



Australian Capital Territory

# **Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulation 1982**

**SL1982-31**

made under the

**Magistrates Court (Civil Jurisdiction) Act 1982**

**Republication No 6**

**Effective: 10 November 2004 – 9 January 2005**

Republication date: 10 November 2004

Last amendment made by A2001-44  
(republication includes editorial amendments  
under Legislation Act)

Uncommenced repeal: see endnote 3

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulation 1982*, made under the *Magistrates Court (Civil Jurisdiction) Act 1982* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 10 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 10 November 2004.

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 includes 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 (Civil Jurisdiction) (Solicitors' Costs) Regulation 1982**

made under the

**Magistrates Court (Civil Jurisdiction) Act 1982**

## **Contents**

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	Page
1 Name of regulation	2
2 Definitions for regulation	2
3 Prescribed costs to be specified in claim	2
4 Prescribed costs on entry of default judgment on special claim	3
5 Scale of costs—general	3
7 Costs of ordinary claims—application of Supreme Court Rules	3
8 Costs of special claims—application of Supreme Court Rules	3

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R6  
10/11/04

Magistrates Court (Civil Jurisdiction) (Solicitors' Costs)  
Regulation 1982

contents 1

Effective: 10/11/04-09/01/05

## Contents

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<b>Schedule 1</b>	<b>Scale of solicitors' costs—special claims</b>	Page 5
<b>Schedule 2</b>	<b>Scale of solicitors' costs—general</b>	7
<b>Endnotes</b>		
1	About the endnotes	23
2	Abbreviation key	23
3	Legislation history	24
4	Amendment history	27
5	Earlier republications	28



Australian Capital Territory

# **Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulation 1982**

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made under the

**Magistrates Court (Civil Jurisdiction) Act 1982**

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R6  
10/11/04

Magistrates Court (Civil Jurisdiction) (Solicitors' Costs)  
Regulation 1982

Effective: 10/11/04-09/01/05

page 1

**1 Name of regulation**

This regulation is the *Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulation 1982*.

**2 Definitions for regulation**

In this regulation:

*Note* A definition applies except so far as the contrary intention appears (see Legislation Act, s 155).

***prescribed percentage*** means—

- (a) if the relevant amount is less than \$10 000—33%; or
- (b) if the relevant amount is not less than \$10 000 but is less than \$25 000—67%; or
- (c) if the relevant amount is not less than \$25 000 but is less than \$40 000—80%; or
- (d) if the relevant amount is not less than \$40 000—90%.

***relevant*** amount—see the Act, section 259.

**3 Prescribed costs to be specified in claim**

Subject to section 7 and section 8, for the Act, section 18 (4) (c), the prescribed costs are—

- (a) in relation to a special claim—the costs ascertained in accordance with schedule 1, item 1; and
- (b) in relation to an ordinary claim—the costs ascertained in accordance with schedule 2, item 2.

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**4 Prescribed costs on entry of default judgment on special claim**

Subject to section 8, for the Act, section 43, the prescribed costs are the costs ascertained in accordance with the scale of costs set out in schedule 1.

**5 Scale of costs—general**

Subject to section 7, for the Act, section 259, the prescribed scale of costs is the scale of costs set out in schedule 2.

**7 Costs of ordinary claims—application of Supreme Court Rules**

- (1) In relation to work done or services performed on or after 1 January 1991 in relation to an ordinary claim—
- (a) for the Act, section 18 (4) (c)—the prescribed costs are the amount mentioned in the *Supreme Court Rules*, order 3 rule 2 (a) multiplied by the prescribed percentage; and
  - (b) for the Act, section 259—the prescribed scale of costs is the scale set out in schedule 3, multiplied by the prescribed percentage.
- (2) In subsection (1):

*schedule 3* means the *Supreme Court Rules*, schedule 3.

**8 Costs of special claims—application of Supreme Court Rules**

In relation to work done or services performed on or after 1 January 1991, in relation to a special claim, the prescribed costs are—

- (a) for the Act, section 18 (4) (c)—the amount mentioned in the *Supreme Court Rules*, order 3 rule 2 (a), multiplied by the prescribed percentage; and

- (b) for the Act, section 43—the amount mentioned in the *Supreme Court Rules*, order 3 rule 3 (2), multiplied by the prescribed percentage.



