

Explanatory Statement

Court Procedures Amendment Rules 2017 (No 4)

Subordinate Law SL2017-40

Issued by the Authority of the Rule-Making Committee

The Rule-Making Committee (currently comprising the Chief Justice, Justice Elkaim, Chief Magistrate Walker and Magistrate Morrison) 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 conducted a consultative review of the rules which has resulted in the amendments contained in the *Court Procedures Amendment Rules 2017 (No 4)*.

A number of minor or consequential amendments have been made throughout the rules including the omission of sub rule 276(1)(a) (who may be a litigation guardian), an amendment to rule 3607E(1)(a) reflecting the change in name of the Legal Workshop to the School of Legal Practice and an amendment to rule 4053(2)(j) to clarify which documents in criminal matters are not readily available to non-parties.

A new rule 3804 has been introduced in the division dealing with family violence and personal violence proceedings. The new rule enables the registrar to correct a mistake, omission or error in the name or identity of the respondent in a proceeding in a document or order in the proceeding.

The power of the registrar of the Magistrates Court to exercise the court's jurisdiction under s.134 of the *Family Violence Act 2016* is now included in the Registrar's powers in rule 6251 (3)(i).

The rules will commence on 1 January 2018.