



Australian Capital Territory

# **Magistrates Court Rules 1932**

made under the

**Magistrates Court Act 1930**

**Republication No 5**

**Effective: 19 December 2003 – 9 January 2005**

Republication date: 19 December 2003

Last amendment made by A2003-56

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Magistrates Court Rules 1932*, made under the *Magistrates Court Act 1930* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 19 December 2003. It also includes any amendment, repeal or expiry affecting the republished law to 19 December 2003.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Magistrates Court Rules 1932

made under the

**Magistrates Court Act 1930**

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R5  
19/12/03

Magistrates Court Rules 1932  
Effective: 19/12/03-09/01/05

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**Part 1** Preliminary

Rule 1

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## **Part 1** Preliminary

### **1** Name of rules

These rules are the *Magistrates Court Rules 1932*.

## **Part 2 Title of proceedings**

### **4 Form of heading and conclusion of notices**

The general form of heading and conclusion of all notices, orders and writs in relation to proceedings to enforce a judgment given or entered, or an order made, shall be in accordance with the appropriate form approved under the Act, section 256 (Forms).

## **Part 3                      Officers**

### **5                      Office hours**

- (1) The office of the registrar shall be kept open from 10am to 12.30pm and from 1.30pm to 4pm on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, but shall be closed on any day as is appointed a public holiday or as is directed by the Attorney-General.
- (2) On every day when any court sits, the office shall be kept open from 9.15am.

### **6                      Duties of registrar**

- (1) The registrar shall—
  - (a) register all records, orders and convictions of the court; and
  - (b) keep an account of all proceedings of the court; and
  - (c) take charge, and keep an account, of all court fees, fines, penalties and costs and other money payable or paid into court, and of all money paid out of court; and
  - (d) enter an account of all such fees, fines, penalties, costs and money in a ledger belonging to the court to be kept by him or her for that purpose; and
  - (e) in the month of July of each year make out a correct list of all sums of money belonging to suitors in the court that have been paid into court and have remained unclaimed for 5 years before the first day of that month, specifying the names of the parties for whom or on whose account the sums were so paid into court.



- (2) A copy of that list shall be put up and remain during the court hours in some conspicuous part of the court house and in the registrar's office.

## **Part 6 Australian register of judgments**

### **31 Entry of Australian judgments in register**

A judgment required to be registered in the court under the *Service and Execution of Process Act 1992* (Cwlth), section 105 (Enforcement of judgments) must be entered in the Australian register of judgments kept by the registrar.

## Part 14                      Securities

### 71                      Form of security

If, under the Act, section 148, time is allowed for the payment of any sum or payment of any sum is directed to be made by instalments, and it is ordered that the person liable to pay the sum shall give security with or without sureties for the due payment of it, the security, if given by an oral or written acknowledgment, shall be in accordance with the form approved under the Act, section 256 (Forms).

### 72                      Security to be forwarded to court

If any security is not entered into at the court house when the conviction or order was made, the person before whom it is entered shall forward it to the court.

## Part 18A                      Service of foreign documents

### 97A                      Service of foreign documents

If, in connection with any civil or commercial cause or matter pending before a court or tribunal in any foreign country that is a party to a convention regarding legal proceedings in civil and commercial matters that has been extended to Australia, a request for service of any document on a person in the ACT is received by the registrar from the consular or other authority of the country, the following procedure shall, subject to any special provisions contained in the convention, be adopted:

- (a) the service shall be effected by the person the magistrate from time to time appoints for that purpose, or by the authorised agent of that person, by delivering to and leaving with the person to be served the original document or a copy of that document, as indicated in the request, and 1 copy of the translation of it, in accordance with the rules and practice of the Magistrates Court regulating the service of process;
- (b) no court fees shall be charged for the service, but the particulars of the charges of the person or agent employed to effect service shall be submitted to the registrar who shall certify the amount properly payable in relation to it;
- (c) the registrar shall transmit to the Attorney-General of the Commonwealth for transmission to the consular or other authority making the request a certificate establishing the fact and the date of the service, or indicating the reasons why it has not been possible to effect it, and a statement of the amount of the charges properly payable certified in accordance with paragraph (b).

