

## Explanatory Statement

### Court Procedures Amendment Rules 2013 (No 1) Subordinate Law SL2013 - 18

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*. The Courts and the Joint Rules Advisory Committee have continued a consultative review of the rules which has resulted in the amendments contained in the *Court Procedures Amendment Rules 2013 (No 1)*.

Part 4.4 of the Rules, which provides procedures for applications under the *Crimes (Forensic Procedures) Act 2000* is amended to accommodate similar applications under the *Crimes Act 1914* (Cth). The schemes under the ACT and Commonwealth legislation are generally the same so the amendments expressly provide that the rules apply to applications under the Commonwealth Act. There are some consequential amendments to allow for different terminology used in the *Crimes Act 1914*.

Sub rule 5140(3) has been amended to clarify the procedures that may follow after a Supreme Court appeal has been dealt with or dismissed in the absence of a party.

Rule 5438 has been amended to extend the time frames before the appeal hearing in the Court of Appeal for the filing of summaries of argument and lists of authorities. Appellants must now file at least 14 days before the day set for the hearing of the appeal, respondents at least 7 days before, and appellants in reply at least 3 days before.

New rules 6610(2A) and (2B) have been introduced to provide clarification to the procedures for the return or disposal of subpoenaed documents following the end of the appeal period after the conclusion of a matter.

Schedule 3 Part 3.1, 3.2, 3.3, 3.4 and 3.5 have been amended to increase costs entitlements in relation to claims for debt or liquidated demand, default judgments, the winding up of companies, enforcement orders and certificates of registration. The Scale of Costs in Schedule 4 has also been amended to provide for an increase across all items.

A number of consequential minor amendments have also been made.

The rules will commence on 1 July 2013.