

1995—No. 756

LOCAL COURTS (CIVIL CLAIMS) ACT 1970—REGULATION

(Relating to fees)

NEW SOUTH WALES



[Published in Gazette No. I56 of 22 December 1995]

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.

JEFFREY SHAW, Q.C., M.L.C.,
Attorney General.

Commencement

1. This Regulation commences on 1 January 1996.

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 subrules (5) and (5A) 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 as follows:

	\$
1. Filing a statement of claim:	
(a) in respect of a claim for an amount not exceeding \$3,000	50.00
(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	67.00
(c) in respect of a claim for an amount exceeding \$10,000	124.00

1995—No. 756

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	50.00
	(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	67.00
	(c) in respect of a claim for an amount exceeding \$10,000	124.00
3.	Filing a certificate or certified copy of conviction or order	50.00
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	92.00
	(c) in respect of a claim for an amount exceeding \$10,000	156.00
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	221.00
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 gages	55.00)
	(b) per page, where the matter being transcribed is 3 months old or older	7.50
	(minimum fee for 1 to 8 gages	65.00)
9.	Except as provided by Item 10, service or attempted service by a bailiff of any process or other document, including service by post and preparation of affidavit of service	34.00
10.	Service or attempted service of a statement of claim by post, for each address at which service is effected or attempted	22.00
11.	Filing an application for a certificate of judgment (otherwise than pursuant to the Service and Execution of Process Act 1992 of the Commonwealth)	11.00
12.	(a) To issue a subpoena for production	22.00
	(b) To issue a subpoena for production and to give evidence	22.00
	(c) To issue a subpoena to give evidence	11.00

1995—No. 756

13.	Execution or attempted execution of a writ of execution or warrant to apprehend a judgment debtor	44.00
14.	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

EXPLANATORY NOTE

The object of this Regulation is to increase certain fees set out in the Local Courts (Civil Claims) Rules 1988 to be paid to a registrar in respect of the business of a Local Court under the Local Courts (Civil Claims) Act 1970.

Item 1.4 of the schedule of fees has been linked to the Scale of Fees to be chargeable in the Sheriff's Office under the Sheriff Act 1900.

This Regulation also repeals a provision exempting the payment of certain court fees in relation to actions to which the Motor Accidents Act 1988 applies that are litigated in Local Courts.

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