



AUSTRALIAN CAPITAL TERRITORY

Small Claims (Amendment) Act 1994

No. 6 of 1994

An Act to amend the *Small Claims Act 1974*

[Notified in ACT Gazette S44: 14 March 1994]

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

Short title

1. This Act may be cited as the *Small Claims (Amendment) Act 1994*.

Interpretation

2. In this Act—

“Magistrates Court Act” means the *Magistrates Court Act 1930* as amended by the *Magistrates Court (Amendment) Act 1994*;

“Principal Act” means the *Small Claims Act 1974*.¹

Commencement

3. (1) This Act (other than sections 6 and 7) commences on the day on which it is notified in the *Gazette*.

(2) Sections 6 and 7 commence on the day on which the first determination under subsection 248A (1) of the Magistrates Court Act comes into effect.

Interpretation

4. Section 3 of the Principal Act is amended by omitting from subsection (1) the definition of “determined fee”.

Investigators

5. Section 27 of the Principal Act is amended by adding at the end the following subsection:

“(7) The Court may order that a party or parties to proceedings in which an investigator is appointed pay some or all of the costs of remuneration of the investigator.”.

Costs

6. Section 29 of the Principal Act is amended by omitting from paragraph (1A) (a) “referred to in subsection 46 (1)” and substituting “determined under subsection 248A (1) of the *Magistrates Court Act 1930* for the institution of proceedings under this Act”.

Repeal

7. Section 46 of the Principal Act is repealed.

Repeal

8. Section 50A of the Principal Act is repealed.

Saving—existing fees and charges

9. (1) Notwithstanding section 8, a determination under section 50A of the Principal Act, being a determination in force immediately before the day on which this section commences, continues in force by virtue of this subsection until the first determination under subsection 248A (1) of the Magistrates Court Act comes into effect.

(2) For the purposes of the interpretation of the Principal Act from and including the day on which this section commences until the first determination under subsection 248A (1) of the Magistrates Court Act comes into effect, a reference to a determined fee is to be taken to be a reference to a fee determined in a determination continued in force by virtue of subsection (1).

NOTE

1. Reprinted as at 31 March 1992.

[Presentation speech made in Assembly on 9 December 1993]

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