



# Legal Profession Amendment (Costs Assessment Forms) Regulation 2004

under the

Legal Profession Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Legal Profession Act 1987*.

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The object of this Regulation is to enable the Chief Justice of the Supreme Court to approve forms for use in applications for costs assessments.

This Regulation is made under the *Legal Profession Act 1987*, including sections 203 (1), 208KA (2) (a) and 216 (the general regulation-making power).

## **2004 No 95**

Clause 1            Legal Profession Amendment (Costs Assessment Forms) Regulation 2004

---

# **Legal Profession Amendment (Costs Assessment Forms) Regulation 2004**

under the

Legal Profession Act 1987

### **1 Name of Regulation**

This Regulation is the *Legal Profession Amendment (Costs Assessment Forms) Regulation 2004*.

### **2 Amendment of Legal Profession Regulation 2002**

The *Legal Profession Regulation 2002* is amended as set out in Schedule 1.

---

## Schedule 1 Amendments

(Clause 2)

### [1] Clause 3 Definitions

Insert “(other than in Part 10)” after “Regulation” in clause 3 (4).

### [2] Clause 45 Particulars in bill of costs

Omit “(see Forms 1 and 2)” from the note at the end of clause 45.

Insert instead “(see the approved forms referred to in clause 53)”.

### [3] Clause 45, note

Omit “Form 3”.

Insert instead “the approved form referred to in clause 55 (1)”.

### [4] Part 10, Division 1, heading

Renumber Division 1 as Division 1A.

### [5] Part 10, Division 1

Insert before Division 1A (as renumbered by item [4]):

#### **Division 1 Interpretation**

##### **51A Approved forms**

- (1) The Chief Justice of the Supreme Court may, on the recommendation of the costs assessors’ rules committee, approve forms (and amendments to such approved forms) for the purposes of the provisions of this Part.
- (2) An approved form or an amendment to an approved form:
  - (a) is to be published in the Gazette, and
  - (b) takes effect when it is published in the Gazette or on such later date as may be specified in the approval.
- (3) Until a substitute approved form is approved and takes effect under this clause:
  - (a) Form 1 in Schedule 1 (as in force immediately before the commencement of this clause) is taken to be the approved form for the purposes of clause 53 (1), and

## 2004 No 95

Legal Profession Amendment (Costs Assessment Forms) Regulation 2004

Schedule 1 Amendments

---

- (b) Form 2 in Schedule 1 (as in force immediately before the commencement of this clause) is taken to be the approved form for the purposes of clause 53 (1A), and
  - (c) Form 3 in Schedule 1 (as in force immediately before the commencement of this clause) is taken to be the approved form for the purposes of clause 55 (1), and
  - (d) