



New South Wales

Local Courts (Civil Claims) Regulation 2000

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*.

BOB DEBUS, M.P.,

Attorney General

Explanatory note

The object of this Regulation is to make provision for the fees that are payable in respect of the business of Local Courts under the *Local Court (Civil Claims) Act 1970* (including provision for the postponement or waiver of court fees in pro bono cases or in the case of legally assisted persons).

This Regulation replaces, and is in essentially the same terms as, Rule 2 of Part 2 of the *Local Courts (Civil Claims) Rules 1988* which was taken to be a Regulation under the Act.

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

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1 Name of Regulation

This Regulation is the *Local Courts (Civil Claims) Regulation 2000*.

2 Commencement

This Regulation commences on 1 September 2000.

3 Notes

The explanatory note and table of contents do not form part of this Regulation.

4 Fees

- (1) The fees to be taken in respect of the business of a court are the fees set out in Schedule 1.
- (2) A fee charged under this Regulation for any document or service is payable to the registrar of the court:
 - (a) by the person at whose request the document is filed or the service is rendered, and
 - (b) when the document is filed or the service is rendered.
- (3) 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 is rendered, or
 - (b) may, by order in writing, direct that the whole or any part of such fee be postponed, waived or remitted subject to such conditions (if any) as the registrar thinks fit to impose.

5 Postponement or waiver of fees in certain cases

- (1) The taking of any fee in respect of the business of a court in relation to proceedings involving a pro bono party or legally assisted party is, if the fee is payable by the pro bono party or legally assisted party, to be postponed until judgment is given in the proceedings.

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- (2) The fee is not to be taken at all, or if taken must be remitted, if:
 - (a) judgment in the proceedings is against the pro bono party or legally assisted party concerned, or
 - (b) judgment is in favour of the pro bono party or legally assisted party, but damages are not awarded (or only nominal damages are awarded) in that party's favour and costs are not awarded in that party's favour.
- (3) A registrar must not refuse to file or issue any document, or render a service, relevant to proceedings merely because, in accordance with this clause, a fee in respect of any business of a court has not been taken on behalf of a pro bono party or legally assisted party to those proceedings.
- (4) For the purposes of this clause:
 - (a) a party to proceedings is a *pro bono party* if he or she is being represented under the pro bono scheme of the Law Society of New South Wales or the pro bono scheme of the New South Wales Bar Association and a legal practitioner acting for the party:
 - (i) certifies in writing to the registrar or Clerk of the Local Court with whom the initiating process is lodged on behalf of the party that the party is being so represented, and
 - (ii) undertakes in writing to the registrar or Clerk to pay the filing fee for that document if, at the conclusion of the proceedings, subclause (2) does not apply, and
 - (b) a party to proceedings is a *legally assisted party* if he or she is receiving legal assistance through a community legal centre within the meaning of section 48H of the *Legal Profession Act 1987*.

6 Amendment of Local Courts (Civil Claims) Rules 1988

The *Local Courts (Civil Claims) Rules 1988* are amended by omitting Rule 2 of Part 2.

Schedule 1 Court fees

(Clause 4)

	\$
1 Filing a statement of claim:	
(a) in respect of a claim for an amount not exceeding \$3,000	56
(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	74
(c) in respect of a claim for an amount exceeding \$10,000	140
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	56
(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	74
(c) in respect of a claim for an amount exceeding \$10,000	140
3 Filing a certificate or certified copy of conviction or order	56
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	103
(c) in respect of a claim for an amount exceeding \$10,000	174
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 . . .	248
6 Making a copy of any document or part of a document, other than as prescribed by Item 7, for each page	2
(minimum fee)	10)
7 Supply of duplicate tape recording of sound-recorded evidence, for each cassette	31
8 For each copy of the transcript of any proceedings:	
(a) for each page, where the matter being transcribed is under 3 months old	6.70
(minimum fee for 1 to 8 pages)	58)

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	(b) for each page, where the matter being transcribed is 3 months old or older	7.70	
	(minimum fee for 1 to 8 pages	68)	
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	39	
10	Service or attempted service of a statement of claim by post, for each address at which service is effected or attempted	24	
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	24	
	(b) To issue a subpoena for production and to give evidence	24	
	(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	49	
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