



Australian Capital Territory

# **Magistrates Court (Civil Jurisdiction) Regulation 1987 (repealed)**

**SL1987-16**

made under the

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

**Republication No 7**

**Effective: 10 January 2005**

Republication date: 10 January 2005

As repealed by A2004-60 s 4  
(republication for amendments and repeal by A2004-60)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Magistrates Court (Civil Jurisdiction) Regulation 1987* (repealed), made under the *Magistrates Court (Civil Jurisdiction) Act 1982*, including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 10 January 2005.

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 (Civil Jurisdiction) Regulation 1987 (repealed)

made under the

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

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made under the

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

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R7  
10/01/05

Magistrates Court (Civil Jurisdiction) Regulation 1987  
(repealed)

page 1

Effective: 10/01/05

**1 Name of regulation**

This regulation is the *Magistrates Court (Civil Jurisdiction) Regulation 1987*.

**4 Amount garnishee may keep**

For the Act, section 339 (1), the prescribed amount is \$19.

**5 Value of tools of trade etc**

For the Act, section 347 (1) (b), the prescribed amount is \$1 000.

## 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 *Magistrates Court (Civil Jurisdiction) 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*.

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) 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) Regulation 1987 No 16**

notified 4 November 1987

commenced 4 November 1987

as amended by

##### **Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1988 No 2**

notified 25 February 1988

commenced 25 February 1988

##### **Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1989 No 3**

notified 22 February 1989

commenced 22 February 1989



**Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1989  
No 19**

notified 23 August 1989  
commenced 23 August 1989

**Legislation after becoming Territory enactment****Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1991  
No 1**

notified 11 January 1991  
commenced 11 January 1991

**Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1991  
No 17**

notified 12 July 1991  
commenced 12 July 1991

**Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1991  
No 35**

notified 8 January 1992  
commenced 8 January 1992

**Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1992  
No 11**

notified 14 July 1992  
commenced 15 July 1992 (s 1)

**Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1993  
No 2**

notified 15 January 1993  
commenced 15 January 1993 (s 1)

**Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1994  
No 1**

notified 1 February 1994  
commenced 1 February 1994 (s 1)

**Magistrates Court (Enforcement of Judgments) Act 1994 No 61 pt 4**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
pt 4 commenced 10 April 1995 (s 2 (2) and Gaz 1995 No S75)

## Endnotes

3 Legislation history

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**Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1995 No 28**

notified 31 July 1995  
commenced 1 August 1995 (s 1)

**Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 2**

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

**Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1997 No 6**

notified 27 March 1997  
commenced 27 March 1997 (s 1)

**Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1998 No 10**

notified 21 April 1998  
commenced 21 April 1998 (s 1)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 240**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 240 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Court Procedures (Consequential Amendments) Act 2004 A2004-60 sch 1 pt 1.52**

notified LR 2 September 2004  
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))  
sch 1 pt 1.52 commenced 10 January 2005 (s 2 and see Court Procedures Act 2004 A2004-59, s 2 and CN2004-29)

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 commenced 10 January 2005 (s 2 and see Court Procedures Act 2004 A2004-59, s 2 and CN2004-29)

## 4 Amendment history

### Name of regulation

s 1 am R5 LA; R6 LA

### Interpretation

s 2 om Act 2001 No 44 amdt 1.2795

### Prescribed interest rates

s 3 am 1988 No 2; 1989 No 3; 1989 No 19; 1991 No 1; 1991 No 17; 1991 No 35  
sub 1992 No 11 s 2  
am 1995 No 28 s 3; A2004-60 amdt 1.580, amdt 1.581  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as s 231 (3) by A2004-60 amdt 1.582

### Amount garnishee may keep

s 4 ins Act 1994 No 61 s 55  
am 1995 No 28 s 4

### Value of tools of trade etc

s 5 ins Act 1994 No 61 s 55  
am 1995 No 28 s 5

### Keeping of records

s 6 ins Act 1994 No 61 s 55  
am Act 2001 No 44 amdt 1.2796; A2004-60 amdt 1.583,  
amdt 1.584  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as s 380B by A2004-60 amdt 1.585

### Service and execution of process

s 7 ins Act 1994 No 61 s 55  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as s 380C by A2004-60 amdt 1.585

### Notice of service of process

s 8 ins Act 1994 No 61 s 55  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as s 380D by A2004-60 amdt 1.585

### Receipt for money

s 9 ins Act 1994 No 61 s 55  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as s 380E by A2004-60 amdt 1.585

### Return on writ

s 10 ins Act 1994 No 61 s 55  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as s 380F by A2004-60 amdt 1.585

## Endnotes

### 4 Earlier republications

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#### Notices

s 11 ins Act 1994 No 61 s 55  
am Act 1997 No 96 sch 2  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
s 380G by A2004-60 amdt 1.585

#### Bailiff not to act as agent

s 12 ins Act 1994 No 61 s 55  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
s 380H by A2004-60 amdt 1.585

#### Schedule 1

sch 1 hdg (prev sch hdg) renum R5 LA  
sch 1 (prev sch) ins 1992 No 11  
am 1993 No 2 s 2; 1994 No 1 s 2; 1995 No 28 s 6; 1997 No 6  
s 2; 1998 No 10 s 2  
renum R5 LA  
am A2004-60 amdt 1.586, amdt 1.587  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
sch 1 by A2004-60 amdt 1.588

## 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 1994 No 1	1 February 1994
2	Act 1994 No 61	10 April 1995
3	SL 1995 No 28	30 November 1996
4	SL 1998 No 10	31 July 1999
5	A2001-44	30 August 2002
6	<u>A2004-60</u>	10 November 2004

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