

AUSTRALIAN CAPITAL TERRITORY

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

EXPLANATORY STATEMENT

No. 19 of 1988

These Regulations amend the Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations to effectively increase the scales of costs in the Schedules to the Regulations by 1.6%.

The Schedules contain the scales of solicitors' costs allowed on a party and party basis for civil proceedings in the Magistrates Court under the Magistrates Court (Civil Jurisdiction) Ordinance 1982.

The increase in the scales of costs give effect to the recommendations of the Federal Costs Advisory Committee ("the Committee") in its Report of 26 July 1988 to the Attorney-General on solicitors' costs in civil proceedings in the Court.

The increase accords with the increase of 1.6% in the Supreme Court scale (to which the Magistrates Court scale is linked) recommended by the Committee and given effect to by the Judges of the Court.

Regulation 1 enables the Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations to be referred to as the Principal Regulations.

Regulations 2 and 3 effect a stylistic improvement only.

Regulation 4 makes a stylistic improvement which is similar to the ones effected by regulations 2 and 3. It also makes a formal amendment to regulation 8 of the Principal Regulations to include a reference to the actual expiration date (3 May 1988) of the period covered by an earlier increase. This reference will make it easier for practitioners to ascertain the precise period to which particular increases relate.

Regulation 5 makes a stylistic improvement which is similar to the ones effected by regulations 2, 3 and 4. It also amends regulation 9 of the Principal Regulations by providing that the increase in solicitors' costs provided for in regulation 9 applies only to work or services commenced on or after 4 May 1988 (when regulation 9 came into force) and before these amending Regulations came into effect.

Regulation 6 inserts a new regulation 10 in the Principal Regulations which provides that the scales of fees provided for in Schedules to the Principal Regulations are increased by 13.34%. This figure consists of the previous percentage increases

granted in accordance with earlier recommendations of the Committee and the increase of 1.6% recommended by the Committee in July 1988, calculated on a compound basis. The increase of 1.6% applies only in relation to work or services commenced on or after the commencement of these amending Regulations.

Authorised by the Minister
for Justice