## Schedule 1      Scale of solicitors' costs—special claims

(see s 3 and s 4)

item	matter	Costs				
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000
		\$	\$	\$	\$	\$
	<b>issue of special claim and entry of judgment by default</b>					
1	instructions to sue including letter before action, preparation and issuing of special claim and copies (To be entered on special claim)	67.10	84.35	112.45	126.50	134.95
						151.80

**Schedule 1**      Scale of solicitors' costs—special claims

		Costs					
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000	if relevant amount exceeds \$40 000
2	on entry of final judgment under the Act, section 41—in addition to item 1 .....	20.30	24.95	33.55	37.40	39.90	44.90
	in addition if a special claim is served outside the ACT and an order is made by the court for leave to proceed in the proceedings .....	20.30	24.95	33.55	37.40	39.90	44.90

## Schedule 2 Scale of solicitors' costs—general

(see s 3 and s 5)

item	matter	Costs					
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000	if relevant amount exceeds \$40 000
	<b>issue of claim, notice of grounds of defence, reply, third-party notice</b>	\$	\$	\$	\$	\$	\$
1	instructions to sue including letter before action, preparation and issuing of claim and copies (To be entered on ordinary claim) .....	92.95	116.30	154.60	174.45	186.05	209.35
2	instructions to defend, including perusal of particulars of claim, preparation of notice of grounds of defence, copies and filing .....	77.30	96.80	128.75	145.20	154.85	174.25
	in addition if cross-claim pleaded .....	36.70	46.00	60.85	69.05	73.65	82.85

**Schedule 2**      Scale of solicitors' costs—general

item	matter	Costs				
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000
3	perusal of notice of grounds of defence (if necessary and if item 4 is not applicable) ...	6.25	8.60	10.90	12.90	13.80
4	instructions for reply, if necessary, including perusal of notice of grounds of defence, preparation of reply, copies and filing	31.95	39.80	53.05	59.70	63.65
	in addition if defendant sets up a cross-claim .....	9.40	11.65	15.65	17.50	18.70
5	preparation of third-party notice, or notice claiming contribution or indemnity, including filing and service .....	53.05	67.10	89.00	100.65	107.35
	<b>particulars</b>					
6	request for further and better particulars including copies and perusal of further and better particulars .....	15.65	20.30	26.50	30.45	32.45

item	matter	Costs				
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000
7	preparing further and better particulars including copies, filing and service and perusal of request	40.60	50.80	67.10	76.15	81.25
	<b>discovery</b>					
8	notice for discovery including filing and service and perusal of affidavit of discovery .....	28.10	35.15	46.80	52.70	56.20
9	affidavit of discovery including instructions, preparation, copies, attendances, filing and service .....	81.15	101.45	135.80	152.15	162.30
	<b>interrogatories</b>					
10	interrogatories for examination of 1 party including instructions, preparation, copies, filing, service and perusal of answers .....	45.35	56.20	74.90	84.35	89.95
11	answers to interrogatories of 1 party including instructions, preparation, copies, attendances, filing, service and perusal of interrogatories .....	59.30	74.90	99.95	112.40	119.85

**Schedule 2**      Scale of solicitors' costs—general

		Costs					
item	matter	if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000	if relevant amount exceeds \$40 000
	<b>notices</b>						
12	(a) notice to admit including copies, filing, service and perusal of admissions .....	26.50	32.75	43.75	49.15	52.40	58.95
	(b) admissions including copies, filing, service and perusal of notice to admit .....	45.20	56.20	74.90	84.35	89.95	101.20
13	notice to produce at hearing including preparation and service .....	14.05	17.25	23.45	25.85	27.55	31.00
14	notice of payment into court or notice of acceptance including copies, filing and service	35.95	44.55	59.30	66.80	71.25	80.20
15	any necessary notice undertaking consent or memorandum (not otherwise provided for) including copies, filing and service .....	17.10	21.10	28.10	31.60	33.75	37.95
	<b>motions</b>						
16	notice of motion including instructions, preparation, copies, issuing and service .....	42.15	53.05	70.25	79.55	84.85	95.50

item	matter	Costs				
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000
17	instructions to oppose notice of motion including perusal of notice of motion .....	28.90	36.70	48.40	55.10	58.75
	<b>affidavits</b>					
18	instructions for and preparation of any necessary special affidavit (not otherwise provided for) including attendances, copies, filing and service .....	53.05	66.30	89.00	99.45	106.10
19	affidavit of service, if necessary, including preparation and filing .....	10.90	14.05	18.70	21.10	22.50
	<b>setting down</b>					
20	certificate of readiness for hearing including letter requesting certification and attendance to file .....	14.85	18.70	24.95	28.05	29.90

