



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).

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.

- 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).

- 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