



Australian Capital Territory

Magistrates Court Regulation 2009

Subordinate Law SL2009-24

The Australian Capital Territory Executive makes the following regulation under the *Magistrates Court Act 1930*.

Dated 27 May 2009.

SIMON CORBELL
Minister

JOHN HARGREAVES
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Magistrates Court Regulation 2009*.

2 Commencement

This regulation commences on 30 May 2009.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 Awarding costs in criminal matters—Act, s 244 (1) (d) (i)

- (1) In awarding costs, the court may order that the amount to be paid is the amount—
 - (a) decided by the court; or
 - (b) agreed by the parties.
- (2) The amount to be paid must be worked out in accordance with the *Court Procedures Rules 2006*, schedule 4 (the *scale of costs*) as applied under subsection (3).
- (3) In working out costs under subsection (2) in accordance with the scale of costs—
 - (a) a reference to the registrar is taken to be a reference to the court, or the parties, as the case may be; and
 - (b) the amount allowed under an item in part 4.2 of the scale of costs is multiplied by 67%; and

(c) rule 4.12 (Costs—transitional) of the scale of costs does not apply.

5 Costs in criminal matters—agreement by parties

- (1) This section applies if the court orders, under section 4 (1) (b), that the amount of costs to be paid is the amount agreed by the parties.
- (2) If the party entitled to costs and the party liable for costs agree that the costs be set at a certain amount (the *agreed amount*), either party may file a written agreement to the costs being set at the agreed amount.
- (3) The agreement must be signed by the parties or their solicitors.
- (4) On the filing of the agreement, the agreed amount is taken to be the amount of costs to be paid.
- (5) If the parties cannot agree on the amount, the court may order that the registrar assess costs in accordance with the scale of costs as applied under section 4 (3) (b) and (c).

Endnotes

1 Notification

Notified under the Legislation Act on 28 May 2009.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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