

AUSTRALIAN CAPITAL TERRITORY

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

EXPLANATORY STATEMENT

No. 3 of 1986

The Regulations amend the Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations by substituting new Schedules 1 and 2. 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 scales of costs in the new Schedules have been increased by 37.75%. This gives effect to the recommendations of the Federal Costs Advisory Committee (chaired by the Hon. Mr Justice Williams) in its Report to the Attorney-General on solicitors' costs in civil proceedings in the Court.

The scales of costs in the Magistrates Court have not been increased since their introduction in 1982 to coincide with the coming into force of the Magistrates Court (Civil Jurisdiction) Ordinance 1982. This Ordinance increased the civil jurisdiction of the A.C.T. Magistrates Court and introduced a new civil procedure in the Court from the institution of proceedings up to judgment.

The scales of costs in the Regulations are graduated lump sums scales (there are three steps in the scales). The amounts for each item in the scales, as introduced in 1982, was determined by taking a certain percentage for each step of the costs prescribed for equivalent matters in the scale of solicitors' costs in the A.C.T. Supreme Court as at 1 August 1981. This ensured that the costs in the lower court were significantly below those allowed in the Supreme Court, reflecting the jurisdiction exercised by the lower court.