

Explanatory Statement

Court Procedures Amendment Rules 2016 (No 3) Subordinate Law SL2016-33

Issued by the Authority of the Rule-Making Committee

The Rule-Making Committee (currently comprising the Chief Justice, Justice Refshauge, Chief Magistrate Walker and Magistrate Campbell) 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 Courts and the Joint Rules Advisory Committee have conducted a consultative review of the rules which has resulted in the amendments contained in the *Court Procedures Amendment Rules 2016 (No 3)*.

Default Judgment

Rule 1120 and Form 2.35 Default Judgment have been amended to require more clarity in quantifying the interest and costs claimed, and to avoid the problems which have arisen with the registration of such judgments in other jurisdictions.

Court of Appeal

The details about documents and appeal papers to be filed in the Court of Appeal have been substantially removed from the rules and have been updated and formulated into Practice Direction 1 of 2016.

The amendments to the requirements for the filing of appeal papers, now incorporated into the new Practice Direction, have been designed in an effort to lessen the amount of unnecessary documents being included in appeal books, focusing on relevance and those documents and authorities being referred to in written submissions.

Parties in Court of Appeal matters will need to refer to both the Rules and Practice Direction 1 of 2016.

The rules will commence on 1 January 2017.