



New South Wales

# Supreme Court (Fees and Percentages) Amendment Regulation 1998

under the

Supreme Court Act 1970

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Supreme Court Act 1970*.

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

## Explanatory note

The objects of this Regulation are:

- (a) to increase certain fees set out in the *Supreme Court (Fees and Percentages) Regulation 1993* to be paid to a clerk or the registrar of the Supreme Court or the Sheriff (depending on circumstances) in respect of the business of that Court, and
- (b) to indicate that the fees for lodging a notice for admission as a legal practitioner of that Court are to be the same for legal practitioners of New Zealand as they are for legal practitioners of another State or Territory.

This Regulation is made under the *Supreme Court Act 1970*, including section 130 (Fees and percentages).

# **Supreme Court (Fees and Percentages) Amendment Regulation 1998**

## 1 Name of Regulation

This Regulation is the *Supreme Court (Fees and Percentages) Amendment Regulation 1998*.

## 2 Commencement

This Regulation commences on 1 November 1998.

### **3 Amendment of Supreme Court (Fees and Percentages) Regulation 1993**

The *Supreme Court (Fees and Percentages) Regulation 1993* is amended as set out in Schedule 1.

## 4 Note

The explanatory note does not form part of this Regulation.

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## **Schedule 1      Amendment**

(Clause 3)

### **Schedule 1**

Omit the Schedule. Insert instead:

### **Schedule 1      Court Fees**

(Clause 3)

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1. (a) Filing an initiating process (except in the Equity Division for entry in the Commercial List, or in the Probate Division or Court of Appeal)	509.00
(b) Filing an initiating process in the Equity Division for entry in the Commercial List	2,320.00
(c) Filing an initiating process (other than a process referred to in paragraph (d)) in the Probate Division	509.00
(d) Filing an initiating process by which an application for a grant or resealing under Part 78 (Probate) of the <i>Supreme Court Rules 1970</i> is made in respect of an estate the sworn gross value of which:	
(i) does not exceed \$50,000	Nil
(ii) is \$50,000 or more but does not exceed \$250,000	450.00
(iii) is \$250,000 or more but does not exceed \$500,000	566.00
(iv) is \$500,000 or more but does not exceed \$1,000,000	850.00
(v) is \$1,000,000 or more	1,134.00
(e) The fees for filing a cross-claim under Part 6 (Cross-claims) of the <i>Supreme Court Rules 1970</i> in any Division of the Court are to be the same fees as are from time to time payable in respect of the filing of an initiating process in that Division.	

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Schedule 1      Amendment

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*NOTE 1: In this Item, "initiating process" means:*

- (a) *an originating process under the Supreme Court Rules 1970 (other than a notice of appeal to the Court of Appeal and a summons for leave to appeal to the Court of Appeal), or*
- (b) *a stated case under Part 31 Rule 2 of the Supreme Court Rules 1970, or*
- (c) *a petition, or*
- (d) *subject to Note 4, a summons commencing proceedings under the Corporations Law, or*
- (e) *a writ of summons under the Admiralty Rules of the Commonwealth.*

*NOTE 2: Where proceedings are entered in the Commercial List pursuant to an order of the Court, the fee payable is the difference between the fee referred to in paragraph (b) of Item 1 and any fee paid under paragraph (a) or (d) of that Item.*

*NOTE 3: This Item does not apply to a summons by which an application for a grant or resealing under Part 78 (Probate) of the Supreme Court Rules 1970 is made in respect of an estate the sworn gross value of which is less than \$50,000.*

*NOTE 4: This Item does not apply to a summons by which an application is made in the course of a winding up by the Court under the Corporations Law, unless it is a summons claiming relief under section 1321 of the Corporations Law or regulation 5.6.26 (3) or 5.6.54 (2) of the Corporations Regulations.*

*NOTE 5: This Item does not apply to a summons to pass accounts which is filed pursuant to section 85 (1AA) of the Wills, Probate and Administration Act 1898.*

