



Queensland

Uniform Civil Procedure Amendment Rule (No. 3) 2005

Subordinate Legislation 2005 No. 242

made under the

Supreme Court of Queensland Act 1991

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1 Short title

This rule may be cited as the *Uniform Civil Procedure Amendment Rule (No. 3) 2005*.

2 Commencement

This rule commences on 1 October 2005.

3 Rules amended

This rule amends the *Uniform Civil Procedure Rules 1999*.

4 Replacement of rr 718–720

Rules 718 to 720—
omit, insert—

‘718 Assessment must be limited

‘If a notice of objection relates only to a particular issue or a particular item, the registrar must limit the assessment to the resolution of the matters raised in the notice of objection in relation to the issue or item and otherwise assess the costs under rule 719.¹

‘719 Default assessment if no objection to costs statement

- ‘(1) This section applies if the party liable for costs—
- (a) does not file a notice of objection to the costs statement; and
 - (b) does not attend the directions hearing.
- ‘(2) The registrar must, on proof that the costs statement was served on the party liable for the costs—
- (a) assess the costs without considering each item and by allowing the costs claimed in the costs statement; and

¹ See rule 743A which provides for transitional arrangements in relation to rules 718 to 720 for costs statements filed before 1 October 2005.

- (b) make an order for the amount of the assessed costs.
- ‘(3) However—
 - (a) despite subrule (2)(a), the costs of attending the assessment of costs are not allowable; and
 - (b) subrule (2)(a) does not prevent the registrar correcting an obvious error in the costs statement.
- ‘(4) Rule 707 does not apply to an assessment of costs under this rule.

‘720 Setting aside default assessment

- ‘(1) The registrar may, on the application of the party liable for costs, set aside or vary an order made under rule 719.
- ‘(2) The application must be supported by—
 - (a) an affidavit explaining—
 - (i) the party’s failure to file a notice of objection to the costs statement and the party’s failure to attend the directions hearing; and
 - (ii) any delay; and
 - (b) a notice of objection under rule 717(2), as an exhibit to the affidavit.
- ‘(3) Rule 718 applies to any reassessment of costs on an application made under this rule.’.

5 Amendment of r 736 (Registrar’s assessment)

Rule 736(2), ‘719(1)’—

omit, insert—

‘719(2)’.

6 Amendment of r 737 (Application)

Rule 737, ‘719(1)’—

omit, insert—

‘719(2)’.

7 Insertion of new r 743A

Chapter 17, part 2, division 8—

insert—

‘743A Transitional provision—Uniform Civil Procedure Amendment Rule (No. 3) 2005

‘(1) Rules 718 to 720, as in force immediately before 1 October 2005, continue to apply in relation to an existing costs statement as if the *Uniform Civil Procedure Amendment Rule (No. 3) 2005* had not been made.

‘(2) In this rule—

existing costs statement means a costs statement filed before 1 October 2005.

‘(3) This section expires on 1 October 2006.’.

8 Amendment of r 997 (Transitional provision—Uniform Civil Procedure Amendment Rule (No. ..) 2005

Rule 997, heading, ‘(No. ..)’—

omit, insert—

‘(No. 1)’.

ENDNOTES

- 1 Made by the Governor in Council on 29 September 2005.
- 2 Notified in the gazette on 30 September 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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