

1992—No. 612

DISTRICT COURT ACT 1973—REGULATION

(Relating to fees)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the District Court Act 1973, has been pleased to make the Regulation set forth hereunder.

WAYNE MERTON,
Minister for Justice and Minister for Emergency Services.

Commencement

1. This Regulation commences on 1 January 1993.

Amendment

2. The District Court (Fees) Regulations are amended by omitting Regulation 8 and by inserting instead the following Regulation:

Court fees

8. The fees to be taken by the registrar in respect of the business of the Court are to be as follows:

	\$
1. (a) Filing a statement of claim or any other originating process, whether application or notice of appeal	130.00
(b) Filing a notice of cross-claim or third or subsequent party notice	130.00
2. (a) Filing a requisition for a civil trial by a jury (to be paid by the party requesting a jury)	530.00

	\$
(b) Daily retention fee (to be paid by the party requesting a jury for each day a jury is required after the first day of a civil trial)	240.00
3. Filing a praecipe for trial	180.00
4. Making a copy of any document, per page (minimum fee	2.00 10.00)
5. Service or attempted service of any process or other document, including service by post and preparation of an affidavit of service—for each address at which service of the process or other document is effected or attempted	30.00
6. Execution or attempted execution of any writ or warrant—for each address at which execution of the writ or warrant is effected or attempted ...	40.00
7. Levy on a writ of execution	
8. Disbursements in executing or attempting to execute a writ of execution, including a fee for keeping possession	
9. The travelling expenses incurred by officers in conveying an arrested person to gaol or Court	
10. Attending a view by a jury (to be paid by the party making the request)	
11. For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed	
12. Filing an application for an order under section 18 (2) of the Arbitration (Civil Actions) Act 1983 for rehearing of an action referred for arbitration. This amount is subject to any rules under the District Court Act 1973 providing for the refund of the whole or any part of the amount	300.00
13. Filing a bill of costs for taxation	200.00
14. (a) To issue a subpoena for production	40.00

As
prescribed
by the
Scale of
Fees
under the
Sheriff
Act 1900

	\$
15. (b) To issue a subpoena for production and to give evidence	40.00
(c) To issue a subpoena to give evidence	20.00
(a) Filing an application for a certified copy of a document	20.00
(b) Filing an application for a certificate of judgment (other than pursuant to the Service and Execution of Process Act 1901 of the Commonwealth)	20.00
16. Filing an application for a garnishee order	20.00
17. Filing an examination summons	20.00
18. Filing a notice of motion returnable in open court	75.00
19. Filing documents for the entry of default judgment against one or more defendants at the same time	50.00
20. Filing an order for judgment	100.00

EXPLANATORY NOTE

The object of this Regulation is to amend the District Court (Fees) Regulations to extend the range of fees to be taken by the registrar in respect of the business of the District Court to include fees for the following:

- filing notices of cross-claims or third or subsequent party notices
- levies on a percentage basis of amounts collected on writs of execution
- work undertaken in preparing for the sale of land on instructions from a judgment creditor if the sale does not proceed
- issuing subpoenae for production and giving evidence
- filing applications for certified copies of documents
- filing applications for certificates of judgments (other than pursuant to the Service and Execution of Process Act 1901 of the Commonwealth)
- filing applications for garnishee orders
- filing examination summonses
- filing notices of motion returnable in open court
- filing documents for entry of default judgments against one or more defendants at the same time
- filing orders for judgments.

This Regulation does not increase existing fees.