*NOTE 6: No fee is payable in respect of a summons issued under Part 58 (Taking Evidence for Foreign and Australian Courts and Tribunals) of the Supreme Court Rules 1970.*

*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.*

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## Amendment

## Schedule 1

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2. For filing in the Court of Appeal:	
(a) a holding summons for leave to appeal or to cross-appeal	100.00
(b) an ordinary summons for leave to appeal or to cross-appeal in respect of an application initiated by a holding summons	453.00
(c) any other summons	566.00
(d) notice of appeal without appointment	225.00
(e) notice of appeal with appointment:	
(i) in proceedings in which a summons has been filed in the Court of Appeal	1,186.00
(ii) in proceedings in which a notice of appeal without appointment has been filed	1,526.00
(iii) in any other proceedings	1,751.00
3. To open or keep open the registry or part of the registry or to open or keep open an office elsewhere in the State of a clerk of the Court:	
(a) on a Saturday, Sunday or public holiday (except the day after Easter Monday)	403.00
(b) on any other day:	
(i) before 9 a.m. or after 4.30 p.m.	403.00
(ii) between 9 and 9.30 a.m. or 4 and 4.30 p.m.	42.00
4. For an officer of the Court to produce a document at a place other than the Supreme Court Building, Queens Square, Sydney	42.00
5. To furnish a copy of the written opinion or reasons for opinion of any Judge or of any Master or other officer of the Court	42.00
<i>NOTE: A party to proceedings before the Court is entitled to one copy of the opinion or reasons for opinion in relation to the proceedings without charge.</i>	
6. To prepare appeal papers—for the first 11 copies, or such other number of copies as is ordered to be printed by the Registrar—for each volume of not more than 250 pages	403.00

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## Schedule 1      Amendment

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7. The fees to be paid to the Marshal in Admiralty are to be the same fees as are from time to time taken by the Sheriff or an officer of the Sheriff for service and execution of process of the Court.	
8. Certificate of the Prothonotary as to a signature of a public notary	34.00
9. To prepare a copy of a will, a Certificate of Grant or an Exemplification	34.00
10. Making a copy of any document, otherwise than as provided for by Item 5 or 9, per page (minimum fee	2.00 10.00)
I1. Supply of duplicate tape recording of sound-recorded evidence. per cassette	30.00
12. 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 66.00)
(b) per page, where the matter being transcribed is 3 months or older (minimum fee for 1 to 8 pages)	7.50 66.00)
13. (a) Filing a requisition for civil trial by jury (to be paid by party requesting jury)	618.00
(b) Daily jury retention fee (to be paid by party requesting jury for each day a jury is required after the first day of a civil trial)	282.00
14. Filing an application for an order under section 18A (1) of the <i>Arbitration (Civil Actions) Act 1983</i> for rehearing an action referred for arbitration	351.00
NOTE: <i>This amount is subject to the Supreme Court Rules 1970 providing for the whole or any part of the amount</i>	
15. To conduct a genealogical search on a probate file (for each file searched)	64.00
16. To conduct an adoption search (for each file searched)	34.00
NOTE: <i>This amount also includes a copy of any document, if approved by the Court.</i>	
17. (a) To issue a subpoena for production	46.00

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Amendment

Schedule 1

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(b) To issue a subpoena for production and to give evidence	46.00
(c) To issue a subpoena to give evidence	22.00
18. Notice lodged by a legal practitioner of another State, of a Territory of the Commonwealth or of New Zealand for admission as a legal practitioner of the court.	
<i>NOTE: This fee is fixed as referred to in section 40 of the Mutual Recognition Act 1992 of the Commonwealth and in section 40 of the Trans-Tasman Mutual Recognition (New South Wales) Act 1996. Under those Acts, such a fee cannot be greater than the fee imposed on persons in New South Wales seeking to be admitted as legal practitioners of the Court.</i>	