



New South Wales

# **Commercial Tribunal Amendment (Consumer Credit) Regulation 1996**

under the

Commercial Tribunal Act 1984

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Commercial Tribunal Act 1984*.

FAYE LO PO' MP

Minister for Fair Trading

## **Explanatory note**

The objects of this Regulation are:

- (a) to specify matters under the *Consumer Credit (New South Wales) Code* that may be heard by the Chairman or Deputy Chairman of the Commercial Tribunal sitting alone, and
- (b) to prescribe fees for applications under that Code that may be dealt with by the Commercial Tribunal.

This Regulation is made under the *Commercial Tribunal Act 1984*, including section 39 (the general regulation-making power) and section 19 (3).

## 1996 No 522

Clause 1      Commercial Tribunal Amendment (Consumer Credit) Regulation 1996

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# Commercial Tribunal Amendment (Consumer Credit) Regulation 1996

## 1 Name of Regulation

This Regulation is the *Commercial Tribunal Amendment (Consumer Credit) Regulation 1996*.

## 2 Commencement

This Regulation commences on 1 November 1996.

## 3 Amendment of Commercial Tribunal Regulation 1994

The *Commercial Tribunal Regulation 1994* is amended as set out in Schedule 1.

## 4 Notes

The explanatory note does not form part of this Regulation.

## Schedule 1      Amendments

(Clause 3)

### [1] Schedule 2 Proceedings before the Tribunal that may be heard and determined by the Chairman or Deputy Chairman sitting alone

Insert at the end of the Schedule:

#### **Proceedings under the Consumer Credit (New South Wales) Code**

- 1 Proceedings under section 34 (5) for a credit provider to provide information in a statement about amounts credited or debited, or overdue or payable, more than 7 years before request made.
- 2 Proceedings under section 35 for an order that a credit provider provide a statement or for a determination of the amounts in relation to which the statement was sought.

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- 3 Proceedings under section 44 (4) for an order that a credit provider take necessary steps to discharge a prohibited third party mortgage.
  - 4 Proceedings under section 47 (3) for an order authorising a mortgagor to dispose of mortgaged property.
  - 5 Proceedings under section 80 for an order authorising a credit provider to begin enforcement proceedings without giving a default notice, or waiting for the period specified in the notice to elapse.
  - 6 Proceedings under section 82 for an order authorising a credit provider to enforce a judgment against a guarantor even though there is no judgment against the debtor.
  - 7 Proceedings under section 83 giving consent to a credit provider to take possession of mortgaged goods.
  - 8 Proceedings under section 85 for an order authorising a credit provider to bring an acceleration clause into operation without giving a default notice or waiting for the period specified in the notice to elapse.
  - 9 Proceedings under section 92 for an order authorising a credit provider or lessor to enter residential property to take possession of mortgaged goods or goods hired under a consumer lease.
  - 10 Proceedings under section 93 for an order for a person in possession of mortgaged goods or goods hired under a consumer lease to deliver the goods at a specified time or place or within a specified period or an order to vary the time, place or period.
  - 11 Proceedings under section 94 for an order authorising a credit provider to dispose of mortgaged goods within 21 days of notice being given under section 94 (1).
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#### Schedule 1 Amendments

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- 12 Proceedings under section 156 for an order authorising a lessor to exercise a right to possession of goods hired under a consumer lease without giving prior notice under section 156 (1).
- 13 Proceedings under section 157 for an order fixing the time at which a lessee may return hired goods.
- 14 Proceedings under section 171 for an order dispensing with the need to give a notice or other document.
- 15 Proceedings under section 172 (2) (b) for an order authorising that service is to be in a manner otherwise than that provided by section 172 (1).
- 16 Proceedings under section 174 for an order extending any period even though the period has elapsed.

#### [2] Schedule 3 Fees

Insert after Item 3:

3A	An application under section 34 (5), 35, 44 (4), 47 (3), 80, 82, 83, 85, 92, 93, 94, 156, 157, 171, 172 (2) (b) or 174 of the <i>Consumer Credit (New South Wales) Code</i> .....	\$50
3B	An application under section 68 or 88 of the <i>Consumer Credit (New South Wales) Code</i> .....	Nil
3C	An application under section 101 of the <i>Consumer Credit (New South Wales) Code</i> where the application is made by a credit provider:	
	(a) if the number of contracts the subject of the application does not exceed 10 .....	\$220
	(b) if the number of contracts the subject of the application exceeds 10 but does not exceed 100 .....	\$500
	(c) if the number of contracts the subject of the application exceeds 100 but does not exceed 200 .....	\$1,000
	(d) if the number of contracts the subject of the application exceeds 200 but does not exceed 1,000. ...	\$2,000
	(e) if the number of contracts the subject of the application exceeds 1,000 .....	\$5,000