

## **EXPLANATORY MEMORANDUM**

### **COURT OF PETTY SESSIONS (CIVIL PROCEDURE RULES) REGULATIONS 2013**

These regulations are intended to prescribe a monetary amount by which the aggregate value of ordinary tools of trade, plant and equipment, professional instruments and reference books is not to be exceeded if a judgement debtor is to avoid having such things seized and sold by the court bailiff. Such prescribed amount follows the practice in most Australian jurisdictions and the previous rule under the *Magistrates Court (Civil Jurisdiction) Rules 1982* which Rules have now been repealed and no longer exist in the Australian Capital Territory (the "ACT"). These regulations also correct a cross reference error.

The proposed regulations also deal with the fact that the now repealed *Magistrates Court (Civil Jurisdiction) Rules 1982* are prescribed as the current applicable rules for the Court of Petty Sessions by repealing the *Court of Petty Sessions (Civil Procedure Rules) Regulations 2007* which applies such repealed rules to Norfolk Island and by prescribing the court procedure rules in force from time to time in the ACT to replace such superseded and outdated rules for the Court of Petty Sessions. The proposed regulations also prescribe the licence suspension notice to be used and will repeal the *Court of Petty Sessions Regulations 1999* with the result that these regulations will replace two regulations.

27 August 2013