## Part 18B                      Obtaining evidence for foreign tribunals

### 97B                      Obtaining evidence for foreign tribunals

- (1) If, under any convention regarding legal proceedings in civil and commercial matters to which Australia is a party, it is made to appear to a magistrate by letters of request, or other evidence as the magistrate may require, that a judicial authority in any other country which is a party to the convention wishes to obtain, for the purposes of any cause or matter that is pending before that authority, the testimony of any witness or witnesses within the ACT, the magistrate may, on the ex parte application of any person shown to be duly authorised to make the application and on production of the letter of request, or on application made in an other way as is provided in the convention, make the order or orders that may be necessary to give effect to the intention of the convention.
- (3) The examination may be ordered to be taken before any fit and proper person nominated by the person applying, or before an officer of the court, or another qualified person that the Magistrate considers appropriate.
- (4) Unless otherwise provided in the order for examination, the person before whom the examination is taken shall, on its completion, forward it to the registrar of the court and on receipt of it the registrar shall append a certificate in accordance with the form approved under the Act, section 256 (Forms), and shall forward the depositions so certified, and the letter of request (if any) to the Attorney-General of the Commonwealth for transmission to the judicial authority wishing to obtain the testimony in accordance with the terms of the convention.
- (5) An order made under subrule (1) may, if the magistrate considers appropriate, direct the examination to be taken in a

way that may be requested by the letter of request from the foreign judicial authority, or signified in the letter of request to be in accordance with the practice or requirements of that judicial authority, or that may, for the same reason, be requested by the applicant for the order, but in the absence of any such special directions, the examination shall be taken in the way prescribed by the *Magistrates Court (Civil Jurisdiction) Act 1982* and the rules and practice of the Magistrates Court in relation to civil proceedings.

- (6) If a letter of request is transmitted to the court with an intimation that it is desirable that effect should be given to it without requiring an application to the court by the agents of any of the parties to the action or matter in the foreign country, the registrar shall transmit it to the Australian Government Solicitor who may, with the consent of the Attorney-General of the Commonwealth, make an application and take the steps that may be necessary to give effect to the letter of request in accordance with these rules.

## Part 19                      Miscellaneous

### 98                      Clerk or agent may sign for legal practitioner

Any documents whatsoever to which a signature of the legal practitioner on the record or his or her agent is required shall be equally valid if signed by a clerk of the legal practitioner or agent respectively.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired



### 3 Legislation history

These regulations were originally called the *Court of Petty Sessions Rules* and were originally made under a Commonwealth ordinance—the *Court of Petty Sessions Ordinance (No 2) 1930* No 21 (Cwlth). The *Magistrates Court Ordinance 1985* No 67 (Cwlth) renamed the ordinance as the *Magistrates Court Act 1930* and the regulations as the *Magistrates Court Rules*.

The *ACT Self-Government (Consequential Provisions) Act 1988* No 109 (Cwlth), s 12) converted some former Commonwealth ordinances in force in the ACT, and the regulations made under them, into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. The *Magistrates Court Ordinance 1930* and the *Magistrates Court Rules* were converted into ACT enactments on 1 July 1990.

As with most ordinances in force in the ACT, the name of the ordinance was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on its conversion to an ACT enactment on 1 July 1990.

These regulations were later renamed as the *Magistrates Court Rules 1930* under the *Legislation Act 2001*.

Before 12 September 2001, regulations commenced on their notification day unless otherwise stated (see *Interpretation Ordinance 1914* s 5, *Interpretation Ordinance 1937* s 16, *Interpretation Act 1967* s 50, *Subordinate Laws Act 1989* s 6).

