

AUSTRALIAN CAPITAL TERRITORY.

Regulations 1953. No. 15.

Rules under the Court of Petty Sessions Ordinance 1930-1953.*

I, JOHN ARMSTRONG SPICER, the Attorney-General of the Commonwealth, in pursuance of the powers conferred by the *Court of Petty Sessions Ordinance 1930-1953*, hereby make the following Rules.

Dated this twelfth day of November, 1953.

J. A. SPICER
Attorney-General.

AMENDMENTS OF THE COURT OF PETTY SESSIONS RULES.

1. These Rules shall come into operation on the third day of **Commencement** December, 1953.

2. Rule 2 of the Court of Petty Sessions Rules is amended by **Parts** omitting the words—

“PART XII.—FEES.”

and inserting in their stead the words—

“PART XII.—FEES AND WITNESSES’ EXPENSES.”

3. Rule 9 of the Court of Petty Sessions Rules is amended by inserting, after the word “officer”, the words “or bailiff”.

Particulars of warrant of execution to be entered in book.

4. Rule 11 of the Court of Petty Sessions Rules is amended by inserting, after the word “officer”, the words “or bailiff”.

Notice where levy under warrant of execution not made.

5. Rule 12 of the Court of Petty Sessions Rules is amended by inserting, after the word “officer” (wherever occurring), the words “or bailiff”.

Return where levy under warrant of execution made.

6. Rule 29 of the Court of Petty Sessions Rules is amended by omitting from sub-rule (1.) the words “One shilling and sixpence” and inserting in their stead the words “Five shillings”.

Default summons may be exchanged for ordinary summons.

7. Part XII. of the Court of Petty Sessions Rules is repealed and the following Part inserted in its stead:—

“PART XII.—FEES AND WITNESSES’ EXPENSES.

“68. The fees specified in the Second Schedule to these Rules are, in respect of the respective matters in that Schedule opposite to which they are specified, the prescribed fees for the purposes of section 245 of the Ordinance.

Court fees.

* Notified in the *Commonwealth Gazette* on 27th November, 1953.

Witnesses' expenses.

“68A. The scale set out in the Third Schedule to these Rules is the prescribed scale for the purposes of section 247 of the Ordinance.”.

The First Schedule.

8. The First Schedule to the Court of Petty Sessions Rules is amended—

- (a) by inserting in Form 3, after the word “Police”, the words “or Bailiff”; and
- (b) by omitting from Form 19 the words “Ten shillings” and inserting in their stead the words “One pound”.

The Second and Third Schedules.

9. The Second Schedule to the Court of Petty Sessions Rules is repealed and the following Schedules inserted in its stead:—

THE SECOND SCHEDULE.

| | FEEs. | | Rule 68. |
|--|-------|----|----------|
| | £ | s. | d. |
| 1. For drawing information, complaint, defence, plea, notice, application, affidavit or other document at request of party | 5 | 0 | |
| 2. On laying of an information or making of a complaint, including setting down for hearing | 5 | 0 | |
| 3. For drawing and issuing summons, warrant, order or other document (including filing praecipe) and copy for service | 5 | 0 | |
| 4. For second or subsequent copy of summons, warrant, order, or other document for service | 5 | 0 | |
| 5. For filing a defence (including affidavit verifying), plea, notice, application, affidavit or other document, including setting down for hearing | 5 | 0 | |
| 6. For serving or executing, or attempting to serve or execute, any process (including making and filing affidavit or return)— | | | |
| Within a radius of one mile from the office of the Court of Petty Sessions | 5 | 0 | |
| Beyond a radius of one mile from the office of the Court of Petty Sessions— | | | |
| For the first radial mile from the office of the Court of Petty Sessions | 5 | 0 | |
| For each additional radial mile or part of a radial mile .. | 3 | 0 | |
| 7. For entering default judgment | 5 | 0 | |
| 8. For search in an index or inspection of a record | 5 | 0 | |
| 9. For copy or extract of certificate, notice, judgment, order or other document or record of the Court, per folio of seventy-two words | 1 | 0 | |
| 10. For checking copy or extract of certificate, notice, judgment, order or other document or record of the Court where copy supplied by the person requesting the checking of the copy or extract, per folio of seventy-two words | | | 6 |
| 11. For certificate of Clerk | 5 | 0 | |
| 12. For possession under warrant of execution, for each person engaged—per day | 1 | 0 | 0 |
| 13. For making a levy under warrant of execution | 10 | 0 | |
| 14. For conducting sale under warrant of execution | 1 | 0 | 0 |
| 15. For collection, where amount of warrant of execution paid on demand | 5 | 0 | |
| 16. On application to remove action to Supreme Court | 1 | 0 | 0 |
| 17. For recognizance taken on an appeal to Supreme Court | 5 | 0 | |
| 18. For every enlargement or renewal of recognizance taken on an appeal to Supreme Court | 5 | 0 | |
| 19. On application for leave to appeal to Supreme Court | 1 | 0 | 0 |

THE THIRD SCHEDULE.

Rule 68A.

WITNESSES' EXPENSES.

| | Allowance per day. | |
|--|--------------------|----------------|
| | £ s. d. | £ s. d. |
| 1. Professional men, including— | | |
| Medical Practitioners | } | 1 5 0 to 5 5 0 |
| Legal Practitioners | | |
| Architects | | |
| Engineers or Surveyors | | |
| Dentists | | |
| Veterinary Surgeons | | |
| University Professors | | |
| Accountants (carrying on business as principals) | | |
| Patent Attorneys | | |
| If country witnesses, an additional daily allowance | | |
| of | 0 5 0 to 1 10 0 | |
| 2. Graziers, merchants, bankers, accountants, auctioneers, | | |
| and the like | 0 10 6 to 2 3 0 | |
| If country witnesses, an additional daily allowance | | |
| of | 0 5 0 to 1 5 0 | |
| 3. Police inspectors, journalists, tradesmen, artisans, | | |
| mechanics, master mariners, farmers, clerks, and the | | |
| like | 0 7 6 to 2 10 0 | |
| If country witnesses, an additional daily allowance | | |
| of | 0 5 0 to 1 5 0 | |
| 4. Constables, apprentices, sailors, labourers and the like .. | 0 5 0 to 1 10 0 | |
| If country witnesses, an additional daily allowance | | |
| of | 0 5 0 to 1 5 0 | |
| 5. Female witnesses not engaged in business or a profession, | | |
| and not in receipt of salary or wages | 0 5 0 to 1 1 0 | |
| If country witnesses, an additional daily allowance | | |
| of | 0 3 0 to 1 5 0 | |
| 6. Female witnesses engaged in business or a profession, | | |
| or in receipt of salary or wages | Same as male | witnesses of |
| | | similar class. |
| 7. A witness shall be deemed to be a country witness if he | | |
| does not reside within five miles of the place at which | | |
| he gives evidence, or if he does not ordinarily proceed | | |
| to an office or place of employment which is within | | |
| five miles of that place. | | |
| 8. In addition to the above allowances, a country witness | | |
| may be allowed such sum as the Magistrate thinks | | |
| reasonable to provide for actual expenses of conveyance | | |
| to and from the place at which he gives evidence, | | |
| excluding any charges for maintenance or sustenance. | | |
| 9. The Magistrate may also allow such amount as he thinks | | |
| has been reasonably and properly incurred and paid to | | |
| witnesses for qualifying to give skilled evidence. | | |

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.