



Queensland

# Uniform Civil Procedure Amendment Rule (No. 2) 2008

## Subordinate Legislation 2008 No. 199

made under the

*Supreme Court of Queensland Act 1991*

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[s 1]

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**1 Short title**

This rule may be cited as the *Uniform Civil Procedure Amendment Rule (No. 2) 2008*.

**2 Rules amended**

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

**3 Amendment of r 705 (Costs statement)**

Rule 705—

*insert—*

*‘Note—*

See rule 709A for failure to serve a costs statement.’

**4 Amendment of r 708 (Default assessment if no objection to costs statement)**

Rule 708(5), after ‘Rules’—

*insert—*

‘711,’.

**5 Insertion of new r 709A**

Chapter 17A, part 3, division 1, after rule 709—

*insert—*

**‘709A Failure to serve costs statement**

‘(1) If a party entitled to be paid costs does not serve a costs statement under rule 705 within a reasonable time, the party liable to pay the costs may, by notice, require the other party to serve a costs statement under rule 705.

‘(2) If the party entitled to be paid costs does not serve a costs statement under rule 705 within 30 days after service of a notice under subrule (1), the court may direct the party entitled to be paid costs to serve a costs statement under rule 705 within a stated time.

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- ‘(3) If the party entitled to be paid costs does not comply with the court’s direction, the court may—
- (a) either—
    - (i) set aside the costs order; or
    - (ii) allow costs in a fixed amount, which may be nominal; and
  - (b) order the party to pay to another party costs incurred because of the failure to comply with the direction.’.

## **6 Amendment of r 710 (Application for costs assessment)**

Rule 710(1)—

*omit, insert—*

- ‘(1) This rule applies to a party—
- (a) who has served a costs statement under rule 705; or
  - (b) on whom a costs statement under rule 705 is served.
- ‘(1A) The party may, not less than 21 days after service of the costs statement, apply for a costs assessment.’.

## **7 Amendment of r 711 (Service of application)**

Rule 711, from ‘objection)’—

*omit, insert—*

‘objection)—

- (a) if the applicant is the party entitled to be paid costs—on the party liable to pay costs; or
- (b) if the applicant is the party liable to pay costs—on the party entitled to be paid costs.’.

ENDNOTES

1. Made by the Governor in Council on 26 June 2008.
2. Notified in the gazette on 27 June 2008.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Justice and Attorney-General.

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