**Schedule 2**      Scale of solicitors' costs—general

item	matter	Costs				
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000
	<b>summonses</b>					
21	summons to witness including issuing and necessary copies (for 1 person) .....	9.40	11.65	15.65	17.50	21.00
	second and subsequent summons (per person) ...	1.60	1.95	2.40	2.90	3.45
	<b>documents</b>					
22	instructions for and drawing of any necessary bond .....	13.25	16.45	21.90	24.65	29.60
23	bill of costs for taxation, including copy for taxing officer, per folio .....	1.70	2.15	2.85	3.25	3.90
24	any necessary document not provided for under item 34 or otherwise, including a copy—per folio .....	1.70	2.15	2.85	3.25	3.90



item	matter	Costs				
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000
25	<b>copies</b> any necessary copies of pleadings, briefs and other documents if no other provision is made—per page .....	.55	.70	.90	1.00	1.10
26	<b>letters</b> ordinary letter (including letter between principal and agent), if no other provision is made .....	4.65	6.25	7.80	9.35	11.20
27	special letter (including letter between principal and agent), if no other provision is made ..	9.40	11.65	15.65	17.50	21.00
28	circular letters after the first .....	1.60	1.95	2.40	2.90	3.10
29	<b>service</b> personal service, if necessary .....	14.05	17.30	23.45	25.85	27.55
30	if service by post is authorised, if no other provision is made .....	5.45	7.05	9.40	10.55	11.25

**Schedule 2**      Scale of solicitors' costs—general

item	matter	Costs				
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000
31	if service at address for service, if no other provision is made .....	5.45	7.05	9.40	10.55	11.25
32	for arranging service out of the jurisdiction .....	9.40	11.65	15.65	17.50	18.70
	<i>Note 1</i> When any 2 or more documents have to be, or may be, served together, 1 fee only for the service may be allowed.					
	<i>Note 2</i> The service under items 29 to 32 includes attendances as to service and for swearing the affidavit of service.					
33	<b>perusals</b> perusal of any document not provided for in item 34 or otherwise—per folio .....	.80	.90	1.25	1.35	1.45

item	matter	Costs					
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000	if relevant amount exceeds \$40 000
34	<p><b>preparation</b></p> <p>instructions for brief for counsel or brief notes for solicitor, if necessary, for work necessarily and properly done in preparing for a hearing and not otherwise provided for, including preparation and delivery of brief to counsel (or brief notes for solicitor) and also including—</p> <p>(a) taking instructions for examination of any party or witness; and</p> <p>(b) considering the facts and law;</p> <p>(c) attending on and corresponding with client; and</p> <p>(d) interviewing and corresponding with witnesses and potential witnesses and taking proofs of their evidence; and</p> <p>(e) making search in any public office and elsewhere for relevant documents; and</p> <p>(f) arranging to obtain reports or advice from experts</p>						

**Schedule 2**      Scale of solicitors' costs—general

item	matter	Costs				
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000
(g)	and maps, plans, photographs and models; and inspecting any property or place material to the proceedings; and					
(h)	perusing relevant documents; and					
(i)	the general care and conduct of the proceedings .....	50.00 per hour or 500.00, whichever is less	62.45 per hour or 624.50, whichever is less	83.30 per hour or 833.00, whichever is less	93.70 per hour or 937.00, whichever is less	99.90 per hour or 999.00, whichever is less
	if because of special circumstances relating to a particular matter, any party considers that the amount of costs allowable under this item in relation to the matter is not sufficient remuneration for the care and conduct including skill and responsibility involved throughout the course of proceedings and in obtaining instructions for brief or brief notes the party may apply to the court and the court may increase that amount by fixing a					112.40 per hour or 1 124.00, whichever is less

item	matter	Costs					
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000	if relevant amount exceeds \$40 000
	higher hourly rate or higher maximum amount than the rate or maximum amount specified in this item or may give the directions that it considers appropriate in all the circumstances						
	<i>Note</i> This item should begin with a short statement of—						
	(a) the main issues; and						
	(b) any particular difficulties of fact or law; and						
	(c) any special skill, knowledge or responsibility required.						
	<b>attendances</b>						
35	attending court or magistrate's chambers in defended matter—	37.40	46.80	62.45	70.20	74.90	84.25
	(a) principal solicitor with counsel, per hour; or .....						

