

Civil Procedure Act 2005

Pursuant to section 13 of the *Civil Procedure Act 2005*, I direct that a registrar of the Court (including a person acting as the registrar or as a deputy to the registrar) may exercise the functions of the Court as stated in Parts 1 to 3 of the schedule to this direction.

Dated: 26 November 2012

T F Bathurst  
Chief Justice of New South Wales

Schedule.

Part 1

The functions of the Court as provided for in Column 1 but subject to the restriction (if any) mentioned in Column 3.

The matter in column 2 is inserted for convenience of reference only and does not affect the operation of the direction.

**Civil Procedure Act 2005**

<b>Column 1 Section</b>	<b>Column 2 Description</b>	<b>Column 3 Restriction</b>
Section 14	Dispense with rules in particular cases	Restricted to those matters which a registrar may deal with
Section 26(1)	Referral to mediation	By consent of the parties or expressly unopposed
Section 38(1)	Referral to arbitration	
Section 43	Order for rehearing of arbitration	
Section 45	Discontinuance of rehearing	
Section 61(1), (2), and (3)(f) and (g)	Directions as to practice and procedure	
Section 64	Amendment of documents	
Section 65	Amendment of originating process after expiration of limitations period	
Section 66	Adjournment of proceedings	
Section 67	Stay of proceedings	Restricted to those matters which a registrar may deal with
Section 68	Attendance and production	
Section 86	Orders and terms	Restricted to those matters which a registrar may deal with
Section 93 (2)	Judgment for Detention of Goods	Restricted to default judgments
Section 98	Costs	Restricted to those matters which a registrar may deal with
Section 100	Interest up to judgment	In respect of a judgment given or entered under Part 10 of the Rules

Section 101	Interest after judgment	under Part 16 of the Rules In respect of a judgment given or entered under Part 16 of the Rules
Section 107	Deferral of payments and payments by instalments	
Section 108	Order for examination of judgment debtor	
Section 134	Extension of period of enforcement of stale judgment	
Section 135(2)(b)	Prohibit Sheriff from acting on writ of execution	Restricted to a writ of execution issued pursuant to a judgment given by default
Section 140	Transfer of proceedings from the District Court or a Local Court	Only if by consent or expressly unopposed
Section 146	Transfer of proceedings to the District Court or a Local Court	On if by consent or expressly unopposed

### Uniform Civil Procedure Rules 2005

Column 1 Section	Column 2 Description	Column 3 Restriction
Rule 1.12	Extension and abridgment of time	Excluding abridging time for service of a summons
Rule 1.13	Fixing time	
Part 2	Case management generally	Except a direction or order the subject of a restriction elsewhere in this direction.
Rule 4.10(4)	Rejection of documents	
Rule 4.13	Place for filing	
Part 5	Preliminary discovery	
Rule 6.1	Leave to take step without filing appearance	
Rule 6.5	Continuation of proceedings wrongly commenced by Statement of Claim	
Rule 6.6	Continuation of proceedings wrongly commenced by Summons	
Rule 6.16	Postpone return day in summons	
Rule 6.18	Leave to join causes of action	
Rule 6.19	Leave to join parties in proceedings involving common questions	
Rule 6.20	Leave to join parties having joint entitlement	
Rule 6.21	Stay proceedings until jointly liable persons added as defendants	

Rule 6.22	Order separate trials or other order to avoid inconvenient joinder	
Rule 6.24	Order addition of parties	
Rule 6.27 and 6.28	Join third party and determine date of commencement of proceedings relating to them	
Rule 6.29	Order removal of party	
Rules 6.30 and 6.31	Effect of change of party in proceedings	
Rule 6.32	Future conduct of proceedings	
Rule 7.3	Leave to an unrepresented litigant to issue subpoena	
Rule 7.15(5)	Leave to replace tutor in proceedings	
Rule 7.18	Appointment and removal of tutor	
Rule 7.21	Striking out appearance of person sued in a business name	
Rule 7.22	Leave to proceed before amendment made	
Rule 7.29	Withdrawal of solicitor	
Rule 9.8(a)	Leave to separately determine cross-claims	
Rule 9.9	Leave for proceedings to continue together	
Rule 10.1	Service of filed documents	
Rule 10.2	Service of affidavits	Restricted to those matters which a registrar may deal with
Rule 10.7	Orders as to the giving of notice by the Court	
Rule 10.14	Substituted and informal service	
Rule 10.15	Possession of land; service by affixing copy of originating process	
Rule 10.16	Service on person in default by filing	
Rule 11.4	Leave to proceed when originating process served outside Australia	
Rule 11.5	Leave to serve documents outside Australia and confirmation thereof	
Rule 12.1 and 12.3	Leave to discontinue	
Rule 12.4	Stay of further proceedings to secure costs of discontinuance of proceedings	
Rule 12.5	Leave to withdraw an appearance	
Rule 12.7(1)	Dismiss proceedings for want of due diligence by plaintiff	Provided at least one month's notice of the proposal to make