#### Commonwealth legislation

##### **Magistrates Court Rules 1932**

notified 7 July 1932

commenced 7 July 1932

as amended by

##### **Amendment of Court of Petty Sessions Rules**

notified 1 December 1932

commenced 1 December 1932

##### **Amendment of Court of Petty Sessions Rules**

notified 23 December 1937

commenced 23 December 1937

##### **Amendment of Court of Petty Sessions Rules 1950 No 2**

notified 29 June 1950

commenced 29 June 1950

## Endnotes

3 Legislation history

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**Amendments of Court of Petty Sessions Rules 1953 No 15**

notified 27 November 1953  
commenced 3 December 1953 (r 1)

**Amendments of Court of Petty Sessions Rules 1958 No 9**

notified 31 July 1958  
commenced 31 July 1958

**Amendment of Court of Petty Sessions Rules 1960 No 7**

notified 30 August 1960  
commenced 1 September 1960 (r 2)

**Amendments of Court of Petty Sessions Rules 1965 No 9**

notified 24 December 1965  
commenced 1 January 1966 (r 1)

**Amendments of Court of Petty Sessions Rules 1967 No 2**

notified 23 February 1967  
commenced 23 February 1967

**Amendments of Court of Petty Sessions Rules 1968 No 9**

notified 19 December 1968  
commenced 1 January 1969 (r 1 and Cwlth Gaz 1968)

**Amendments of Court of Petty Sessions Rules 1969 No 4**

notified 30 June 1969  
commenced 30 June 1969

**Amendment of Court of Petty Sessions Rules 1970 No 7**

notified 2 April 1970  
commenced 2 April 1970

**Amendment of Court of Petty Sessions Rules 1974 No 12**

notified 13 August 1974  
commenced 13 August 1974

**Amendments of Court of Petty Sessions Rules 1977 No 7**

notified 31 March 1977  
commenced 31 March 1977

**Regulations to revise regulations in force under ordinances of the ACT 1979 No 26**

notified 29 November 1979  
commenced 29 November 1979

**Amendments of Court of Petty Sessions Rules 1980 No 5**

notified 31 March 1980  
commenced 31 March 1980

**Magistrates Court Ordinance 1985 No 67**

notified 19 December 1985  
commenced 1 February 1986 (Cwlth Gaz 1986 No G3)

**Magistrates Court (Amendment) Ordinance (No 3) 1986 No 74**

notified 14 November 1986  
commenced 14 November 1986

**Magistrates Court Rules (Amendment) 1987 No 1**

notified 24 March 1987  
commenced 24 March 1987

**Magistrates Court Rules (Amendment) 1988 No 15**

notified 27 July 1988  
commenced 27 July 1988 (r 1)

**Magistrates Court Rules (Amendment) 1989 No 16**

notified 30 June 1989  
commenced 1 July 1989 (r 1)

**Self-Government (Consequential Amendments) Ordinance 1990 No 5 sch 3**

notified 27 June 1990  
s 1, s 2 commenced 27 June 1990  
sch 3 commenced 1 July 1990

**Legislation after becoming Territory enactment****Magistrates Court Rules (Amendment) 1991 No 14**

notified 28 June 1991  
commenced 1 July 1991 (r 1)

## Endnotes

### 4 Amendment history

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#### **Magistrates and Coroner's Courts (Registrar) Act 1991 No 44 sch 2**

notified 20 September 1991 (Gaz 1991 No S95)  
s 1, s 2 commenced 20 September 1991 (s 2 (1))  
sch 2 commenced 25 September 1991 (s 2 (2) and Gaz 1991 No S103)

#### **Magistrates Court Rules (Amendment) 1991 No 20**

notified 25 September 1991  
commenced 25 September 1991 (r 2 and Gaz 1991 No S103)

#### **Magistrates Court (Enforcement of Judgments) Act 1994 No 61 pt 5**

notified 11 October 1994  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
pt 5 commenced 10 April 1995 (s 2 (2) and Gaz 1995 No S75)

#### **Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 3**

notified 1 December 1997 (Gaz 1997 No S380)  
s 1, s 2 commenced 1 December 1997 (s 2 (1))  
sch 3 commenced 1 June 1998 (s 2 (2))

