

1992—No. 621

SUPREME COURT ACT 1970—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 Supreme Court 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. 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, where no appointment for the hearing or mention is endorsed by the Court in the initiating process and where a fee is not prescribed by any other paragraph in this Item	500.00

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(b) On filing an initiating process, where an appointment for hearing or mention is endorsed by the Court in the initiating process and where a fee is not prescribed by any other paragraph in this Item	700.00
(c) On filing an initiating process in the Commercial Division	2,000.00
(d) On filing an initiating process 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:	
(i) does not exceed \$50,000	Nil
(ii) is \$50,000 or more but does not exceed \$250,000	400.00
(iii) is \$250,000 or more but does not exceed \$500,000	500.00
(iv) is \$500,000 or more but does not exceed \$1,000,000	750.00
(iv) is \$1,000,000 or more	1,000.00
(e) On filing a summons to pass accounts and for commission	500.00
(f) On filing a summons for leave to appeal to the Court of Appeal	500.00
(g) On filing a notice of appeal to the Court of Appeal	1,725.00

Note 1: In this Item, “initiating process” means:

- (a) an originating process under the rules; or
- (b) a petition; or
- (c) a writ of summons under the Admiralty Rules of the Commonwealth.

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Note 2: 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 Corporations Law, unless it is a summons claiming relief under section 1321 of the Corporations Law or regulation 5.6.26 (3) or 5.6.54 (2) of the Corporations Regulations.

Note 3: Where proceedings are transferred to the Commercial Division, the fee payable is the difference between the fee paid and any fee payable under paragraph (c).

Note 4: Where leave to appeal is sought, the fee for filing a notice of appeal to the Court of Appeal is payable where leave to appeal is granted or where the application for leave to appeal is adjourned to the hearing of the appeal.

2.	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.....	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	
3.	For an officer of the Court to produce a document at a place other than the Supreme Court Building, Queens Square, Sydney.....	35.00	
4.	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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5. 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	345.00
6. The fees to be paid to the Marshall 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.	
7. Certificate of the Prothonotary as a signature of a Notary Public.....	30.00
8. To prepare a copy of a will, a Certificate of Grant or an Exemplification.....	30.00
9. Making a copy of any document, other than as provided for by Item 4 or 8, per page	2.00
(minimum fee.....)	10.00)
10. (a) On filing a requisition for a civil trial by a jury (to be paid by the party requesting a jury).....	530.00
(b) Daily jury 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
11. 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
<i>Note:</i> 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.	
12. To conduct a genealogical search on a probate file (for each file searched).....	55.00
13. To conduct an adoption search (for each file searched).....	30.00
<i>Note:</i> This amount also includes a copy of any documents, if approved by a Judge.	
14. 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)	200.00

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15. On filing a notice of objection to a bill of costs for taxation under Part 52 Rule 50A of the rules	200.00
16. On filing a notice of motion, other than a notice required by Part 67 of the rules	200.00
17. To register an order or judgment.....	200.00
18. (a) To issue a subpoena for production	40.00
(b) To issue a subpoena for production and to give evidence	40.00
(c) To issue a subpoena to give evidence	20.00
19. On filing documents in the Probate Division in answer to a requisition raised by an officer of the court	50.00
20. On filing a Notice of Appointment for Hearing or a Notice to Set Down for Trial	200.00
21. To produce a file of the Supreme Court for inspection by a party.....	10.00

EXPLANATORY NOTE

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

- (a) to increase certain fees to be taken in respect of proceedings before the Supreme Court (except fees chargeable by the Sheriff), being the following fees:
 - filing initiating processes (other than in the Commercial Division where there is no increase)
 - filing notices of appal to the Court of Appeal; and
- (b) to extend the range of fees so taken to include fees for the following:
 - filing initiating processes either where no appointments for the hearings or mentions are endorsed by the Court, or where such appointments are so endorsed, and no other fees are prescribed in Item 1
 - filing initiating processes by which applications for grants or resealings under Part 78 of the Supreme Court Rules 1970 are made in respect of estates, based on the gross values of the estates
 - filing summonses to pass accounts and for commission

- filing notices of motion, other than notice required by Part 67 of the Rules
- registering orders or judgments
- issuing subpoenae for production and giving evidence
- filing documents in the Probate Division in answer to requisitions raised by officers of the Supreme Court
- filing Notices of Appointment for Hearing or Notices to Set Down for Trial
- producing files of the Court for inspection by the parties.

Except for the fees referred to in paragraph (a), this Regulation does not increase existing fees.
