

AUSTRALIAN CAPITAL TERRITORY

Magistrates Court (Civil Jurisdiction) (Amendment) Ordinance 1988

No. 81 of 1988

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 7 December 1988.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

MICHAEL TATE
Minister of State for Justice
for and on behalf of the
Attorney-General

An Ordinance to amend the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* and for related purposes

Short title

1. This Ordinance may be cited as the *Magistrates Court (Civil Jurisdiction) (Amendment) Ordinance 1988*.¹

Commencement

2. This Ordinance shall come into operation on 3 January 1989.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*.²

(Ord. 84/87)—Cat. No.

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

Personal action at law—amount or value

4. Section 5 of the Principal Ordinance is amended by omitting from subsection (1) “\$10,000” and substituting “\$50,000”.

Abandonment of excess

5. Section 19 of the Principal Ordinance is amended—

- (a) by omitting from subsection (1) “\$10,000” (wherever occurring) and substituting “\$50,000”; and
- (b) by omitting from subsection (2) “\$10,000” and substituting “\$50,000”.

Abandonment of excess of cross-claim

6. Section 47 of the Principal Ordinance is amended—

- (a) by omitting from subsection (1) “\$10,000” (wherever occurring) and substituting “\$50,000”; and
- (b) by omitting from subsection (2) “\$10,000” and substituting “\$50,000”.

Payment by defendant

7. Section 70 of the Principal Ordinance is amended—

- (a) by inserting in paragraph (a) “, and in respect of any interest which the defendant thinks may be ordered under section 227A in respect of the cause or causes of action, as the case may be, up to and including the date on which the money is paid into court” after “relates”; and
- (b) by adding at the end the following subsection:

“(2) Where money is paid into court under this section it shall be presumed that it includes interest which may be ordered to be paid under section 227A in respect of one or more causes of action to which the plaintiff’s claim relates, up to and including the date on which the money is paid into court.”

Lodgment of bond

8. Section 83 of the Principal Ordinance is amended—

- (a) by inserting before paragraph (1) (a) the following paragraph:
 - “(aa) the Commonwealth;”; and

(b) by omitting subsection (2) and substituting the following subsection:

“(2) A bond lodged under subsection (1) shall—

- (a) in the case of a bond given by the Commonwealth—be under the hand of the Director of Legal Services, Australian Capital Territory;
- (b) in the case of a bond given by a body corporate—be under the hand of a manager or officer of that body corporate authorised in writing under the seal of the body corporate for the purpose; or
- (c) in any other case—be under the seal of the insurer.

Married Persons’ Property Ordinance—amendment

9. Section 14 of the *Married Persons’ Property Ordinance 1986* is amended by omitting from paragraph (b) “\$10,000” and substituting “the amount specified in subsection 5 (1) of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 14 December 1988.
2. No. 54, 1982 as amended by Nos. 76 and 77, 1984; Nos. 9 and 67, 1985; Nos. 53 and 74, 1986; No. 13, 1987.