

1992—No. 615

LOCAL COURTS (CIVIL CLAIMS) ACT 1970—REGULATION
(Relating to fees)

NEW SOUTH WALES



[Published in Gazette No. 140 of 27 November 1992]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Courts (Civil Claims) Act 1970, 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. Rule 2 of Part 2 of the Local Courts (Civil Claims) Rules 1988 (which, by virtue of section 10F (2) of the Local Courts (Civil Claims) Act 1970, is taken to be a regulation made by the Governor) is amended by omitting subrule (5) and by inserting instead the following subrule:

(5) The fees to be paid to the registrar in respect of the business of the court are:

	\$
1. Filing a statement of claim:	
(a) in respect of a claim for an amount not exceeding \$3,000	45.00
(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	60.00

		\$
(c) in respect of a claim for an amount exceeding \$10,000		110.00
2. Filing a notice of cross-claim or a third or subsequent party notice:		
(a) in respect of a claim for an amount not exceeding \$3,000		45.00
(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000		60.00
(c) in respect of a claim for an amount exceeding \$10,000		110.00
3. Filing a certificate or certified copy of conviction or order		45.00
4. Filing a certificate of readiness:		
(a) in respect of a claim for an amount not exceeding \$3,000		Nil
(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000		80.00
(c) in respect of a claim for an amount exceeding \$10,000		140.00
5. Filing an application for 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 providing for the refund of the whole or any part of the amount ..		200.00
6. Making a copy of any document or part of a document, other than as prescribed by Item 8, per page		2.00
(minimum fee		10.00)
7. Supply of duplicate tape recording of sound-recorded evidence, per cassette		30.00
8. For each copy of the transcript of any proceedings:		
(a) per page where the matter being transcribed is under 3 months old		6.50
(minimum fee for 1 to 8 pages		55.00)

	\$
(b) per page where the matter being transcribed is 3 months or older	7.70
(minimum fee for 1 to 8 pages	65.00
9. Service or attempted service by a bailiff of any process or other document, including service by post and preparation of affidavit of service	30.00
10. (a) Filing an application for a certified copy of a document	10.00
(b) Filing an application for a certificate of judgement (other than pursuant to the Service and Execution of Process Act 1901 of the Commonwealth)	10.00
11. (a) To issue a subpoena for production	20.00
(b) To issue a subpoena for production and to give evidence	20.00
(c) To issue a subpoena to give evidence	10.00
12. Filing an application for a garnishee order	20.00
13. Filing an examination summons	20.00
14. Filing document for the entry of default judgement against one or more defendants at the same time (if the amount of the claim is more than \$3000) ...	20.00
15. Filing an order for judgement (if the amount of the claim is more than \$3000)	40.00
16. Execution or attempted execution of a writ of execution or warrant to apprehend a judgement debtor	40.00
17. Where costs of insuring, conserving, or protecting property levied on or for advertising or preparing for sale are incurred	An amount equal to those costs

1992—No. 615

18. Levy on a writ of execution	As prescribed by the Scale of Fees under the Sheriff Act 1900
19. For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed	

EXPLANATORY NOTE

The object of this Regulation is to amend the Local Courts (Civil Claims) Rules 1988 to extend the range of fees prescribed to be paid to a registrar in respect of proceedings under the Local Courts (Civil Claims) Act 1970 to include fees for the following:

- filing notices of cross-claims or third or subsequent party notices
- supply of duplicate tape recordings of sound-recorded evidence
- filing applications for certified copies of documents
- issuing subpoenae for production and giving evidence
- filing applications for garnishee orders
- filing examination summonses
- filing documents for entry of default judgments against one or more defendants at the same time if the amounts of the claims exceed \$3,000
- filing orders for judgment if the amounts of the claims exceed \$3,000
- 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.

This Regulation does not increase existing fees.