	due despatch by plaintiff	notice of the proposal to make such an order has been given to the plaintiff
Rule 12.8	Other grounds for dismissal	
Rule 12.10	Stay to secure costs after dismissal	
Rule 13.6	Dismiss for non appearance of plaintiff	
Rule 14.2	Dispense with further pleadings	
Rule 14.3	Time for filing defence	
Rule 14.5	Further pleadings	
Rules 14.22 – 14.24	Verification of pleadings	
Part 15	Particulars	Except for an order to dismiss the proceedings under UCPR 15.16
Part 16	Default judgment	
Part 18	Motions	Restricted to those matters which a registrar may deal with
Part 19	Amendment	
Rules 20.2 and 20.3	Directions about mediation	
Rules 20.9 – 20.12	Arbitration	
Rule 20.34	Acknowledgement of a liquidated claim	
Part 21	Discovery/Inspection/Production	
Part 22	Interrogatories	
Rule 23.4	Order for medical examination	
Rule 23.7	Order for rehabilitation test	
Rule 23.8	Inspection of property	
Rule 23.9	Default in compliance under Part 23	Except for an order that judgment be given, a defence be struck out or that the proceedings, or any part of the relief claimed in the proceedings be dismissed
Rules 24.3, 6, 9, and 14	Taking evidence otherwise than at trial	Except where the order is made under section 7 or section 10 of the Foreign Evidence Act
Rules 26.3, 4, 5, and 8	Receivers	
Rule 28.5	Consolidation, etc	
Rule 31.4	Service of witness statements	
Rule 31.5	Notice under s 67 or s 99 of the Evidence Act	

Rule 31. 19	Directions before calling expert witnesses	
Rule 31.20 (2) (a)	Service of experts' reports	
Rule 31. 32 (3)	Abridge time for service of subpoena on medical witness	
Part 33	Subpoenas	
Part 34	Notice to produce at hearing	
Rule 35.1	Using irregular affidavit	
Rule 35.2	Cross examination of Deponent	Restricted to those matters which a registrar may deal with
Rule 35.9	Filing of affidavit	
Rule 36.1A	Consent Orders	Restricted to those matters which a registrar may deal with
Rule 36.11	Entry of judgment or orders	Unless the Court directs entry to be effected in a specified manner.
Rule 36.14	Service of Judgment or Order	Restricted to those matters which a registrar may deal with
Rule 36.16	Setting aside default judgment	
Rule 36.17	"Slip rule"	Restricted to those matters which a registrar may deal with
Rule 36.18	Variation of judgment or order against party operating under unregistered business name	
Rule 37.4	Instalment Orders	
Rule 37.6	Variation of Instalment Orders	
Rules 38.1 – 38.5	Examination of judgment debtor	
Rule 38.7	Application of Part to persons that are corporations	
Part 39	Enforcement of judgments	
Rule 41.8(2)	Payment of interest accruing on money paid into Court	
Rule 41.9	Non-attendance of parties following notice by Court	
Part 42	Order for costs	Restricted to proceedings in which the registrar has a function under an Act or the Rules, or in which the function has been delegated by this direction, or in which a matter has been referred to the registrar by a Judge or Associate Judge
Rule 42.19	Costs of Discontinued Proceedings	
Rule 42.21	Security for costs	
Rule 42.28	Costs on Instalment Orders	

Rule 45.2	Entry and Removal from specialist list	Except for Commercial List and Technology and Construction List matters
Part 46 Rule 49.22	Accounts and Enquiries Stay registrar's decision	Except UCPR 46.12(4)(b) Limited to staying the decision under review

Part 2 Supreme Court Rules

The functions of the Court as provided for in Column 1 but subject to the restriction (if any) mentioned in Column 3.

<b>Column 1 Part and/or rule</b>	<b>Column 2 Description</b>	<b>Column 3 Restriction</b>
<b>Part 51B—</b>		
Rule 5 (8)	Direction concerning filing of affidavit	
Rule 9	Direction concerning filing of affidavit	
<b>Part 58</b>	Taking evidence for foreign and Australian courts and tribunals	
<b>Part 59A</b>	Enforcement of external judgments	
<b>Part 68—</b>		
Rule 2 (2) (c) (ii)	Administration of estates: determination of question	
<b>Part 71A—</b>		
Rule 6 (2)	Notifying the Sheriff of change in interest rate	
Rule 7	Assessment of costs and expenses	
<b>Part 80 -</b>		
Rule 18 (4)	Time for advertising winding up application	
Rule 21 (1)	Order substituting plaintiff	
Rule 62	Examination of person concerned with corporation	
<b>Part 80A—</b>		
Rule 36	Examination of persons concerned with corporations	

Part 3 General

1 Orders under the following legislation as provided – The matter in column 2 is inserted for convenience of reference only and does not affect the operation of the direction.



