

Explanatory Statement

Court Procedures Amendment Rules 2007 (No 2)
Subordinate Law SL2007 - 37

Issued by the Authority of the Rule-Making Committee

The Rule-Making Committee (currently comprising the Chief Justice, the Master, the Chief Magistrate and Magistrate Burns) may make rules in relation to the practice and procedure of ACT courts and their registries pursuant to section 7 of the *Court Procedures Act 2004*.

The Court Procedures Rules 2006 commenced in the ACT Supreme Court on 1 July 2006 and in the ACT Magistrates Court on 1 January 2007. From the time of commencement of the rules on 1 July 2006, the Courts and the Joint Rules Advisory Committee have conducted a continuous and consultative review of the rules. This process has resulted in the attached *Court Procedures Amendment Rules 2007 (No 2)*.

In addition to some minor amendments, new rules have been introduced to provide for new definitions of *usual undertaking as to damages* and *usual order as to interest* in relation to interest after judgment. The rule relating to claiming damages in a pleading (rule 417) has been amended so as to provide that, for any damages claimed that are not general damages, the pleading must state the amount of the damages claimed that is known to the party.

The power of the Registrar of the Magistrates Court to order the imprisonment of a fine defaulter is now included in the Registrar's powers in rule 6251.