

Explanatory Statement

Court Procedures Amendment Rules 2007 (No 1) Subordinate Law SL2007 - 16

Issued by the Authority of the Rule-Making Committee

The Rule-Making Committee (currently comprising the Chief Justice, the President of the Court of Appeal, Justice Connolly, the Chief Magistrate and Magistrate Somes) may make rules in relation to the practice and procedure of ACT courts and their registries pursuant to section 7 of the *Court Procedures Act 2004*.

The Court Procedures Rules 2006 commenced in the ACT Supreme Court on 1 July 2006 and in the ACT Magistrates Court on 1 January 2007. From the time of commencement of the rules on 1 July 2006, the Courts and the Joint Rules Advisory Committee have conducted a continuous and consultative review of the rules. This process, along with legislative amendment, has resulted in the attached *Court Procedures Amendment Rules 2007 (No 1)*.

In addition to some minor amendments, new rules have been introduced to set out the procedures for the transfer of proceedings between the Supreme Court and the Magistrates Court. This was previously located in the *Magistrates Court Act 1930*.

With the commencement of the *Court Legislation Amendment Act 2006*, which amended the *Magistrates Court Act 1930* and the *Court Procedures Act 2004* in granting the Magistrates Court the same power to deal with contempt of the Magistrates Court as the Supreme Court has to deal with contempt of the Supreme Court, amendments to the rules were required to reflect these changes.

Rule 6250 currently sets out the jurisdiction exercisable by the registrar of the Supreme Court and Schedule 5 Part 5.1 sets out the jurisdiction in relation to applications in proceedings not exercisable by the registrar of the Supreme Court. Rule 6251 and Schedule 5 Part 5.2 have been introduced and set out the jurisdiction of the registrar of the Magistrates Court in a similar manner.

The rules to date set out the procedure for applying for leave to serve late, a subpoena to produce. The rules are now amended so as to extend that procedure to all subpoenas.