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 238**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 238 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

#### **Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.15**

notified LR 5 December 2003  
s 1, s 2 commenced 5 December 2003 (LA s 75 (1))  
sch 3 pt 3.15 commenced 19 December 2003 (s 2)

## 4 Amendment history

### **Name of rules**

r 1 am ord 1985 No 67 sch; R4 LA

### **Parts**

r 2 am 1953 No 15  
sub 1958 No 9  
am 1967 No 2 r 1  
om 1979 No 26

**Interpretation**

- r 3 am 1937 (rules made 17 Dec 1937); Act 2001 No 44  
 amdt 1.2772-1.2774  
 om R4 LA  
 def **Clerk** sub ord 1985 No 67 sch  
 om ord 1986 No 74 s 67  
 def **the Act** om Act 2001 No 44 amdt 1.2773  
 def **the Ordinance** om ord 1986 No 74 s 67

**Form of heading and conclusion of notices**

- r 4 sub ord 1986 No 74 s 68  
 am Act 1994 No 61 s 57; Act 2001 No 44 amdt 1.2775

**Office hours**

- r 5 am Act 1991 No 44 sch 2

**Duties of registrar**

- r 6 am 1979 No 26; ord 1990 No 5 sch 3; Act 1991 No 44  
 sch 2; Act 1991 No 61 s 60; R4 LA

**Documents to be filed and numbered**

- r 7 om ord 1986 No 74 s 69

**Affidavit of service of summons to be filed**

- r 8 am 1937 (rules made 17 Dec 1937); 1979 No 26  
 om ord 1986 No 74 s 69

**Particulars of warrant of execution to be entered in book**

- r 9 am 1937 (rules made 17 Dec 1937); 1953 No 15; 1979  
 No 26; ord 1990 No 5 sch 3; Act 1991 No 44 sch 2  
 om Act 1994 No 61 s 58

**Moneys received under warrant of commitment to be paid to clerk**

- r 10 am ord 1990 No 5 sch 3; Act 1991 No 44 sch 2  
 om Act 1994 No 61 s 58

**Notice where levy under warrant of execution not made**

- r 11 am 1953 No 15; 1979 No 26; ord 1990 No 5 sch 3  
 om Act 1994 No 61 s 58

**Return where levy under warrant of execution made**

- r 12 am 1953 No 15; ord 1990 No 5 sch 3; Act 1991 No 44  
 sch 2  
 om Act 1994 No 61 s 58

**Parties**

- pt 4 hdg om ord 1986 No 74 s 70

**Infants may sue by next friend**

- r 13 om ord 1986 No 74 s 70

**Lunatic may sue by his committee**

- r 14 om ord 1986 No 74 s 70

## Endnotes

### 4 Amendment history

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**Marriage, &c. not to abate action or proceedings**

r 15 om ord 1986 No 74 s 70

**Procedure where infant sues by next friend**

r 16 om ord 1986 No 74 s 70

**Appointment of guardian ad litem**

pt 5 hdg om ord 1986 No 74 s 70

**Appointment of guardian ad litem of infant**

r 17 am 1979 No 26  
om ord 1986 No 74 s 70

**Procedure where defendant in course of proceedings is found to be an infant**

r 18 am 1979 No 26  
om ord 1986 No 74 s 70

**Appointment of guardian ad litem to be entered on summons**

r 19 om ord 1986 No 74 s 70

**Guardian ad litem not personally liable for costs**

r 20 om ord 1986 No 74 s 70

**Court may set aside order against infant where no guardian ad litem appointed**

r 21 om ord 1986 No 74 s 70

**Court may require guardian ad litem to be appointed**

r 22 om ord 1986 No 74 s 70

**Part 5 to apply to lunatics etc**

r 23 om ord 1986 No 74 s 70

**Default judgment**

r 24 sub 1970 No 7  
om ord 1986 No 74 s 71

**Successive default summonses**

r 25 am 1979 No 26  
om ord 1986 No 74 s 71

**Default summons not returned within 12 months to be struck out**

r 26 am 1979 No 26  
om ord 1986 No 74 s 71

**Default summons to be struck out after 3 months where no action taken**

r 27 am 1979 No 26  
om ord 1986 No 74 s 71

**Hearing**

r 28 om ord 1986 No 74 s 71

**Default summons may be exchanged for ordinary summons**

r 29 sub 1937 (rules made 17 Dec 1937)  
am 1953 No 15; 1967 No 2 r 2; 1979 No 26  
om ord 1986 No 74 s 71

