

AUSTRALIAN CAPITAL TERRITORY

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

EXPLANATORY MEMORANDUM

No. 14 of 1987

These Regulations amend the Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations to increase the scales of costs in the Schedules to the Regulations by 2.8%.

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 gives effect to the recommendations of the Federal Costs Advisory Committee ("the Committee") in its Report of 10 March 1987 to the Attorney-General on solicitors' costs in civil proceedings in the Court.

The increase accords with the increase of 2.8% 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 on 1 June 1987.

Regulation 1 provides that in the amending Regulations "Principal Regulations" means the Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations.

Regulation 2 amends regulation 6 of the Principal Regulations to provide that the solicitors' costs provided for in the Regulations prior to their amendment apply only to work or services the performance of which commenced on or after 22 December 1986, (when the last increase became effective) and ended on the day before these Regulations come into effect.

Regulation 3 inserts a new regulation 7 in the Principal Regulations which provides that the scales of fees provided for in Schedules to the Principal Regulations are increased by 5.78%. This increase consists of the increase of 2.9% which came into effect on 22 December 1986, in accordance with the previous recommendation of the Committee, and the increase of 2.8% effected by these Regulations, calculated on a compound basis. The increase of 2.8% applies only in relation to work or services the performance of which commenced on or after the commencement of the new Regulations.

Authorised by the
Minister for Justice