**Schedule 2**      Scale of solicitors' costs—general

item	matter	Costs					
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000	if relevant amount exceeds \$40 000
	(b) employed solicitor or clerk with counsel, per hour .....	26.50	32.75	43.75	49.15	52.40	58.95
36	attending court or magistrate's chambers in undefended matter—	33.55	42.15	56.20	63.25	67.45	75.90
	(a) principal solicitor with counsel, per hour; or .....						
	(b) employed solicitor or clerk with counsel, per hour .....	22.65	28.10	37.50	42.15	45.00	50.60
37	on taxation of costs, per hour .....	22.65	28.10	37.50	42.15	45.00	50.60
38	in court to hear reserved judgment, with or without counsel, or to mention a matter for the purpose of adjournment or otherwise .....	14.85	18.70	24.95	28.05	29.90	33.65

item	matter	Costs				
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000
39	appointing and attending conference with counsel, when necessary, or attendances to produce documents for inspection or to inspect documents, if necessary, or on a view or on witnesses or other people:					
	(a) by principal solicitor if attendance warranted, per hour; or .....	33.55	42.15	56.20	63.25	67.45
	(b) by employed solicitor or clerk, per hour ...	22.65	28.10	37.50	42.15	45.00
40	telephone attendance if of substance or importance (other telephone calls not allowed), if no other provision is made .....	4.65	6.25	7.80	9.35	9.95
41	any necessary attendance not provided for in item 34 or otherwise .....	7.80	9.40	12.45	14.10	15.05

**Schedule 2**      Scale of solicitors' costs—general

item	matter	Costs					
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000	if relevant amount exceeds \$40 000
	<b>counsel's fees</b>						
42	(1) if a solicitor briefs himself or herself as counsel— 3/4 of the fees set out in items 43 (e) and (g); or (2) if a solicitor briefs his or her partner as counsel— 5/6 of the fees set out in item 43:						
43	(a) for drawing or settling any necessary document including a claim, notice of grounds of defence, interrogatories, etc per hour .....	64.00	80.00	106.65	120.00	128.00	144.00
	(b) to advise on evidence or for opinion, per hour .....	64.00	80.00	106.65	120.00	128.00	144.00
	(c) conference, when necessary, per hour .....	64.00	80.00	106.65	120.00	128.00	144.00
	(d) on view, per hour .....	64.00	80.00	106.65	120.00	128.00	144.00
	(e) brief to appear on interlocutory application in court or in chambers (i) unopposed .....	76.00	95.00	126.65	142.50	152.00	171.00



item	matter	Costs					
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000	if relevant amount exceeds \$40 000
	(ii) opposed .....	154.00- 324.00	192.50-405.00	256.65-540.00	288.75-607.50	308.00-648.00	346.50- 729.00
	(f) to hear reserved judgment .....	38.00- 64.00	47.50- 80.00	63.35- 106.65	71.25-120.00	76.00-128.00	85.50-144.00
	(g) brief— on hearing .....	282.40- 324.00	353.00-405.00	470.65-540.00	529.50-607.50	564.80-648.00	635.40- 729.00
	on assessments (if liability is not in issue) .....	192.00- 244.00	240.00-305.00	320.00-406.65	360.00-457.50	384.00-488.00	432.00- 549.00
	<b>enforcement</b>						
44	application for certificate of judgment for registration in the Supreme Court including filing .....	10.20	13.25	17.10	19.90	21.20	23.85
45	costs (to be included in amount of costs endorsed on writ) of obtaining a writ of execution, including documents and attendances	22.65	28.10	37.50	42.15	45.00	50.60

**Schedule 2**      Scale of solicitors' costs—general

item	matter	Costs					
		if relevant amount does not exceed \$2 000	if relevant amount exceeds \$2 000 but does not exceed \$5 000	if relevant amount exceeds \$5 000 but does not exceed \$10 000	if relevant amount exceeds \$10 000 but does not exceed \$25 000	if relevant amount exceeds \$25 000 but does not exceed \$40 000	if relevant amount exceeds \$40 000
46	examination of judgment debtor about debts owing to him or her and about his or her property, including instructions, preparation of application for summons, filing and preparing necessary documents .....	81.15	101.45	135.10	152.15	162.30	182.60
47	application for garnishee order under the <i>Magistrates Court (Civil Jurisdiction) Act 1982</i> , section 299 (1) (b) including instructions, preparation of application and affidavit in support, filing and obtaining order	46.80	58.60	78.10	87.90	93.75	105.50

## 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.

### 2 Abbreviation key

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

## Endnotes

3 Legislation history

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### 3 Legislation history

This regulation was originally called the *Court of Petty Sessions (Civil Jurisdiction) (Solicitors' Costs) Regulations* and was originally made under a Commonwealth ordinance—the *Court of Petty Sessions (Civil Jurisdiction) Ordinance 1982* No 54 (Cwlth).

The *Magistrates Court Ordinance 1985* No 67 (Cwlth) renamed the ordinance as the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* and the regulation as the *Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations*.