**Costs**

r 30 am 1937 (rules made 17 Dec 1937)  
sub 1950 No 2; 1958 No 9  
am 1965 No 9 r 2, r 3; 1967 No 2 r 3; 1969 No 4 r 2; 1977  
No 7 r 1, r 2  
om ord 1986 No 74 s 71

**Australian register of judgments**

pt 6 hdg sub A2003-56 amdt 3.163

**Entry of Australian judgments in register**

r 31 am 1979 No 26; ord 1986 No 74 s 72; Act 1991 No 44  
sch 2  
sub A2003-56 amdt 3.163

**Successive ordinary summonses**

r 32 am 1979 No 26  
om ord 1986 No 74 s 73

**Discontinuance, confession, admission, and payment into court**

pt 7 hdg om ord 1986 No 74 s 74

**Notice of discontinuance**

r 33 om ord 1986 No 74 s 74

**Effect of notice of discontinuance**

r 34 om ord 1986 No 74 s 74

**Statement of confession or agreement**

r 35 om ord 1986 No 74 s 74

**Effect of statement of confession or agreement**

r 36 om ord 1986 No 74 s 74

**Delivery of confession to clerk**

r 37 am 1979 No 26  
om ord 1986 No 74 s 74

**Confession as to costs**

r 38 om ord 1986 No 74 s 74

**Admission may be filed**

r 39 am 1979 No 26  
om ord 1986 No 74 s 74

**Either party may admit truth of claim of other party**

r 40 om ord 1986 No 74 s 74

## Endnotes

### 4 Amendment history

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#### **Notice to admit facts**

