

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.

J. P. HANNAFORD, M.L.C.,
Attorney General, and Minister for Justice.

Commencement

1 This Regulation commences on 27 June 1994.

Amendments

2. The Supreme Court (Fees and Percentages) Regulation 1993 is amended:

- (a) by inserting in Item 1 (a) in Schedule 1 after the word “Divisions” the words “and the Court of Appeal”;
- (b) by inserting after Item 1 (b) in Schedule 1 the following paragraph:

- (b1) Filing an initiating process (other than a process referred to in paragraph (c)) in the
Probate Division 450.00

- (c) by inserting after Note 6 to Item 1 in Schedule 1 the following Note:

NOTE 7: No fee is payable for an initiating process which relates to the issue of a subpoena to be served outside the State under the Service and Execution of Process Act 1992 of the Commonwealth.

(d) by omitting Item 2 from Schedule 1 and by inserting instead the following Item:

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|----|-------|--|----------|
| 2. | (a) | For filing a summons in the Court of Appeal | 500.00 |
| | (b) | Notice of appeal without appointment | 200.00 |
| | (c) | Notice of appeal with appointment: | |
| | (i) | in proceedings in which a summons to which paragraph (a) applies has been filed | 1,050.00 |
| | (ii) | in proceedings in which a notice of appeal to which paragraph (b) applies has been filed | 1,350.00 |
| | (iii) | in any other proceedings | 1,550.00 |

(e) by inserting after Item 10 in Schedule 1 the following Items:

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|------|---|----------------|
| 10A. | Supply of duplicate tape recording of sound-recorded evidence, per cassette | 30.00 |
| 10B. | For each copy of the transcript of any proceedings: | |
| | (a) per page, where the matter being transcribed is under 3 months old .
(minimum fee for 1 to 8 pages | 6.50
65.00) |
| | (b) per page, where the matter being transcribed is 3 months or older ...
(minimum fee for 1 to 8 pages | 7.50
65.00) |

(f) by omitting from the Note to Item 14 in Schedule 1 the words “a Judge” and by inserting instead the words “the Court”;

(g) by inserting after Item 16 in Schedule 1 the following Item:

17. Notice lodged by a legal practitioner of another State or of a Territory of the Commonwealth for admission as a barrister or solicitor of the Court.

NOTE: This fee is fixed as referred to in section 40 of the Mutual Recognition Act 1992 of the Commonwealth. Under that Act, such a fee cannot be greater than the fee imposed on persons in New South Wales seeking to be admitted as barristers or solicitors of the Court (see the Third Schedule to the Barristers and Solicitors Admission Rules 1989).

EXPLANATORY NOTE

This Regulation:

- corrects an anomaly in the Schedule of fees to the Supreme Court (Fees and Percentages) Regulation 1993 so as to standardise the fee for filing a summons in the Court of Appeal
- corrects an anomaly in the Schedule of fees by prescribing a fee of \$450 for filing an initiating process (other than one based on a “sliding scale” fee basis) in the Probate Division of the Court
- makes it clear that a fee is not payable under Item 1 (a) of the Schedule of fees (filing an initiating process (except in the Commercial and Probate Divisions and the Court of Appeal)) when it involves filing an initiating process which relates to the issue of a subpoena to be served outside the State under the Service and Execution of Process Act 1992 of the Commonwealth
- removes particularised references in the Schedule of fees to certain Rules of the Supreme Court Rules so as to avoid the necessity to amend the Schedule consequentially when the Rules are amended (the amounts payable have not been altered)
- corrects an omission in the Schedule of fees by prescribing fees for the supply of duplicate tape recordings of sound-recorded evidence and for copies of the transcripts of any proceedings
- enables the Court to give approval for copies to be made of documents in relation to adoption searches
- in accordance with the Mutual Recognition Act 1992 of the Commonwealth, provides for a fee (equivalent to that imposed on persons in New South Wales seeking to be admitted as barristers or solicitors of the Court—currently \$200) to be paid by legal practitioners of other States or Territories of the Commonwealth seeking such admission.

This Regulation is made under the Supreme Court Act 1970, including 130 (the general regulation-making power).
