Australian Capital Territory

Magistrates Court Regulation 2009

SL2009-24

made under the

Magistrates Court Act 1930

Republication No 1
Effective: 30 May 2009 – 13 June 2013

Republication date: 30 May 2009

Regulation not amended

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court Regulation 2009*, 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 30 May 2009. It also includes any commencement, repeal or expiry affecting the republished law.

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):

* authorised republications to which the *Legislation Act 2001* applies

* unauthorised republications.

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

Editorial amendments

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 $\boxed{\text{U}}$ 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 $\boxed{\text{M}}$ 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.

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1   Name of regulation

This regulation is the *Magistrates Court Regulation 2009*.

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   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
	pt = part
div = division	r = rule/subrule
exp = expires/expired	renum = renumbered
Gaz = gazette	reloc = relocated
hdg = heading	R[X] = Republication No
IA = Interpretation Act 1967	RI = reissue
ins = inserted/added	s = section/subsection
LA = Legislation Act 2001	sch = schedule
LR = legislation register	sdiv = subdivision
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	SL = Subordinate Law
o = order	underlining = whole or part not commenced
om = omitted/repealed	or to be expired

3   Legislation history

Magistrates Court Regulation 2009 SL2009-24
notified LR 28 May 2009
s 1, s 2 commenced 28 May 2009 (LA s 75 (1))
remainder commenced 30 May 2009 (s 2)

4   Amendment history

Commencement
s 2   om LA s 89 (4)

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