

AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT (CIVIL JURISDICTION) (SOLICITORS' COSTS)
REGULATIONS (AMENDMENT)

EXPLANATORY STATEMENT

No. 1 of 1988

These Regulations amend the Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations to increase the scales of costs in the Schedules to the Regulations by 2.1%.

The Schedules contain the scales of solicitors' costs allowed on a party and party basis for civil proceedings in the Magistrates Court under the Magistrates Court (Civil Jurisdiction) Ordinance 1982.

The increase in the scales of costs gives effect to the recommendations of the Federal Costs Advisory Committee ("the Committee") in its Report of 6 August 1987 to the Attorney-General on solicitors' costs in civil proceedings in the Court.

The increase accords with the increase of 2.1% in the Supreme Court scale (to which the Magistrates Court scale is linked) recommended by the Committee and given effect to by the Judges of the Court.

Regulation 1 provides that in the amending Regulations "Principal Regulations" means the Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations.

Regulation 2 makes a formal amendment to regulation 6 of the Principal Regulations to include a reference to the actual expiration date (1 November 1987) of the period covered by an earlier increase given effect to by regulation 6. Prior to the amendment the date was ascertained by reference to the commencement date of subsequent amending Regulations. The substitution will make it easier for practitioners to ascertain the precise period to which particular increases relate.

Regulation 3 amends regulation 7 of the Principal Regulations to provide that the increase in solicitors' costs provided for in regulation 7 applies only to work or services the performance of which commenced on or after 2 November 1987, (when regulation 7 came into force) and ended before these amending Regulations came into effect.

Regulation 4 inserts a new regulation 8 in the Principal Regulations which provides that the scales of fees provided for in Schedules to the Principal Regulations are increased by 8%. This increase consists of the previous percentage increases granted in accordance with earlier recommendations of the Committee, and the increase of

2.1% effected by these Regulations, calculated on a compound basis. The increase of 2.1% applies only in relation to work or services the performance of which commenced on or after the commencement of the new Regulations.

Authorised by the Minister
for Justice