

# AUSTRALIAN CAPITAL TERRITORY

## Regulations 1980 No. 5

### Rules under the *Court of Petty Sessions Ordinance 1930*<sup>1</sup>

I, PETER DREW DURACK, the Attorney-General of the Commonwealth of Australia, hereby make the following Rules under the *Court of Petty Sessions Ordinance 1930*.

Dated this twenty-first day of March 1980.

P. DURACK  
Attorney-General

### AMENDMENTS OF THE COURT OF PETTY SESSIONS RULES<sup>2</sup>

1. Rules 68 and 69 of the Court of Petty Sessions Rules are repealed and the following rules substituted:

#### Court fees

“68. (1) The fees specified in the Second Schedule are the prescribed fees for the purposes of sub-section 245 (1) of the Ordinance.

“(2) For the purpose of sub-section 255C (3) of the Ordinance, the prescribed fee is the aggregate of the sum of 50 cents and a sum calculated at the rate of 15 cents for each page included in the record or transcript.

“(3) Subject to sub-rule (3), there are payable, in respect of an application or appeal under—

- (a) an Ordinance other than the *Court of Petty Sessions Ordinance 1930*; or
- (b) an Act of the State of New South Wales in its application to the Territory,

the fees that would be payable if—

- (c) the document filed for the purpose of commencing the application or appeal were a complaint; and
- (d) the filing of that document were the entry of a complaint.

“(4) Sub-rule (3) does not apply to or in relation to—

- (a) a proceeding under—
  - (i) the *Child Welfare Ordinance 1957*;
  - (ii) the *Maintenance Ordinance 1968*; or
  - (iii) the *Workmen's Compensation Ordinance 1951*; or
- (b) a proceeding in respect of an offence.

**Applications, &c., to be made by motion**

“69. (1) Unless the contrary intention appears, an application to the Court for an order or judgment shall be made upon motion.

“(2) Subject to sub-section 32 (2) of the Ordinance and to any other law of the Territory, an application or appeal under a law of the Territory other than the *Court of Petty Sessions Ordinance 1930* or the *Workmen’s Compensation Ordinance 1951* shall be made upon motion.”.

**Second Schedule**

2. The Second Schedule to the Court of Petty Sessions Rules is repealed and the following Schedule substituted:

**SECOND SCHEDULE**

Rule 68

**FEES**

	\$
1. On the entry of a complaint commencing an action . . . . .	10.00
2. (1) On each request, not being an application under section 255C (1) of the Ordinance, for a copy or copies of a document or documents (regardless of the number of documents to which the request relates) . . . . .	0.50
(2) For each page included in a copy furnished in accordance with a request referred to in sub-paragraph (1) . . . . .	0.15
3. For serving or attempting to serve a summons, notice or process issued under the Ordinance and relating to, or arising out of, proceedings commenced by a complaint, regardless of the number of attempts at service . . . . .	12.00
4. For executing or attempting to execute a warrant issued under the Ordinance, being a warrant issued in connection with, or arising out of, proceedings commenced by a complaint—an amount equal to the amount of any expenses reasonably incurred in executing or attempting to execute the warrant.	

**Application**

3. These Rules apply to and in relation to—

- (a) a proceeding commenced in the Court on or after 1 April 1980; and
- (b) the service or execution of the process of the Court issued or granted on or after that date.

**NOTES**

- 1. Notified in the *Commonwealth of Australia Gazette* on 31 March 1980.
- 2. For references to the original Rules and amendments made before 1960, see footnote on p. 228 of Vol. III of “Laws of the Australian Capital Territory 1911-1959”. For later amendments see Regulations 1960 No. 7; 1965 No. 9; 1967 No. 2; 1968 No. 9; 1969 No. 4; 1970 No. 7; 1974 No. 12; 1977 No. 7; 1979 No. 26.