Provision	Description (for information only)	Restriction
<b>CONTRACTORS DEBTS ACT 1997 (NSW)</b>		
Section 7(1), (1A)	Certification of debt by court	
<b>CONVEYANCING ACT 1919 (NSW)</b>		
Section 36A	Power to direct division of chattels	Registrar to exercise this power only with the consent of the parties
Section 55(2A),(3)	Right of purchaser to recover deposit etc	Registrar to exercise this power only with the consent of the parties
Section 63(3)	Covenants to produce implied by schedule of documents	
Section 115(6)	Powers, remuneration and duties of receiver	
Section 170(1)(d)	Regulations respecting notices	
<b>CO-OPERATIVES ACT 1992 (NSW)</b>		
Section 105E	General powers of the Court	Registrar to exercise this power only with the consent of the parties
Sch 4, cl 10	Remuneration of a receiver, etc	
<b>CORPORATIONS ACT 2001 (Cth)</b>		
Section 425	Fix a receiver's remuneration	
Subsection 429 (3)	Extend the period for submission of a controller's report	
Section 440D (1)	Grant leave to begin or proceed with a proceeding in a court against a company which is in administration, or in relation to any of its property	Where the application is not opposed
Sections 449C and 449D	Appoint an administrator of a company in administration, or of a deed of company arrangement, where there is a casual vacancy	Where the application is not opposed
Subsections 449E (1) and (1A)	Fix the remuneration of an administrator of a company, or of a deed of company arrangement	
Sections 459A and 459B (except in respect of applications under s 234)	Order that an insolvent company be wound up in insolvency on an application made under s 459P, s 462 or s 464.	Where the application is not opposed

Section 459R	Extend the period within which an application for a company to be wound up in insolvency must be determined	
Section 461	Order the winding up of a company	Where the application is not opposed
Section 465B	Substitute an applicant or applicants in an application under s 459P, 462 or 464	
Section 465C	Grant leave to oppose an application under s 459P, 462 or 464 notwithstanding failure to file and serve notice of grounds of opposition and an affidavit verifying	
Subsections 466 (2) and (4)	Otherwise order in respect of reimbursement of the applicant's costs, and payment of the costs incurred by a company or liquidator as applicant	Where the Registrar makes the relevant winding-up order
Section 467	Dismiss, adjourn or make an interim order in a winding up application	Where the Registrar has power to make a final order on the application
Paragraph 470 (2) (b)	Direct service of copy of order on another person	Where the Registrar makes the relevant winding up order
Section 471B	Grant leave to begin or proceed with a proceeding in a court or enforcement process against a company being wound up by the Court or in relation to its property	Where the application is not opposed
Section 472 (1)	Appoint official liquidator	Where the Registrar makes the relevant winding up order
Subsection 473 (1)	Remove a liquidator appointed by the Court	Where the application is not opposed
Subsection 473 (2)	Determine provisional liquidator's remuneration	
Subsection 473 (3)	Determine remuneration of liquidator	
Subsection 473 (7)	Fill vacancy in office of official liquidator in a winding up by the Court	Where the application is not opposed



Subsection 473 (8)	Declare whether anything to be done by liquidator is to be done by all or any one or more of appointees, where more than one liquidator is appointed by the Court	Where the Registrar appoints the liquidators	
Section 480	Release liquidator and deregister company	Where the winding-up order was made by a Registrar	
Subsection 481 (1)	Order preparation of report on accounts of liquidator		
Subsection 482 (1)	Order staying the winding up of a company for a limited time		
Paragraph 484 (2) (b)	Fix remuneration of special manager		
Section 486	Order for inspection of books of company by creditors or contributories in a winding up by the Court		
Section 500 (2)	Leave to proceed with or commence action or other civil proceeding against company subject to creditors' voluntary winding up		Where the application is not opposed
Section 502	Appoint liquidator to fill a casual vacancy in a voluntary winding up		Where the application is not opposed
Paragraph 511 (1) (b)	Exercise, in a voluntary winding up, powers of the Court which might be exercised if a company were being wound up by the Court		Where the power is one that the Registrar could exercise if the company were being wound up by the Court
Paragraph 542 (3) (a)	Directions abridging the period for which books of the company must be retained		
Paragraph 585 (b)	Approval or direction in respect of manner of service of notice to Part 5.7 body of institution of action or proceeding against member		
Sections 596A, 596B	Summon a person for examination about a corporation's examinable affairs		
Section 596F	Directions about examination		
Section 597, except subsection (15)	Conduct of examination		

