



New South Wales

Uniform Civil Procedure (Amendment No 102) 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 Rule Committee

Explanatory note

The object of this rule is to make consequential amendments following the commencement of the *Industrial Relations Amendment Act 2023*, which re-established the Industrial Relations Commission in Court Session.

Uniform Civil Procedure (Amendment No 102) Rule 2024

under the

Civil Procedure Act 2005

1 Name of rule

This rule is the *Uniform Civil Procedure (Amendment No 102) 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 6.3 Where statement of claim required

Omit rule 6.3(i)–(k).

[2] Rule 6.4 Where summons required

Omit rule 6.4(1)(h1).

[3] Part 20, Division 3A Conciliation

Omit the division.

[4] Rule 42.34 Costs order not to be made in proceedings in Supreme Court unless Court satisfied proceedings in appropriate court

Omit rule 42.34(2). Insert instead—

- (2) If the proceedings could have been commenced in the District Court, an order for costs must not be made unless the Supreme Court is satisfied that the commencement and continuation of the proceedings in the Supreme Court was warranted.

[5] Rule 42.35 Costs order not to be made in proceedings in District Court unless Court satisfied proceedings in appropriate court

Omit rule 42.35(2). Insert instead—

- (2) If the proceedings could have been commenced in the Local Court, an order for costs must not be made unless the District Court is satisfied the commencement and continuation of the proceedings in the District Court was warranted.

[6] Schedule 2 Local rules that prevail over these rules

Omit “**Industrial Relations Commission Rules 2009**”.

Insert instead “**Industrial Relations Commission Rules 2022**”.