

Explanatory Statement

Court Procedures Amendment Rules 2019 (No 2)

Subordinate Law SL2019-25

Issued by the Authority of the Rule-Making Committee

The Rule-Making Committee (currently comprising Acting Chief Justice Burns, Justice Elkaim, Acting Chief Magistrate Theakston and Magistrate Boss) 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 2019 (No 2)*.

Rules 1608 (Orders – Reasons) and 6131 (Signing, sealing and stamping documents filed electronically) have been amended. The Court Procedure Rules do not define “court officer”. This term appears in the current rules 1608 and 6131. The term is not defined or used in the *Court Procedures Act 2004*, the *Supreme Court Act 1933* or the *Magistrates Court Act 1903* and it is not used in the approved court forms. By contracts, the term “registrar” is used on numerous occasions throughout the rules and forms and is defined in the relevant Acts.

Rule 1608(2)(a) has consequently been amended to replace the term “court officer” with the more generic term of “an appropriate officer of the court” (the requirement of a registrar for this function not being needed).

Rule 6131 has been amended to provide that where the rules require that a document be signed by a registrar, sealed or stamped, and the document is filed or issued electronically, the document is taken to be signed by a registrar, sealed or stamped if the document is sealed or stamped electronically.

The requirement that a document be signed by a registrar appears in only one rule (rule 1606). A large number of prescribed forms provide for signature by a registrar.

The rules will commence on the day after their notification day.