

1998

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

Magistrates Court (Civil Jurisdiction) Act 1982

Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations
(Amendment)

EXPLANATORY STATEMENT

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EXPLANATORY STATEMENT

MAGISTRATES COURT (CIVIL JURISDICTION) (SOLICITORS' COSTS) REGULATIONS (AMENDMENT)

OUTLINE

The Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (the Principal Regulations) provide for the costs of work performed by solicitors for claimants in civil claims made under the *Magistrates Court (Civil Jurisdiction) Act 1982*.

The Principal Regulations prescribe solicitors' costs by reference to items in the scales of costs in Schedules 1 and 2 to the Principal Regulations or, in respect of work performed by a solicitor on or after 1 January 1991, by reference to an amount referred to in the Supreme Court Rules.

Regulations 7 and 8 of the Principal Regulations refer to amounts given in Order 4 of the Supreme Court Rules. Order 4 of the Supreme Court Rules has been repealed. Order 3 of the Supreme Court Rules now specifies the amounts relevant to the references in the Principal Regulations.

The Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment) (the Regulations) amend regulations 7 and 8 of the Principal Regulations to delete the references to Order 4 of the Supreme Court Rules and to insert references to Order 3 of the Supreme Court Rules.

FINANCIAL IMPLICATIONS

The Regulations will have no effect on revenue.

DETAILS

Commencement

Regulation 1 provides that the Regulations are to commence on gazettal.

Principal Regulations

Regulation 2 provides that a reference in the Regulations to the "Principal Regulations" is to mean the Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations.

Costs of ordinary claims - application of the Supreme Court Rules

Regulation 3 amends regulation 7 to omit the reference in paragraph 7(1)(a) to "Order 4, paragraph 6(3)(a)" and to substitute "Order 3, paragraph 2(a)". A minor drafting amendment is also made in the interests of clarifying the regulation.

Costs of special claims - application of the Supreme Court Rules

Regulation 4 amends regulation 8 to -

- (a) omit the reference to "Order 4, paragraph 6(3)(a)" from paragraph 8(a) and to substitute "Order 3, paragraph 2(a)"; and
- (b) omit the reference to "Order 4, subrule 6(4)" from paragraph 8(b) and to substitute a reference to "Order 3, subrule 3(2)".

Apart from the minor redrafting of regulation 7, the Regulations do no more than simply correct the references to the Supreme Court Rules in the Principal Regulations.