



New South Wales

Local Courts (Civil Claims) Amendment (Fees) Regulation 1999

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*.

J. W. SHAW, Q.C., M.L.C.,
Attorney General

Explanatory note

The object of this Regulation is to increase certain court 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 of the *Local Courts (Civil Claims) Rules 1988* 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).

1999 No 579

Clause 1 Local Courts (Civil Claims) Amendment (Fees) Regulation 1999

**Local Courts (Civil Claims) Amendment (Fees)
Regulation 1999**

1 Name of Regulation

This Regulation is the *Local Courts (Civil Claims) Amendment (Fees) Regulation 1999*.

2 Commencement

This Regulation commences on 1 November 1999.

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 Notes

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:

| | \$ |
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| 1 Filing a statement of claim: | |
| (a) in respect of a claim for an amount not exceeding \$3,000 | 54 |
| (b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000 | 72 |
| (c) in respect of a claim for an amount exceeding \$10,000 | 136 |
| 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 | 54 |
| (b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000 | 72 |
| (c) in respect of a claim for an amount exceeding \$10,000 | 136 |
| 3 Filing a certificate or certified copy of conviction or order | 54 |

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Schedule 1 Amendment

| | | \$ |
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| 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 | 100 |
| | (c) in respect of a claim for an amount exceeding \$10,000 | 169 |
| 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 | 241 |
| 6 | Making a copy of any document or part of a document, other than as prescribed by Item 7, for each page (minimum fee | 2 10) |
| 7 | Supply of duplicate tape recording of sound-recorded evidence, for each cassette | 30 |
| 8. | For each copy of the transcript of any proceedings: | |
| | (a) for each page, where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages | 6.50 56) |
| | (b) for each page, where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages | 7.50 66) |
| 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 | 35 |
| 10 | Service or attempted service of a statement of claim by post, for each address at which service is effected or attempted | 23 |

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Amendment

Schedule 1

| | \$ |
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| 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 |
| 12 (a) To issue a subpoena for production | 23 |
| (b) To issue a subpoena for production and to give evidence | 23 |
| (c) To issue a subpoena to give evidence | 11 |
| 13 Execution or attempted execution of a writ of execution or warrant to apprehend a judgment debtor | 48 |
| 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 writ of execution | |
| 16 For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed | |

BY AUTHORITY