

1993—No. 140

LOCAL COURTS (CIVIL CLAIMS) ACT 1970—RULE
NEW SOUTH WALES



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1. This rule is made by the Rule Committee on 5 April 1993, and has effect on and from 10 April 1993.

2. The Local Courts (Civil Claims) Rules 1988 are amended as follows:

(a) Part 1 rule 2 (1)

(i) In paragraph (b) omit “be.”, insert instead “be; or”;

(ii) After paragraph (b) insert the following paragraph:

(c) where a sealed copy of a judgment for an amount of money is registered in a court under section 105 (1) of the Service and Execution of Process Act 1992 (Cth.)—to that amount exclusive of any costs or interest.

(b) Part 38A

After Part 38 insert the following Part:

PART 38A

SERVICE AND EXECUTION OF PROCESS ACT 1992
(CTH.)

Interpretation

1. In this Part, “Commonwealth Act” means the Service and Execution of Process Act 1992 (Cth.)

Commencement

2. This Part commences on 10 April 1993.

Fees

3. The fee for:

(a) registering a judgment under section 105 (1) of the Commonwealth Act is \$25; and

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- (b) issuing a sealed copy of a judgment for registration under that subsection is \$10.

Costs

4. (1) The fees allowed for service of process of a court in another State or part of the Commonwealth shall be either:

- (a) in accordance with the scale of fees in force for the time being in the court of that State or part most analogous in jurisdiction to a court; or
- (b) if there is no such scale, in accordance with the scale of fees in force for the time being in courts for service of process of a court in this State.

(2) The costs to be allowed under section 107 (1) (a) of the Commonwealth Act (obtaining and lodging the copy of the judgment) are, subject to Part 31 rule 6 and unless the court otherwise orders, the sum of:

- (a) the fees paid to the court for the registration of the judgment; and
- (b) \$233

EXPLANATORY NOTE

The purpose of the amendments is to provide for fees to be paid and costs to be recoverable in respect of work done under the Service and Execution of Process Act 1992 (Cth.), which commences on 10 April 1993.

E. J. O'Grady
Secretary to the Rule Committee
