

1990 - No. 823

**SUPREME COURT ACT 1970 - REGULATION**

(Relating to fees)

NEW SOUTH WALES



*[Published in Gazette No. 174 of 21 December 1990]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Supreme Court Act 1970, has been pleased to make the Regulation set forth hereunder.

JOHN DOWD  
Attorney General.

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**Commencement**

1. This Regulation commences on 1 January 1991.

**Amendment**

2. The Supreme Court (Fees and Percentages) Regulations are amended by omitting the Schedule and by inserting instead the following Schedule:

**SCHEDULE - COURT FEES**

|  | (Reg. 7) |
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| 1. (a) On filing an initiating process (except in the Commercial and Probate Divisions) .....  | 345.00   |
| (b) On filing an initiating process in the Commercial Division .....   | 1,400.00 |
| (c) On filing an initiating process in the Probate Division .....  | 320.00   |
| NOTE 1. In this Item, "initiating process" means:  |          |
| (a) an originating process under the rules (other than a notice of appeal to the Court of Appeal and a summons for leave to appeal to the Court of Appeal); or   |          |
| (b) a stated case under Part 31 Rule 2 of the rules; or  |          |
| (c) a petition; or   |          |
| (d) subject to Note 3 and Note 4, a summons commencing proceedings under the Companies Rules 1968; or  |          |
| (e) a writ of summons under the Admiralty Rules of the Commonwealth.   |          |
| NOTE 2. Where proceedings are transferred to the Commercial Division, the fee payable is the difference between the fee referred to in paragraph (b) of Item 1 and any fee paid under paragraph (a) or (c) of that Item.   |          |
| NOTE 3. This Item does not apply to a summons by which an application for a grant or resealing under Part 78 of the rules is made in respect of an estate the sworn gross value of which is less than \$15,000.  |          |
| NOTE 4. This Item does not apply to a summons by which an application is made in the course of a winding up by the Court under the Companies (New South Wales) Code, unless it is a summons claiming relief under section 538 of that Code or regulation 98 (3) or 126 (2) of the Companies (New South Wales) Regulations. |          |

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NOTE 5. This Item does not apply to a summons to pass accounts which is filed pursuant to section 85 (1AA) of the Wills, Probate and Administration Act 1898.

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| 2. | On filing a summons for leave to appeal to the Court of Appeal .....  | 900.00 |
| 3. | On filing a notice of appeal to the Court of Appeal except where, in respect of the proceedings to which the notice relates, a summons for leave to appeal to the Court of Appeal has been filed..... | 900.00 |
| 4. | To open or keep open the registry or part of the registry or to open or keep open an office elsewhere in the State of a Clerk of the Court:   |        |
|    | (a) on a Saturday, Sunday or other holiday (except the day after Easter Monday) .....   | 345.00 |
|    | (b) on any other day:   |        |
|    | (i) before 9 in the morning or after 4.30 in the afternoon .....  | 345.00 |
|    | (ii) between 9 and 9.30 in the morning or 4 and 4.30 in the afternoon .....   | 35.00  |
| 5. | For an officer of the Court to produce a document at a place other than the Supreme Court Building, Queens Square, Sydney .....   | 35.00  |
| 6. | To furnish a copy of the written opinion or reasons for opinion of any Judge or of any Master or other officer of the Court .....   | 35.00  |

NOTE A party to proceedings before the Court is entitled to one copy of the opinion or reasons for opinion in relation to the proceedings without charge.

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| 7.   | To prepare appeal papers - for the first 11 copies, or such other number of copies as is ordered to be printed by the Registrar - for each volume of not more than 250 pages ..... | 345.00 |
| 8.   | The fees to be paid to the Marshal in Admiralty are to be the same fees as are from time to time taken by the Sheriff for service and execution of process of the Court.           |        |
| 9.   | Certificate of the Prothonotary as a signature of a Notary Public .....  | 30.00  |
| 10.  | To prepare a copy of a will, a Certificate of Grant or an Exemplification .....  | 30.00  |
| 11.  | Making a copy of any document, other than as provided for by Item 6 or 10, per page .....  | 2.00   |
|  | (minimum fee .....   | 10.00) |
| 12. (a)  | On filing a requisition for civil trial by jury (to be paid by party requesting jury) .....  | 530.00 |
| (b)  | Daily jury retention fee (to be paid by party requesting jury for each day a jury is required after the first day of a civil trial) .....  | 240.00 |
| 13.  | On filing an application for an order under section 18 (2) of the Arbitration (Civil Actions) Act 1983 for rehearing an action referred for arbitration .....                      | 300.00 |
| NOTE This amount is subject to any rules under the Supreme Court Act 1970 providing for the refund of the whole or any part of the amount. |  |        |
| 14.  | To conduct a genealogical search on a probate file (for each file searched) .....  | 55.00  |
| 15.  | To conduct an adoption search (for each file searched) .....   | 30.00  |

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NOTE This amount also includes a copy of any documents, if approved by a Judge.

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| 16. | On filing a bill of costs for taxation under Part 52 Rule 43 of the rules (except where costs are ordered to be paid out of a common fund) ..... | 100.00 |
| 17. | On filing a notice of objection to a bill of costs for taxation under Part 52 Rule 50A of the rules  | 100.00 |

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**EXPLANATORY NOTE**

The object of this Regulation is to amend the Supreme Court (Fees and Percentages) Regulations so as:

- (a) to increase the fees to be taken in respect of proceedings before the Supreme Court (except fees chargeable by the Sheriff); and
  - (b) to provide for the payment of fees for adoption searches and for fees associated with the taxation of a bill of costs.
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