Subsections 601AH (2)	Order that ASIC reinstate registration of a company	Where notice of the application has been served on ASIC and the application is not opposed by ASIC or any other person
Subsection 601CC (9)	Order directing restoration of name of registered Australian body to the Register, and associated directions	Where notice of the application has been served on ASIC and the application is not opposed by ASIC or any other person
Subsection 601CL (10)	Order directing restoration of name of registered foreign company to the Register, and associated directions	Where notice of the application has been served on ASIC and the application is not opposed by ASIC or any other person
Section 1335	Require security to be given for costs	
<b>EVIDENCE ACT 1995 (NSW)</b>		
Section 168(2),(4),(7)	Time limits for making certain requests	
Section 177(3)	Certificates of expert evidence	
Section 193(1)	Additional powers	
<b>EVIDENCE AND PROCEDURE (NEW ZEALAND) ACT 1994 (Cth)</b>		
Section 16	Non-compliance with subpoenas	
<b>FOREIGN JUDGMENTS ACT 1991 (Cth)</b>		
Section 6	Application for, and effect of, registration of foreign judgments	
Section 7	Setting aside a registered judgment	Registrar to exercise this power only with the consent of the parties
Section 15(1)	Issue of certificates of judgments obtained in Australian courts	Registrar to exercise this power only with the consent of the parties
<b>MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT 1942 (NSW)</b>		
Section 14E(1),(2)	Joint hearing of certain proceedings	Registrar to exercise this power only with the consent of the parties
<b>SERVICE AND EXECUTION OF PROCESS ACT 1992 (Cth)</b>		

Section 29	Subpoenas may be served in any part of Australia	
Section 30(1)	Time for service	
Section 35(3)	Entitlement to expenses	
Section 45(3)	Entitlement to expenses	
Section 87(4)	Entitlement to expenses	
<b>SUCCESSION ACT 2006 (NSW)</b>		
Section 58(2)	Application for extension of time	Registrar to exercise this power only with the consent of the parties, excluding cases in which settlement requires approval
<b>SUPREME COURT ACT 1970 (NSW)</b>		
Section 72	Production for examination of a person confined	
<b>SUPREME COURT (CORPORATIONS) RULES 1999 (NSW)</b>		
r 2.12	Proof of publication	Where application is being heard by the registrar
r 2.13	Leave to creditor, contributory or officer to be heard	Where application is being heard by the registrar
r 11.3(7)	Access to an affidavit filed to support an application for an examination summons	
r 11.4	Service of an examination summons	
r 11.8(1)	Access to transcript of an examination, etc.	
<b>UNCOLLECTED GOODS ACT 1995 (NSW)</b>		
Section 18	Exercising the jurisdiction of the Court, including granting leave under subsection (1)	

**2** Any judgment by consent and any order by consent.

**3** Accepting an undertaking given to the Court for the payment of a sum of money within a time specified in the undertaking.

**4** The vouching or passing of the account of a receiver, manager, guardian, trustee, mortgagee or other fiduciary or the taking of any account, the making of any inquiry or the doing of any other thing to which Uniform Civil Procedure Rules Part 46 applies and which is directed by any judgment or order. (This paragraph does not apply in relation to accounts referred to in section 85 of the *Probate and*

Administration Act 1898,)

- 5** Certifying a copy of a document to be a true copy where the registrar is authorised under any Act or Commonwealth Act or under the rules to issue or furnish a certificate or office copy of the document.
- 6** Order for costs provided it is unlikely in the opinion of the registrar that the costs will exceed \$20,000.
- 7** Any matter which a Judge or an Associate Judge may conduct or deal with and is referred to a registrar by order of a Judge or Associate Judge.
- 8** Accepting an undertaking, or the continuation of an undertaking, given to the Court.
- 9** A registrar may exercise the functions of the Court for the purposes of, and in respect of all matters incidental to, the exercise of the registrar's powers under any Act, under any other provision of the rules, or under this direction.
- 10** A registrar may exercise the powers and perform the duties of the Court under the *Mutual Recognition Act* or under the *Trans-Tasman Mutual Recognition Act*.
- 11** Issuing subpoena.

Note: Powers of the Registrar in Probate continue as specified in Supreme Court Rules Pt78.