

1993—No. 449

**DISTRICT COURT ACT 1973—REGULATION**

(District Court (Fees) Regulation 1993)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the District Court Act 1973, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD, M.L.C.,  
Minister for Justice.

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**Citation**

1. This Regulation may be cited as the District Court (Fees) Regulation 1993.

**Commencement**

2. This Regulation commences on 1 September 1993.

**Fees chargeable**

3. The fees to be taken in respect of the business of the Court are the fees set out in Schedule 1.

**Fees not chargeable to the Crown**

4. (1) No fee is chargeable to the Crown or any other person with respect to any document or service filed or provided:

- (a) for the Government of New South Wales; or
- (b) for any New South Wales Government Department; or
- (c) for any statutory body whose expenditure is paid out of the Consolidated Fund.

(2) This clause does not prevent the recovery from any person by the Crown or by any such statutory body of any such fee that, had it been paid, would have been recoverable from that person.

### **Actions under the Motor Accidents Act 1988 exempt from certain fees**

5. An action to which the Motor Accidents Act 1988 applies is exempt from the fees referred to in items 1, 3 and 14 of Schedule 1.

### **Persons by and to whom fees payable**

6. (1) Any fee charged under this Regulation for any document or service is payable, by the person at whose request the document is filed or the service rendered:

- (a) in the case of a document that is filed in any proceedings—to the registrar for the proper place in relation to the proceedings; or
- (b) in the case of any service rendered by a bailiff—to the registrar who required the bailiff to render the service.

(2) If a document is filed or a service rendered at the request of a person acting as an agent for another person, each of those persons is jointly and severally liable for payment of any such fee.

### **Time for payment of fees**

7. (1) A fee charged under this Regulation becomes payable when the document concerned is filed or the service concerned is rendered.

(2) However, a registrar who is requested to file a document or render a service:

- (a) may require any fee for the document or service to be paid before the document is filed or the service rendered; or
- (b) may, by order in writing, direct that the whole or any part of any such fee be postponed, waived or remitted, subject to such conditions (if any) as the registrar thinks fit to impose.

### **Repeal**

8. (1) The District Court (Fees) Regulations are repealed.

(2) Any act, matter or thing that, immediately before the repeal of the District Court (Fees) Regulations, had effect under those Regulations is taken to have effect under this Regulation.

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## SCHEDULE 1—COURT FEES

		(Cl. 3)
1.	(a) Filing a statement of claim or any other originating process, whether application or notice of appeal .....	\$135.00
	(b) Filing a notice of cross-claim or third or subsequent party notice .....	\$135.00
2.	(a) Filing a requisition for a civil trial by a jury (to be paid by the party requesting a jury) .....	\$545.00
	(b) Daily retention fee (to be paid by the party requesting a jury for each day a jury is required after the first day of a civil trial) .....	\$250.00
3.	Filing a praecipe for trial .....	\$185.00
4.	Making a copy of any document, per page .....	\$2.00
	(minimum fee: .....	\$10.00)
5.	Supply of duplicate tape recording of sound-recorded evidence, per cassette .....	30.00
6.	For each copy of the transcript of any proceedings:	
	(a) per page, where the matter being transcribed is under 3 months old .....	6.50
	(minimum fee for 1 to 8 pages .....	55.00)
	(b) per page, where the matter being transcribed is 3 months old or older .....	7.50
	(minimum fee for 1 to 8 pages .....	65.00)
7.	Service or attempted service of any process or other document, including service by post and preparation of an affidavit of service—for each address at which service of the process or other document is effected or attempted .....	\$31.00
8.	Execution or attempted execution of any writ or warrant—for each address at which execution of the writ or warrant is effected or attempted .....	
9.	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 Sheriff Act 1900
10.	The travelling expenses incurred by officers in conveying an arrested person to prison or to court	
11.	Attending a view by a jury (to be paid by the party making the request)	
12.	Filing an application for an order under section 18 (2) of the Arbitration (Civil Actions) Act 1983 for the rehearing of an action referred for arbitration .....	\$310.00
	<i>NOTE: This amount is subject to any provisions of the District Court Rules 1973 providing for the refund of the whole or any part of this amount.</i>	
13.	Filing a bill of costs for taxation .....	\$205.00
14.	(a) To issue a subpoena for production .....	\$40.00
	(b) To issue a subpoena for production and to give evidence .....	\$40.00
	(c) To issue a subpoena to give evidence .....	\$20.00

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**SCHEDULE 1—COURT FEES**

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, without any substantive changes, the District Court (Fees) Regulations. The new Regulation makes provision for the following matters:

- (a) the amounts of the fees chargeable with respect to the filing of documents and the provision of other services with respect to the business of the District Court (clause 3);
- (b) the exemption of the Crown from payment of fees (clause 4);
- (c) the exemption of actions to which the Motor Accidents Act 1988 applies from payment of certain fees (clause 5);
- (d) the persons by whom, and the persons to whom, fees are to be paid (clause 6);
- (e) the time when fees become payable (clause 7).

This Regulation is made under the District Court Act 1973, including section 150 (Regulations: Court fees).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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