registry”.

[4] Part 3, Divisions 2 and 3 (except where otherwise amended by this Rule)

Omit “an applicable ECM system”, “the applicable ECM system” and any other reference to “applicable ECM system” wherever occurring.

Insert instead “Online Registry”.

[5] Rule 3.3 Registration of users

Omit rule 3.3 (1) and (2). Insert instead:

- (1) Any person may apply to be a registered user of Online Registry by completing and submitting the application form, and agreeing to comply with the terms and conditions, published on the Online Registry website.
- (2) A person applying to be a registered user of Online Registry must provide such information as may be required by the application form, including whether or not the applicant is a legal practitioner.

[6] Rule 3.3 (3)

Omit “the applicable ECM System”.

Insert instead “Online Registry or has breached any of the online conditions”.

[7] Part 3, Division 3, heading

Omit the heading. Insert instead:

Division 3 Filing documents using Online Registry

[8] Rule 3.4 Electronic filing of documents

Omit rule 3.4 (1). Insert instead:

- (1) This rule applies to any document that is permitted to be filed using Online Registry.

[9] Rule 3.4 (5)

Omit the subrule. Insert instead:

- (5) Despite a document being submitted to be filed by means of Online Registry, and notice of acceptance given by Online Registry, the document may subsequently be rejected by the court if the document fails to comply with any substantial requirements of the approved form or the rules in relation to such a document.

[10] Part 3, Division 4, heading

Omit the heading.

[11] Rule 10.1 Service of filed documents

Omit “the ECM system” from rule 10.1 (3). Insert instead “Online Registry”.

[12] Schedule 4 Documents relating to proceedings in the Land and Environment Court

Omit the Schedule.