

LOCAL COURTS (CIVIL CLAIMS) 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 Local Courts (Civil Claims) Act 1970, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD, M.L.C.,
Minister for Justice.

Commencement

1. This Regulation commences on 1 September 1993.

Amendments

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 subrules:

(5) Except as provided by subrule (5A), the fees to be paid to the registrar in respect of the business of the court are as follows:

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1. Filing a statement of claim:	
(a) in respect of a claim for an amount not exceeding \$3,000	46.00
(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	62.00
(c) in respect of a claim for an amount exceeding \$10,000	115.00

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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	46.00
	(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	62.00
	(c) in respect of a claim for an amount exceeding \$10,000	115.00
3.	Filing a certificate or certified copy of conviction or order	46.00
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	85.00
	(c) in respect of a claim for an amount exceeding \$10,000	145.00
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	205.00
6.	Making a copy of any document or part of a document, other than as prescribed by Item 7, 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 old or older	7.50
	(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	31.00
10.	Filing an application for a certificate of judgment (otherwise 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

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| 12. | Execution or attempted execution of a writ of execution or warrant to apprehend a judgment debtor | 41.00 |
| 13. | 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 |

(5A) An action to which the Motor Accidents Act 1988 applies is exempt from the fees referred to in items 1, 2, 4 and 11 of the matter referred to in subrule (5).

EXPLANATORY NOTE

The object of this Regulation is to amend the Local Courts (Civil Claims) Rules 1988 to increase certain fees, and to extend the range of fees, to be paid to a registrar in respect of proceedings under the Local Courts (Civil Claims) Act 1970. The new fees are as follows:

- (a) fees for filing notices of cross-claims or third or subsequent party notices;
- (b) fees for issuing subpoenas for production and giving evidence.

This Regulation does not increase fees set out in Items 6, 7, 8, 10 and 11.

This Regulation is made under the Local Courts (Civil Claims) Act 1970, including section 85.
