

1992—No. 481

JUSTICES ACT 1902—REGULATION

(Justices (General) Regulation 1992)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Justices Act 1902, has been pleased to make the Regulation set forth hereunder.

TERRY GRIFFITHS,
Minister for Justice.

Citation

1. This Regulation may be cited as the Justices (General) Regulation 1992.

Commencement

2. This Regulation commences on 1st September, 1992.

Definition

3. In this Regulation:

“the Act” means the Justices Act 1902.

Fees

4. The fees payable to a Clerk of a Local Court in respect of proceedings before any Justice or Justices are as set out in Schedule 1.

Remission or postponement of fees

5. A Clerk of a Local Court or governor of a prison who is satisfied that a person is unable, for any reason, to pay a fee payable under this Regulation may, conditionally or unconditionally, remit or postpone the fee.

Fee lists to be shown to public on request

- 6.** The list of fees set out in Schedule 1 and any other schedule or list of fees payable under the Act must be kept at each Local Court and shown to members of the public on request.

Summary of rights

- 7.** For the purposes of sections 49 and 96 of the Act, the following is the prescribed form of the summary of rights conferred by section 6 (1) (b) of the Fines and Forfeited Recognizances Act 1954:

A person who deposits the amount of a recognizance which is later forfeited may apply for the discharge of the recognizance if the amount of the recognizance does not exceed \$300. The application must be lodged with the Clerk of the Local Court where the recognizance was forfeited within 21 days after the forfeiture.

Repeal of Justices Act (General) Regulations

- 8.** The Justices Act (General) Regulations are repealed.

SCHEDULE 1—FEES

(C1. 4)

Item	Fee
1. Information or complaint under section 21, 52 or 53 of the Act (includes issue and service of summons if required).....	\$45.00
2. Application under the Act of a kind not otherwise provided for in this Schedule (includes issue and service of notice of hearing if required)	\$45.00
3. For each additional respondent in relation to a matter to which item 2 relates	\$30.00
4. Deposition under section 26 or 61 of the Act that a person is a material witness or has a material document or writing (includes issue and service of summons or warrant if required)	\$45.00
5. Issue of subpoena: for each witness to be served	\$25.00
6. Service of subpoena: for each witness to be served.....	\$30.00
7. Certificate of conviction, order or dismissal	\$30.00
8. Application to Justice to state and sign a case under section 101 of the Act	\$110.00
9. Certificate of refusal of Justice to state a case	\$30.00

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10. Notice of appeal to District Court: one appellant	\$55.00
11. Further notices of appeal (by the same appellant) in respect of convictions or orders determined together, under section 78A of the Act, with the conviction or order to which a notice of appeal under item 10 relates	\$30.00
12. Copy of any deposition, transcript or diskette (unless otherwise provided for under any other Act):	
(a) if matter being transcribed is under 3 months old plus, for each page after the first 8 pages	\$55.00 \$6.50
(b) if matter being transcribed is 3 months or older plus, for each page after the first 8 pages	\$65.00 \$7.50
13. Copy of any document (other than a deposition, transcript or diskette)	\$10.00 \$2.00
14. Duplicate tape recording of sound-recorded evidence: per cassette	\$30.00

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EXPLANATORY NOTE

The purpose of this Regulation is to repeal and remake the Justices Act (General) Regulations. The new Regulation prescribes:

- the fees payable in relation to proceedings held before a Justice or Justices under the Justices Act 1902; and
- the form of the summary of rights conferred by the Fines and Forfeited Recognizances Act 1954 on certain persons which must be included in a notice given to a person discharged on recognizance under the Justices Act 1902.

This Regulation is made in connection with the staged repeal of subordinate legislation under Part 3 of the Subordinate Legislation Act 1989.
