



AUSTRALIAN CAPITAL TERRITORY

## Magistrates Court (Amendment) Act 1991

No. 38 of 1991

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### An Act to amend the *Magistrates Court Act 1930*

[Notified in ACT Gazette S95: 20 September 1991]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### Citation

1. This Act may be cited as the *Magistrates Court (Amendment) Act 1991*.

#### Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) Subject to subsection (3), the remaining provisions commence on a day, or on respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

#### Principal Act

3. In this Act, “Principal Act” means the *Magistrates Court Act 1930*.<sup>1</sup>

**Interpretation**

4. Section 5 of the Principal Act is amended—

(a) by inserting in subsection (1) the following definition:

“ ‘determined fee’ means the fee determined by the Minister under section 257 for the purposes of the provision in which the expression occurs;” and

(b) by omitting from subsection (1) the definition of “Director of Public Prosecutions”.

**Offences for which informations may be laid**

5. Section 26 of the Principal Act is amended by omitting subsection (2).

**When Magistrate may issue summons**

6. Section 37 of the Principal Act is amended—

(a) by omitting from subsection (1) “her or his” and substituting “a”;

(b) by omitting from subsection (2) “The fee prescribed by rules under this Act” and substituting “The determined fee”;

(c) by adding at the end of paragraph (2) (a) “or”;

(d) by omitting paragraphs (2) (c), (d), (e) and (f); and

(e) by inserting in subsection (3) “or section 245A” after “subsection (2)” (wherever occurring).

**Copies of information etc.**

7. Section 144 of the Principal Act is amended by omitting from subsection (1) “such fees as are prescribed” and substituting “the determined fee”.

**Court fees**

8. Section 245 of the Principal Act is amended—

(a) by omitting from subsection (1) “such fees as are prescribed by rules or regulations under this Act” and substituting “the determined fees”;

(b) by omitting from subsection (2) “fees prescribed” and substituting “determined fees”; and

(c) by adding at the end the following subsection:

“(4) No fees are payable in respect of proceedings under Part X of this Act.”.

### **Application for transcripts**

**9.** Section 255C of the Principal Act is amended—

- (a) by omitting from subsection (3) “of an amount, calculated in accordance with the Rules” and substituting “the determined fee”; and
- (b) by omitting from subsection (8) “by the Commonwealth”.

### **Insertion**

**10.** After section 256 of the Principal Act the following section is inserted:

#### **Power of Minister to determine fees**

“257. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.”.

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#### **NOTE**

1. Ordinance No. 21, 1930 as amended by No. 21, 1932; No. 17, 1934; No. 13, 1936; Nos. 5 and 28, 1937; Nos. 25 and 35, 1938; Nos. 20 and 22, 1940; No. 13, 1949; Nos. 7 and 12, 1951; No. 14, 1953; No. 12, 1958; No. 2, 1961; No. 2, 1966; No. 1, 1967; No. 25, 1968; No. 12, 1969; No. 15, 1970; No. 37, 1972; No. 48, 1973; Nos. 14 and 47, 1974; No. 42, 1976; Nos. 4, 34, 56 and 61, 1977; No. 46, 1978; Nos. 33 and 41, 1979; Nos. 4 and 10, 1980; Nos. 2 and 3, 1982; Nos. 9, 10, 16, 61 and 62, 1984; Nos. 17, 18, 41, 66 and 67, 1985; Nos. 33, 53, 57, 71, 74 and 83, 1986; No. 56, 1987; No. 45, 1988; Nos. 21, 25, 55, 59 and 60, 1989; Nos. 1, 5 and 9, 1990; Act No. 65, 1990; No. 9, 1991.

*[Presentation speech made in Assembly on 15 August 1991]*