The *ACT Self-Government (Consequential Provisions) Act 1988* No 109 (Cwlth), s 12) converted most 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 (Civil Jurisdiction) Ordinance 1982* and the *Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations* 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.

This regulation was renamed under the *Legislation Act 2001*.

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

#### Legislation before becoming Territory enactment

##### **Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulation 1982 No 31**

notified 3 August 1982

commenced 1 September 1982

as amended by

##### **Magistrates Court Act 1985 No 67 sch**

notified 19 December 1985

commenced 1 February 1986 (s 2 and see Cwlth Gaz 1986 No G3)

**Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment) 1986 No 3**

notified 4 June 1986  
commenced 4 June 1986

**Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment) 1986 No 26**

notified 22 December 1986  
commenced 22 December 1986

**Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment) 1987 No 14**

notified 2 November 1987  
commenced 2 November 1987

**Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment) 1988 No 1**

notified 3 February 1988  
commenced 3 February 1988

**Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment) 1988 No 5**

notified 4 May 1988  
commenced 4 May 1988

**Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment) 1988 No 19**

notified 16 November 1988  
commenced 16 November 1988

**Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment) 1988 No 24**

notified 14 December 1988  
commenced 3 January 1989 (s 1)

**Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment) 1989 No 7**

notified 13 April 1989  
commenced 13 April 1989

## Endnotes

3 Legislation history

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### **Legislation after becoming Territory enactment**

#### **Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment) 1990 No 20**

notified 21 December 1990  
commenced 1 January 1991 (s 1)

#### **Magistrates Court (Enforcement of Judgments) Act 1994 No 61 pt 7, div 4**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
pt 7, div 4 commenced 10 April 1995 (s 2 (3))

#### **Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment) 1998 No 2**

notified 16 January 1998  
commenced 16 January 1998 (s 1)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 241**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 241 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

as repealed by

#### **Court Procedures (Consequential Amendments) Act 2004 A2004-60 s 4**

notified LR 2 September 2004  
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))  
s 4 awaiting commencement (s 2 and see Court Procedures Act 2004 A2004-59, s 2)

*Note* default commencement under s 2: 2 March 2005

## 4 Amendment history

### Name of regulation

s 1 am Act 1985 No 67 sch; R5 LA; R6 LA

### Definitions for regulation

s 2 def **prescribed percentage** ins 1990 No 20 s 3  
 def **Supreme Court Rules** ins 1990 No 20 s 3  
 om Act 2001 No 44 amdt 1.2797  
 def **the Act** om Act 2001 No 44 amdt 1.2797  
 def **the ordinance** am Act 1985 No 67 sch

### Prescribed costs to be specified in claim

s 3 am 1990 No 20 s 4

### Prescribed costs on entry of default judgment on special claim

s 4 am 1990 No 20 s 5

### Scale of costs—general

s 5 am 1990 No 20 s 6

### Increase in costs

s 6 ins 1986 No 26  
 am 1987 No 14 s 2; 1988 No 1 s 2; 1988 No 19 s 2  
 om 1988 No 24 s 3  
 ins 1989 No 7  
 am 1990 No 20 s 7  
 om R4 LRA

### Costs of ordinary claims—application of Supreme Court Rules

s 7 ins 1987 No 14 s 3  
 am 1988 No 1 s 3; 1988 No 5 s 2; 1988 No 19 s 3  
 om 1988 No 24 s 3  
 ins 1990 No 20 s 8  
 am 1998 No 2 s 3

### Costs of special claims—application of Supreme Court Rules

s 8 ins 1988 No 1 s 4  
 am 1988 No 5 s 3; 1988 No 19 s 4  
 om 1988 No 24 s 3  
 ins 1990 No 20 s 8  
 am 1998 No 2 s 4

### Further increase in costs

s 9 ins 1988 No 5 s 4  
 am 1988 No 19 s 5  
 om 1988 No 24 s 3

## Endnotes

### 4 Earlier republications

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#### **Further increase in costs**

s 10                      ins 1988 No 19 s 6  
                              om 1988 No 24 s 3

#### **Scale of solicitors' costs—special claims**

sch 1                      sub 1986 No 3; 1988 No 24 s 4

#### **Scale of solicitors' costs—general**

sch 2                      am Act 1985 No 67 sch  
                              sub 1986 No 3; 1988 No 24 s 4  
                              am Act 1994 No 61 s 79

## 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 1990 No 20	31 October 1991
2	Act 1994 No 61	10 April 1995
3	Act 1994 No 61	31 May 1997
4	SL 1998 No 2	31 August 1999
5	A2001-44	29 August 2002

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