

AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT (CIVIL JURISDICTION)

(AMENDMENT) ORDINANCE 1988

EXPLANATORY STATEMENT

No. 81, 1988

The main purpose of the Ordinance is to amend the Magistrates Court (Civil Jurisdiction) Ordinance 1982 ('the Principal Ordinance') to increase the monetary limit to the civil jurisdiction of the Magistrates Court from \$10,000 to \$50,000. This increase in jurisdiction ensures that an appropriate balance is struck between the jurisdiction exercised by the Magistrates Court and the ACT Supreme Court.

The Ordinance also amends the Principal Ordinance to make it clear that a defendant can pay moneys into court to meet a claim for pre-judgment interest, and to enable the Commonwealth to pay money into court by bond. This is a facility previously available under the Principal Ordinance to insurers and other approved corporations, but not to the Commonwealth.

Details of the sections in the Ordinance are as follows:

Section 1 provides that the Ordinance may be cited as the Magistrates Court (Civil Jurisdiction) (Amendment) Ordinance 1988.

Section 2 provides that the Ordinance shall come into operation on 3 January 1989.

Section 3 defines the Principal Ordinance to mean the Magistrates Court (Civil Jurisdiction) Ordinance 1982.

Section 4 amends section 5 of the Principal Ordinance to increase from \$10,000 to \$50,000 the monetary limit to the civil jurisdiction of the Magistrates Court.

Section 5 amends section 19 of the Principal Ordinance (which permits a person to abandon so much of a cause of action as exceeds the jurisdiction of the Court) consequent upon the proposed increase in jurisdiction.

Section 6 amends section 47 of the Principal Ordinance (which permits a defendant to abandon so much of a cross-claim as exceeds the jurisdiction of the Court) consequent upon the increase in jurisdiction.

Section 7 amends section 70 of the Principal Ordinance under which a defendant may pay money into court. The amendment makes it clear that a defendant can pay moneys into court to meet a claim for pre-judgment interest. The amendment also provides that where money is paid in by the defendant it is to be presumed that it includes pre-judgment interest.

Section 8 amends section 83 of the Principal Ordinance which permits a defendant to pay money into court by bond. The amendment includes the Commonwealth in the list of defendants entitled to take advantage of this procedure.

Section 9 amends section 14 of the Married Persons' Property Ordinance 1986 consequent upon the increase in the civil jurisdiction of the Court. Section 14 gave the Magistrates Court jurisdiction to determine certain property disputes within the Court's previous jurisdictional limit of \$10,000.

84/87

Authorised by the Minister  
for Justice