



New South Wales

Local Courts (Civil Claims) Amendment (Fees) Regulation 1998

under the

Local Courts (Civil Claims) Act 1970

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Courts (Civil Claims) Act 1970*.

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

Explanatory note

The object of this Regulation is to increase certain fees set out in Rule 2 (5) of Part 2 of 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*.

Section 10F (2) of the *Local Courts (Civil Claims) Act 1970* (before its repeal by Schedule 22 [2] to the *Courts Legislation Amendment Act 1998*) provided that the rules made under that Act prescribing fees and in force immediately before the commencement of Division 3A of that Act (1 October 1992) are taken to be regulations made by the Governor. Rule 2 of Part 2 commenced on 1 July 1989.

A savings and transitional provision inserted in the *Local Courts (Civil Claims) Act 1970* (by Schedule 22 [3] to the *Courts Legislation Amendment Act 1998*) is to the effect that the repeal of section 10F of that Act does not affect the status of rules and regulations made under that Act and in force on 3 August 1998.

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

1998 No 615

Clause 1 Local Courts (Civil Claims) Amendment (Fees) Regulation 1998

**Local Courts (Civil Claims) Amendment (Fees)
Regulation 1998**

1 Name of Regulation

This Regulation is the *Local Courts (Civil Claims) Amendment (Fees) Regulation 1998*.

2 Commencement

This Regulation commences on 1 November 1998.

3 Amendment of Local Courts (Civil Claims) Rules 1988

Rule 2 of Part 2 of the *Local Courts (Civil Claims) Rules 1988* is amended as set out in Schedule 1.

4 Note

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Part 2, Rule 2 Fees

Omit Rule 2 (5). Insert instead:

- (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	52.00
(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	69.00
(c) in respect of a claim for an amount exceeding \$10,000	130.00
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	52.00
(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	69.00
(c) in respect of a claim for an amount exceeding \$10,000	130.00
3. Filing a certificate or certified copy of conviction or order	52.00
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	96.00
(c) in respect of a claim for an amount exceeding \$10,000	163.00

1998 No 615

Local Courts (Civil Claims) Amendment (Fees) Regulation 1998

Schedule 1 Amendment

	\$
<hr/>	
5. Filing an application for an order under section 18A (1) of the <i>Arbitration (Civil Actions) Act 1983</i> for the 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	231.00
6. Making a copy of any document or part of a document, other than as prescribed by Item 7, per page (minimum fee	2.00 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 (minimum fee for 1 to 8 pages	6.50 56.00)
(b) per page, where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages	7.50 66.00)
9. Except as provided by Item 10, service or attempted service by an officer of the Sheriff 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 <i>Service and Execution of Process Act 1992</i> 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

Local Courts (Civil Claims) Amendment (Fees) Regulation 1998

Amendment

Schedule 1

	\$
(c) To issue a subpoena to give evidence	11.00
13. Execution or attempted execution of a writ of execution or warrant to apprehend a judgment debtor	46.00
14. Disbursements in executing or attempting to execute a writ of execution, including a fee for keeping possession.	As prescribed by the Scale of Fees under the <i>Sheriff Act 1900</i>
15. Levy on a writ of execution	