

1991

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

MAGISTRATES COURT ACT 1930

MAGISTRATES COURT RULES (AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by authority of

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MAGISTRATES COURT RULES (AMENDMENT)

Section 258 of the *Magistrates Court Act 1930* provides that the Executive may make rules or regulations, not inconsistent with the Act, prescribing matters, *inter alia*, in relation to the fees and charges in respect of proceedings as to which the Magistrates Court has jurisdiction.

Rule 68 and the Second Schedule of the Magistrates Court Rules prescribe fees for the purposes of the Act.

The *Magistrates Court (Amendment) Act 1991* provided that fees for the purposes of the Act may be set by Ministerial Determination. Section 68 and the Second Schedule to the Magistrates Court Rules, therefore, are no longer required.

The Magistrates Court Rules (Amendment) repeals Rule 68 and the Second Schedule to the Rules.

Details of the Magistrates Court Rules (Amendment) are below.

Rule 1 provides that in the Rules, the "Principal Rules" means the Magistrates Court Rules.

Rule 2 provides for commencement. Commencement is to be on the day on which section 8, being a central section of the *Magistrates Court (Amendment) Act 1991*, commences.

Rule 3 repeals Rule 68 of the Principal Rules.

Rule 4 repeals the Second Schedule to the Principal Rules.