



# District Court Amendment (Fees) Regulation 2004

under the

District Court Act 1973

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *District Court Act 1973*.

BOB DEBUS, M.P.,  
Attorney General

## **Explanatory note**

The object of this Regulation is to increase, by approximately 4 per cent, certain court fees (as set out in the *District Court Regulation 2000*) payable in respect of the business of the District Court.

This Regulation also omits all references to a hearing fee (for the 6th and each subsequent day of a hearing) that is no longer applicable.

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

## **2004 No 353**

Clause 1            District Court Amendment (Fees) Regulation 2004

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### **District Court Amendment (Fees) Regulation 2004**

under the

District Court Act 1973

#### **1 Name of Regulation**

This Regulation is the *District Court Amendment (Fees) Regulation 2004*.

#### **2 Commencement**

This Regulation commences on 1 July 2004.

#### **3 Amendment of District Court Regulation 2000**

The *District Court Regulation 2000* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

- [1] Clause 3 Interpretation**  
Omit the definition of *hearing fee* from clause 3 (1).
- [2] Clause 5 Fees not chargeable to the Crown**  
Omit “or hearing fee” from clause 5 (2).
- [3] Clause 6 Pro bono cases**  
Omit “or hearing fee” wherever occurring.
- [4] Clause 7 Postponement of fees in certain other cases**  
Omit “or hearing fee” from clause 7 (3A).
- [5] Clause 8 Persons by and to whom fees payable (other than hearing allocation fees)**  
Omit “or hearing fees” from clause 8 (4) (a).
- [6] Clause 8A Persons by and to whom hearing allocation fees payable**  
Omit “or hearing fee” wherever occurring.
- [7] Clause 8A (1) (a)**  
Omit “or 18 respectively”.
- [8] Clause 9 Time for payment of fees**  
Omit “or hearing fee” from clause 9 (1).
- [9] Clause 9 (1B)**  
Omit the subclause.
- [10] Clause 9A Action available if hearing allocation fee not paid**  
Omit “or hearing fee”.

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Schedule 1 Amendments

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### [11] Schedule 1

Omit the Schedule. Insert instead:

### Schedule 1 Court fees


(Clause 4)

|   |   | \$  |
|---|---|---|
| 1 | (1) Filing a statement of claim or any other originating process (other than the filing of an originating process referred to in paragraph (2)) | 876.00 (in the case of a corporation) or 438.00 (in any other case)   |
|   | (2) Filing an originating process by way of a notice of appeal  | 362.00 (in the case of a corporation) or 181.00 (in any other case)   |
|   | (3) Filing a notice of cross-claim or third or subsequent party notice  | 876.00 (in the case of a corporation) or 438.00 (in any other case)   |
| 2 | Filing notice of motion under Part 16 of the <i>District Court Rules 1973</i> (not being a filing referred to in item 1)                        | 114.00 (in the case of a corporation) or 57.00 (in any other case)    |
| 3 | (1) Filing a requisition for a civil trial by a jury (to be paid by the party requesting a jury)  | 1,498.00 (in the case of a corporation) or 749.00 (in any other case) |
|   | (2) 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)        | 680.00 (in the case of a corporation) or 340.00 (in any other case)   |
| 4 | Making a copy of any document, for each page<br><br>(minimum fee of \$10.00)  | 2.00  |

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Schedule 1

|    |   | \$  |
|----|---|---|
| 5  | Supply of duplicate tape recording of sound-recorded evidence, for each cassette  | 35.00   |
| 6  | For each copy of the transcript of any proceedings:   |   |
|    | (a) for each page, where the matter being transcribed is under 3 months old<br><br>(minimum fee for 1 to 8 pages of \$64.00)  | 7.60  |
|    | (b) for each page, where the matter being transcribed is 3 months old or older<br><br>(minimum fee for 1 to 8 pages of \$75.00)   | 8.70  |
| 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 | 44.00   |
| 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   | 55.00   |
| 9  | Disbursements in executing or attempting to execute a writ of execution, including a fee for keeping possession   |  <p>As prescribed<br/>by the scale of<br/>fees under the<br/><i>Sheriff Act</i><br/>1900</p> |
| 10 | Levy on a writ of execution   |   |
| 11 | For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed   |   |
| 12 | The travelling expenses incurred by officers in conveying an arrested person to prison or to court  |   |
| 13 | Attending a view by a jury (to be paid by the party making the request)   |   |

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Schedule 1 Amendments

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| 14 | On referral for hearing by an arbitrator under the <i>Arbitration (Civil Actions) Act 1983</i> (to be paid equally between the parties)  | 557.00  |
| 15 | 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  | 850.00 (in the case of a corporation) or 425.00 (in any other case) |
|    | <b>Note.</b> This amount is subject to any provision of the <i>District Court Rules 1973</i> providing for the refund of the whole or any part of this amount.   |   |
| 16 | To issue a subpoena (for production, to give evidence, or both)  | 110.00 (in the case of a corporation) or 55.00 (in any other case)  |
| 17 | For allocation of a date for hearing the proceedings by a judge or a judge and jury  | 936.00 (in the case of a corporation) or 468.00 (in any other case) |
|    | <b>Note 1.</b> The hearing allocation fee is payable by the plaintiff or appellant in the proceedings. If the Court or a registrar so orders, the fee is payable by another party to the proceedings or by any parties to the proceedings in the proportions ordered.  |   |
|    | <b>Note 2.</b> A hearing allocation fee is payable for proceedings allocated a date for hearing after 1 October 2003 whether the proceedings were initiated before or after that date.   |   |
|    | <b>Note 3.</b> A hearing allocation fee is not payable:<br>(a) in criminal proceedings, or<br>(b) in proceedings of an interlocutory nature only.  |   |
|    | <b>Note 4.</b> A hearing allocation fee is not payable and, if paid, is to be remitted, if:<br>(a) the proceedings do not proceed on the allocated date for hearing, and<br>(b) a registrar is satisfied that the adjournment was due to circumstances beyond the control of the parties to the proceedings. |   |

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BY AUTHORITY