

Explanatory Statement

Court Procedures Amendment Rules 2020 (No 5)

Subordinate Law SL2020-45

Issued by Authority of the Rule-Making Committee

The Rule-Making Committee (currently comprising the Chief Justice, Justice Elkaim, Chief Magistrate Walker and Magistrate Morrison) may make rules in relation to the practice and procedure of the 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 2020 (No 5)*.

The amended Rules:

- broaden the application of rule 443 to defences to all types of personal injury claims;
- Omit rules 6200 and 6201 which were unnecessary in light of section 9 of the Supreme Court Act.
- make consequential amendments to rules 2732(3), 6256 (2) and Schedule 5, part 5.1, item 117 to remove references to either rule 6200 or 6201.
- make it clear that rule 3066 (2)(c) applies to grants of probate made under section 9B of the *Administration and Probate Act 1929*.
- Extend the time under rule 3609 to require applications for admission to legal practice be filed in the court not later than 28 days before the day the application is to be heard.
- Make changes to rule 5137 to amend the timeframes for filing of the written summary and list for appeal hearings to the Supreme Court;
- Insert new rule 6615A to provide a process to allow the ACT Integrity Commission to apply for leave to serve an examination summons outside the Australian Capital Territory; and
- Amend Schedule 4, part 4.2, item 22 to provide a differentiated rate for attendances by a solicitor and by a clerk.

The amendments will commence on 1 January 2021.