r 41 am 1979 No 26  
om ord 1986 No 74 s 74

#### **Effect of filing notice of certain grounds of defence to a default summons**

r 42 am 1979 No 26  
om ord 1986 No 74 s 74

#### **Payment into court in full satisfaction of claim**

r 43 am 1979 No 26  
om ord 1986 No 74 s 74

#### **Payment into court after prescribed time**

r 44 om ord 1986 No 74 s 74

#### **Notice of acceptance of sum paid into court**

r 45 om ord 1986 No 74 s 74

#### **Payment into court in answer to set-off**

r 46 om ord 1986 No 74 s 74

#### **Payment into court of court fees and costs**

r 47 om ord 1986 No 74 s 74

#### **Payment into court under a defence of tender**

r 48 om ord 1986 No 74 s 74

#### **Payment into court of sum less than sum claimed with notice of denial of liability**

r 49 om ord 1986 No 74 s 74

#### **Payment into court by infant or person of unsound mind**

r 50 om ord 1968 No 9 r 2

#### **Special defence**

pt 8 hdg om ord 1986 No 74 s 74

#### **Special defence in cases of misjoinder of co-complainant**

r 52 om ord 1986 No 74 s 74

#### **In case of tender, amount to be paid into court**

r 53 om ord 1986 No 74 s 74

#### **Change of parties**

pt 9 hdg om ord 1986 No 74 s 74

#### **Change of parties**

r 54 om ord 1986 No 74 s 74

#### **Order changing parties to be served on other parties**

r 55 am 1979 No 26  
om ord 1986 No 74 s 74



**Discharge or variation of order changing parties**

r 56 om ord 1986 No 74 s 74

**Action where complainant or defendant dies**

r 57 om ord 1986 No 74 s 74

**Effect of Bankruptcy Act, s 63**

r 58 am 1979 No 26  
om ord 1986 No 74 s 74

**Recording of depositions**

pt 9A hdg ins 1958 No 9  
om 1967 No 2 r 4

**Notation of direction to record depositions**

r 58A ins 1958 No 9  
om 1967 No 2 r 4

**Transcript to be prepared in triplicate**

r 58B ins 1958 No 9  
om 1967 No 2 r 4

**Transcript to be certified as correct**

r 58C ins 1958 No 9  
om 1967 No 2 r 4

**Transmission of transcript to registrar when notice of appeal given**

r 58D ins 1958 No 9  
om 1967 No 2 r 4

**Depositions to be records of the court**

r 58E ins 1958 No 9  
om 1967 No 2 r 4

**Examination de bene esse**

pt 10 hdg om ord 1986 No 74 s 74

**Examination of persons**

r 59 om ord 1986 No 74 s 74

**Payment of conduct money**

r 60 om ord 1986 No 74 s 74

**Examiner to be supplied with documents**

r 61 om ord 1986 No 74 s 74

**Place of examination**

r 62 om ord 1986 No 74 s 74

**Depositions to be taken down and signed**

r 63 om ord 1986 No 74 s 74

**Action where witness objects to answer question**

r 64 om ord 1986 No 74 s 74

## Endnotes

### 4 Amendment history

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**Original depositions to be filed with clerk**

r 65 om ord 1986 No 74 s 74

**Examiner may furnish special report to court**

r 66 om ord 1986 No 74 s 74

**Proceedings under New South Wales Acts continued in force as Territory laws**

pt 11 hdg om A2003-56 amdt 3.164

**Proceedings under New South Wales Acts continued in force in ACT**

r 67 am 1968 No 9 r 3, r 4; ord 1986 No 74 s 75  
om A2003-56 amdt 3.164

**Fees**

pt 12 hdg sub 1953 No 15  
am 1986 No 74 s 76  
om Act 2001 No 44 amdt 1.2776

**Court fees**

r 68 am 1937 (rules made 17 Dec 1937)  
sub 1953 No 15; 1980 No 5 r 1  
am ord 1985 No 67 sch; ord 1986 No 74 s 77; 1987 No 1  
r 1; 1988 No 15 r 2; 1989 No 16 r 3; 1991 No 14 r 3  
om 1991 No 20 r 3

**Witnesses' expenses**

r 68A ins 1953 No 15  
om 1967 No 2 r 5

**Motions**

pt 13 hdg om ord 1986 No 74 s 78

**Applications to be made by motion**

r 69 sub 1980 No 5 r 1  
am ord 1985 No 67 sch  
om ord 1986 No 74 s 78

**Notice of motion to be served on opposite party**

r 70 am 1979 No 26  
om ord 1986 No 74 s 78

**Form of security**

r 71 am Act 2001 No 44 amdt 1.2777

**Amendment**

pt 15 hdg om ord 1986 No 74 s 79

**Application to amend defects and errors**

r 73 om ord 1986 No 74 s 79

**Misjoinder or nonjoinder of parties**

r 74 om ord 1986 No 74 s 79

**Order adding defendant**

r 75 om ord 1986 No 74 s 79

**Amended particulars of demand and amended notice of special defence may be filed**

r 76 om ord 1986 No 74 s 79

**Abandonment of any part of claim**

r 77 om ord 1986 No 74 s 79

**Affidavits**

pt 16 hdg om ord 1986 No 74 s 80

**Form of affidavit**

r 78 om ord 1986 No 74 s 80

**Affidavit not to be sworn before party's solicitor**

r 79 om ord 1986 No 74 s 80

**Affidavit to be explained to blind or literate persons**

r 80 om ord 1986 No 74 s 80

**Court may receive affidavit notwithstanding defect**

r 81 om ord 1986 No 74 s 80

**Enforcement of orders**

pt 17 hdg om Act 1994 No 61 s 58

**Date of warrant of execution**r 82 am 1979 No 26  
om Act 1994 No 61 s 58**Fees to be lodged before warrant is executed**r 83 am Act 1991 No 44 sch 2  
om Act 1994 No 61 s 58**Conditional order suspending execution of warrant not to be acted upon**

