



New South Wales

Legal Profession Amendment (Costs) Regulation 1997

under the

Legal Profession Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Legal Profession Act 1987*.

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Attorney General

Explanatory note

The object of this Regulation is to fix the costs payable for:

- (a) the enforcement of a lump sum debt or liquidated sum for damages or a judgment by a judgment creditor, or
- (b) legal services provided in respect of probate matters (other than the administration of estates).

This Regulation is made under the *Legal Profession Act 1987*, including section 196 (Regulations to provide for related costs) and section 216 (the general regulation-making power).

Legal Profession Amendment (Costs) Regulation 1997

1 Name of Regulation

This Regulation is the *Legal Profession Amendment (Costs) Regulation 1997*.

2 Amendment of Legal Profession Regulation 1994

The *Legal Profession Regulation 1994* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 23 Prescribed costs for enforcement of certain judgments: section 196

Omit clause 23 (1). Insert instead:

- (1) This clause applies to the following:
 - (a) the costs payable for the enforcement of a lump sum debt or liquidated sum for damages, or
 - (b) the costs payable for the enforcement of a judgment by a judgment creditor.

[2] Clause 23 (3)

Omit “section 196 (1) (b) of the Act (as inserted by the *Legal Profession Reform Act 1993*)”.

Insert instead “section 196 (1) (b) or (b1) of the Act (as inserted by the *Legal Profession Amendment Act 1996*)”.

[3] Clause 24

Omit the clause. Insert instead:

24 Prescribed costs for probate matters (non-contentious): section 196

A determination of the Legal Fees and Costs Board in force under section 179 of the Act immediately before the repeal of that section by the *Legal Profession Reform Act 1993* continues in force, on and from that repeal, as if it were a regulation under section 196 (1) (b2) of the Act but only to the extent that the determination:

- (a) applies to legal services relating to probate matters (other than the administration of estates), and
- (b) could have been made as a regulation if section 196 (1) (b2) (as inserted by the *Legal Profession Amendment Act 1996*) had been in force when the determination was made.