

# AUSTRALIAN CAPITAL TERRITORY.

## Regulations 1958. No. 9.

### Rules under the *Court of Petty Sessions Ordinance 1930-1958.\**

**I** NEIL O'SULLIVAN, the Attorney-General of the Commonwealth, in pursuance of the powers conferred by the *Court of Petty Sessions Ordinance 1930-1958*, hereby make the following Rules.

Dated this twenty-fourth day of July, 1958.

NEIL O'SULLIVAN,  
Attorney-General.

#### AMENDMENTS OF THE COURT OF PETTY SESSIONS RULES.†

1. Rule 2 of the Court of Petty Sessions Rules is repealed and the following rule inserted in its stead:—

"2. These Rules are divided into Parts, as follows:—

	Parts.
Part I.—Preliminary (Rules 1-3).	
Part II.—Title of Proceedings (Rule 4).	
Part III.—Offices (Rules 5-12).	
Part IV.—Parties (Rules 13-16).	
Part V.—Appointment of Guardian ad litem (Rules 17-23).	
Part VI.—Default Summons and Service (Rules 24-32).	
Part VII.—Discontinuance, Confession, Admission and Payment into Court (Rules 33-51).	
Part VIII.—Special Defence (Rules 52-53).	
Part IX.—Change of Parties (Rules 54-58).	
Part IXA.—Recording of Depositions (Rules 58A-58E).	
Part X.—Examination de Bene Esse (Rules 59-66).	
Part XI.—Proceedings under Acts of New South Wales Continued in Force as Laws of the Territory (Rule 67).	
Part XII.—Fees and Witnesses' Expenses (Rules 68-68A).	
Part XIII.—Motions (Rules 69-70).	
Part XIV.—Securities (Rules 71-72).	
Part XV.—Amendment (Rules 73-77).	

\* Notified in the *Commonwealth Gazette* on 31st July, 1958.

† For references to the *Commonwealth Gazettes* in which the original Rules and amending Rules made before 1939 were notified, see footnote (a) on p. 316 of Vol. II. of "Laws of the Australian Capital Territory 1911-1938" and for later amendments, see Regulations 1950, No. 2; and 1953, No. 15.

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Part XVI.—Affidavits (Rules 78-81).

Part XVII.—Enforcement of Orders (Rules 82-92).

Part XVIII.—Attachment of Debts and Imprisonment of Fraudulent Debtors (Rules 93-97).

Part XVIII A.—Service of Foreign Documents (Rule 97A).

Part XVIII B.—Obtaining Evidence for Foreign Tribunals (Rule 97B).

Part XIX.—Miscellaneous (Rules 98-99).”.

2. Rule 30 of the Court of Petty Sessions Rules is repealed and the following rule inserted in its stead:—

Costs.

“30. The amount of solicitor’s costs to be entered on a default summons and the additional amount of solicitor’s costs for which judgment shall be given where judgment is entered pursuant to the non-entry of a defence to a default summons are the appropriate amounts shown in the following scale:—

Where the subject matter exceeds ..	£ ..	£ 10	£ 30	£ 100
But does not exceed .. ..	10	30	100	200
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Costs to be entered on a default summons .. ..	1 13 4	2 2 0	3 3 0	5 5 0
Additional costs for which judgment shall be given where judgment is entered pursuant to the non-entry of a defence to a default summons	1 1 0	1 13 4	2 2 0	3 3 0”.

3. After Part IX. of the Court of Petty Sessions Rules the following Part is inserted:—

“PART IXA.—RECORDING OF DEPOSITIONS.

Notation of direction to record depositions.

“58A. Where the Court has directed that the depositions of a witness be recorded by one of the means specified in sub-section (2.) of section 60 of the Ordinance, the Clerk shall make a notation of the direction upon the transcript of the depositions as so recorded.

Transcript to be prepared in triplicate.

“58B. The Clerk shall cause the transcript of the depositions of a witness recorded by one of the means specified in sub-section (2.) of section 60 of the Ordinance to be prepared in triplicate, either during the continuance of the hearing, or as soon as practicable after the conclusion of the hearing.

Transcript to be certified as correct.

“58C. A transcript of the depositions of a witness prepared in pursuance of the last preceding rule shall be certified as correct by the person making the transcript.

Transmission of transcript to Registrar when notice of appeal given.

“58D. Upon lodgment with the Clerk of a notice of intention to appeal to the Supreme Court, the Clerk shall, where the depositions were recorded by one of the means specified in sub-section (2.) of section 60 of the Ordinance, transmit the transcript of the depositions to the Registrar of the Supreme Court.

Depositions to be records of the Court.

“58E. Depositions of witnesses, recorded by any of the means specified in sub-section (2.) of section 60 of the Ordinance, are records of the Court and the records of those depositions shall be in the custody of the Clerk.”.

4. The Third Schedule to the Court of Petty Sessions Rules is repealed <sup>The Third</sup> and the following Schedule inserted in its stead:— <sup>Schedule.</sup>

**THE THIRD SCHEDULE.**

Rule 68A.

**WITNESSES' EXPENSES.**

		Allowance per day.					
		£	s.	d.	£	s.	d.
1.	Professional men, including—						
	Medical Practitioners .. .. .	}	3	3	0	to	15 15 0
	Legal Practitioners .. .. .						
	Architects .. .. .						
	Engineers or Surveyors .. .. .						
	Dentists .. .. .						
	Veterinary Surgeons .. .. .						
	University Professors .. .. .						
	Accountants (carrying on business as principals) .. .. .						
	Patent Attorneys .. .. .						
2.	Graziers .. .. .	}	3	3	0	to	15 15 0
	Merchants .. .. .						
	Bankers .. .. .						
3.	Other adult witnesses, whether male or female .. .. .						£1 10s. or the amount of the salary or wages actually lost by the witness, whichever is the greater, but not exceeding £5
4.	Persons under 21 years of age not in receipt of salary or wages						The amount of any loss in respect of which the Magistrate thinks the witness should be indemnified, but not exceeding £3
5.	Persons under 21 years of age in receipt of salary or wages						£1 or the amount of salary or wages actually lost by the witness, whichever is the greater, but not exceeding £3
6.	Where a witness attends in more than one action or matter, a proportionate part only of his expenses may be allowed in each action or matter.						
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, also a reasonable amount for maintenance or sustenance.						
9.	The Magistrate may also allow such amount as he thinks reasonably and properly incurred and paid to a witness for qualifying to give skilled evidence.						

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.