

1991

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

Small Claims Act 1974

Small Claims Regulations (Amendment)

EXPLANATORY MEMORANDUM

Circulated by authority of

TERRY CONNOLLY
ATTORNEY-GENERAL

EXPLANATORY MEMORANDUM

SMALL CLAIMS REGULATIONS (AMENDMENT)

Section 51 of the *Small Claims Act 1974* provides that the Executive may make regulations not inconsistent with the Act.

The Small Claims Regulations prescribe the fees for the purposes of subsection 46(1) of the Act. Subsection 46(1) provides that the prescribed fee is payable to the Clerk of the Court in respect of the institution of proceedings in the Court.

The proposed Regulations amend Regulation 3 with the effect of increasing the fees prescribed.

Details of the proposed Regulations are set out below.

Clause 1 provides for the commencement of the Regulations.

Clause 2 amends Regulation 3 by omitting the figures in paragraphs (a) and (b) and substituting new figures. The effect is that the prescribed sums for filing an initiating process in the Court are increased. The fees are increased from \$20.00 to \$25.00 in the case of proceedings in respect of an amount less than \$2,000, and from \$50.00 to \$55.00 where the amount in dispute is between \$10,000 and \$50,000.