

AUSTRALIAN CAPITAL TERRITORY

Small Claims (Amendment) Ordinance 1987

No. 14 of 1987

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 13 April 1987.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

LIONEL BOWEN
Attorney-General

An Ordinance to amend the *Small Claims Ordinance 1974*

Short title

1. This Ordinance may be cited as the *Small Claims (Amendment) Ordinance 1987*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for Territories by notice in the *Gazette*.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Small Claims Ordinance 1974*.²

Proceedings under this Ordinance

4. Section 4 of the Principal Ordinance is amended:

(a) by inserting after subsection (2) the following subsections:

(Ord. 93/86)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

“(2A) Where the amount claimed in proceedings with respect to a cause of action includes interest, being interest in respect of which the Court may make an order under section 227A of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*, that interest shall be disregarded for the purposes of determining whether or not the Court has jurisdiction to hear and determine the proceedings.

“(2B) Sections 6, 7, 9 and 10 of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* apply in relation to proceedings as if those proceedings were proceedings under that Ordinance.”; and

- (b) by omitting from subsection (3) “sub-section (1)” and substituting “this section”.

Small Claims Court

5. Section 4A of the Principal Ordinance is amended by omitting from subsection (1) “when exercising the jurisdiction conferred by section 4” and substituting “when exercising jurisdiction under this Ordinance”.

Institution of proceedings

6. Section 6 of the Principal Ordinance is amended by adding at the end the following subsections:

“(3) Where a claimant claims interest otherwise than pursuant to subsection 22AA (2), the claimant shall specify in his or her claim particulars of the rate or rates at which, the amount or amounts on which, and the period or periods for which, interest is claimed.

“(4) Where a claimant claims interest under section 227A of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*, the claimant shall include in his or her claim:

- (a) if the claim is for a debt or liquidated damages—a statement that interest is claimed, to be calculated in accordance with subsection 227B (2) of that Ordinance and:
 - (i) particulars of the period or periods for which, the rate or rates at which, and the amount or amounts on which, interest is claimed; and
 - (ii) the amount of interest calculated to have accrued to the date of filing; or
- (b) in any other case—a statement that interest is claimed.”.

OR

It is ordered that:

(Insert name of order in a claim for a declaration).

Dated 19 .

Clerk

*Strike out if inapplicable.”.

Application

12. The amendments of the Principal Ordinance effected by this Ordinance do not apply to proceedings instituted before the commencement of this Ordinance.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 1 May 1987.
2. No. 6, 1974 as amended by No. 42, 1974; No. 46, 1978; No. 55, 1982; Nos. 21 and 67, 1985.