



Australian Capital Territory

**Regulations 1990 No. 20<sup>1</sup>**

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**Magistrates Court (Civil Jurisdiction)  
(Solicitors' Costs) Regulations<sup>2</sup> (Amendment)**

The Australian Capital Territory Executive hereby makes the following Regulations under the *Magistrates Court (Civil Jurisdiction) Act 1982*.

Dated 20 December 1990.

BERNARD COLLAERY  
Minister

CRAIG DUBY  
Minister

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### **Commencement**

1. These Regulations commence on 1 January 1991.

### **Principal Regulations**

2. In these Regulations, “Principal Regulations” means the Magistrates Court (Civil Jurisdiction) (Solicitors’ Costs) Regulations.

### **Interpretation**

3. Regulation 2 of the Principal Regulations is amended by inserting the following definitions:

“ ‘prescribed percentage’ means—

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

‘Supreme Court Rules’ means the Rules of the Supreme Court of the Australian Capital Territory, as amended from time to time;”.

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

4. Regulation 3 of the Principal Regulations is amended by omitting “For” and by inserting “Subject to regulations 7 and 8, for”.

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

5. Regulation 4 of the Principal Regulations is amended by omitting “For” and by inserting “Subject to regulation 8, for”.

### **Scale of costs—general**

6. Regulation 5 of the Principal Regulations is amended by omitting “For” and by inserting “Subject to regulation 7, for”.

### **Increase in costs**

7. Regulation 6 of the Principal Regulations is amended—

- (a) by omitting from subregulation (1) “these Regulations” and substituting “regulations 3, 4 and 5”;
- (b) by omitting from paragraphs (1) (a) and (b) “a Schedule” and substituting “Schedule 1 or 2”; and

- (c) by omitting from subregulation (2) “wholly on or after the commencement of this regulation” and substituting “on or after 13 April 1989 but before 1 January 1991”.

### **Insertion**

8. After regulation 6 of the Principal Regulations the following regulations are inserted:

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

“7. (1) In respect of work done or services performed on or after 1 January 1991 in relation to an ordinary claim—

- (a) for the purposes of paragraph 16 (4) (c) of the Act—the amount referred to in Order 4, paragraph 6 (3) (a) of the Supreme Court Rules multiplied by the prescribed percentage; and
- (b) for the purposes of section 251 of the Act—the prescribed scale of costs is the scale set out in the Fourth Schedule, multiplied by the prescribed percentage.

“(2) In subregulation (1)—

‘Fourth Schedule’ means the Fourth Schedule to the Supreme Court Rules.

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

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

- (a) for the purposes of paragraph 16 (4) (c) of the Act—the amount referred to in Order 4, paragraph 6 (3) (a) of the Supreme Court Rules multiplied by the prescribed percentage; and
- (b) for the purposes of section 41 of the Act—the amount referred to in Order 4, subrule 6 (4) of the Supreme Court Rules multiplied by the prescribed percentage.”.

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#### **NOTES**

1. Notified in the ACT Gazette on 21 December 1990.
2. Regulations 1982 No. 31 as amended by Ordinance No. 67, 1985 and Regulations 1986 Nos. 3 and 26; 1987 No. 14; 1988 Nos. 1, 5, 19 and 24; 1989 No. 7; Ordinances Nos. 21 and 25, 1989.