

AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT (CIVIL JURISDICTION) REGULATIONS

EXPLANATORY MEMORANDUM

No. 16 of 1987

These Regulations prescribe the rate of interest applicable in the Magistrates Court for the period between the date on which a cause of action arose and the date when judgment is entered, in cases where interest has been claimed and judgment is entered by default, confession or agreement.

The Magistrates Court (Civil Jurisdiction) (Amendment) Ordinance 1987 and the Small Claims (Amendment) Ordinance 1987, which allow pre-judgment interest to be awarded in the ACT Magistrates Court, were made earlier this year but could not be brought into force until these Regulations were made.

Under new section 277B inserted in the Magistrates Court (Civil Jurisdiction) Ordinance 1982 by the Magistrates Court (Civil Jurisdiction) (Amendment) Ordinance 1987, pre-judgment interest, calculated as prescribed by the Regulations, may be included in the amount for which judgment is entered by default, confession or agreement.

The table of interest rates contained in the Regulations has been prepared in consultation with the Treasury. The rates are representative of interest costs on small commercial loans during the relevant period. They are based on figures published in the Reserve Bank Bulletin.

It is proposed to review the last rate prescribed in the Table twice yearly.

Regulation 1 provides that the Regulations may be cited as the Magistrates Court (Civil Jurisdiction) Regulations.

Regulation 2 provides that in the Regulations “the Ordinance” means the Magistrates Court (Civil Jurisdiction) Ordinance 1982.

Regulation 3 prescribes the rates of interest payable for the purposes of subsection 227B(2) of the Ordinance and the periods to which those rates apply.

Authorised by the  
Minister for  
Justice