



Queensland

# Uniform Civil Procedure Amendment Rule (No. 1) 2012

## Subordinate Legislation 2012 No. 60

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. 1) 2012*.

**2 Commencement**

This rule commences on 28 May 2012.

**3 Rules amended**

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

**4 Amendment of r 89 (Proceeding if registered business name)**

Rule 89, ‘under the *Business Names Act 1962*’—

*omit, insert—*

‘on the Business Names Register’.

**5 Replacement of r 90 (Proceeding in business name if unregistered)**

Rule 90—

*omit, insert—*

**‘90 Proceeding in business name if unregistered**

‘(1) This rule applies if—

- (a) a person carries on a business under a name other than the person’s own name; and
- (b) the name is not registered on the Business Names Register.

‘(2) A proceeding in relation to the business mentioned in subrule (1)(a) may be started against the person in the name under which the person carries on business.

‘(3) The name under which the business is carried on is sufficient designation of the person in a document filed in the proceeding.

- ‘(4) An order in the proceeding may be enforced against the person.’.

## **6 Amendment of r 91 (Notice of intention to defend)**

- (1) Rule 91(1) and (3), ‘or style’—

*omit.*

- (2) Rule 91(1), ‘under the *Business Names Act 1962*’—

*omit, insert—*

‘on the Business Names Register or held under business names legislation’.

- (3) Rule 91(2), after ‘be in’—

*insert—*

‘the’.

- (4) Rule 91—

*insert—*

- ‘(5) For subrule (1), a name is held under business names legislation only if it is held under—

(a) the *Business Names Registration Act 2011* (Cwlth), section 54; or

(b) the *Business Names Registration (Transitional and Consequential Provisions) Act 2011* (Cwlth), schedule 1, item 5.’.

## **7 Amendment of r 92 (Amendment as to parties)**

- (1) Rule 92, ‘or style’—

*omit.*

- (2) Rule 92(1)(b), ‘under the *Business Names Act 1962*’—

*omit, insert—*

‘on the Business Names Register’.

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**8 Amendment of r 113 (Service in relation to a business)**

- (1) Rule 113(1)(a) and (c), ‘or style’—

*omit.*

- (2) Rule 113(1)(b), ‘under the *Business Names Act 1962*’—

*omit, insert—*

‘on the Business Names Register’.

**9 Amendment of r 278 (Conduct of sale)**

Rule 278(4)(d) and (e), ‘for’—

*omit.*

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ENDNOTES

1. Made by the Governor in Council on 24 May 2012.
2. Notified in the gazette on 25 May 2012.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Justice and Attorney-General.

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