r 84 om Act 1994 No 61 s 58

**Endorsement of amounts to be levied on warrant**r 85 am Act 1991 No 44 sch 2  
om Act 1994 No 61 s 58**Debtor may select goods to be sold first**r 86 am ord 1990 No 5 sch 3  
om Act 1994 No 61 s 58**Sales by auction**r 87 am 1979 No 26  
om Act 1994 No 61 s 58**Removal of goods outside town to town for sale**r 88 am 1979 No 26  
om Act 1994 No 61 s 58

## Endnotes

4 Amendment history

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### **Inventory to be handed to debtor**

r 89 am 1979 No 26  
om Act 1994 No 61 s 58

### **Account sales to be supplied to debtor**

r 90 am ord 1990 No 5 sch 3  
om Act 1994 No 61 s 58

### **Possession fee, when payable**

r 91 om Act 1994 No 61 s 58

### **Issue of process where death in parties occurs after judgment etc**

r 92 am ord 1986 No 74 s 8; ord 1990 No 5 sch 3  
om Act 1994 No 61 s 58

### **Attachment of debts and imprisonment of fraudulent debtors**

pt 18 hdg om Act 1994 No 61 s 58

### **Summonses under ss 170 or 181 of ordinance**

r 93 am Act 1991 No 44 sch 2  
om Act 1994 No 61 s 58

### **Failure to appeal when summoned**

r 94 am ord 1990 No 5 sch 3  
om Act 1994 No 61 s 58

### **Service of summonses**

r 95 om Act 1994 No 61 s 58

### **Failure to obey summons**

r 96 am ord 1990 No 5 sch 3  
om Act 1994 No 61 s 58

### **Payment of reasonable travelling expenses to person summoned**

r 97 am ord 1990 No 5 sch 3  
om Act 1994 No 61 s 58

### **Service of foreign documents**

pt 18A hdg ins 1932 (rules made 26 November 1932)

### **Service of foreign documents**

r 97A ins 1932 (rules made 26 November 1932)  
am ord 1985 No 67 sch; ord 1990 No 5 sch 3; Act 1991  
No 44 sch 2

### **Obtaining evidence for foreign tribunals**

pt 18B hdg ins 1932 (rules made 26 November 1932)

### **Obtaining evidence for foreign tribunals**

r 97B ins 1932 (rules made 26 November 1932)  
am ord 1986 No 74 s 82; ord 1990 No 5 sch 3; Act 1991  
No 44 sch 2; Act 2001 No 44 amdt 1.2778, amdt 1.2779

**Clerk or agent may sign for legal practitioner**

r 98 am ord 1990 No 5 sch 3; Act 1994 No 61 s 60; Act 1997 No 96 sch 2

**Forms may be altered**

r 99 om Act 2001 No 44 amdt 1.2780

**The Schedules**

hdg om Act 2001 No 44 amdt 1.2781

**Forms**

sch 1 hdg sub 1979 No 26

om Act 2001 No 44 amdt 1.2782

sch 1 am 1932 (rules made 26 November 1932); ord 1985 No 67 sch; ord 1986 No 74 sch 3; ord 1990 No 5 sch 3; Act 1991 No 44 sch 2; Act 1994 No 61 s 59

om Act 2001 No 44 amdt 1.2782

**Fees**

sch 2 sub 1953 No 15; 1960 No 7 r 2; 1967 No 2 r 7; 1974 No 12; 1980 No 5 r 2

am ord 1986 No 74 s 84; 1989 No 16 r 4; 1991 No 14 r 4  
om 1991 No 20 r 4

**Witnesses expenses**

sch 3 ins 1953 No 1

sub 1958 No 9

om 1967 No 2 r 6

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	SL 1991 No 20	30 September 1991
2	Act 1994 No 61	10 April 1995
3	Act 1994 No 61	30 November 1996
4	A2001-44	30 April 2002

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