

Explanatory Statement

Court Procedures Amendment Rules 2012 (No 1) Subordinate Law SL2012 - 24

Issued by the Authority of the Rule-Making Committee

The Rule-Making Committee (currently comprising the Chief Justice, Justice Refshauge, Chief Magistrate Walker and Magistrate Campbell) may make rules in relation to the practice and procedure of ACT courts and their registries pursuant to section 7 of the *Court Procedures Act 2004*. From the time of commencement of the *Court Procedures Rules 2006*, the Courts and the Joint Rules Advisory Committee have conducted a continuous and consultative review of the rules. This process has resulted in the amendments contained in the *Court Procedures Amendment Rules 2012 (No 1)*.

Rule 282 has been amended to clarify that the court may, following approval of an infant settlement, enter judgment for the amount of the settlement.

Part 2.12 of the Rules relating to expert evidence has been amended so as to include a statement of purpose of the expert evidence rules, and provision for the court to give directions in relation to expert evidence, including the appointment of a single expert or a court appointed expert in relation to a stated issue. Applications under the renumbered division 2.12.3 do not fall within the registrar's jurisdiction. The previous division 2.12.3, relating to the appointment of medical experts for the *Civil Law (Wrongs) Act 2002*, has been omitted from the rules.

The existing rule 6013, which provides a means of adjourning an application in proceeding by consent, has been expanded to include a means for obtaining the orders sought in the application by consent, without the need for any party to attend before the court.

As neither court now maintains a document exchange address, rules relating to the filing of documents by document exchange have been omitted.

A number of consequential minor amendments have also been made.

The rules will commence on 1 July 2012.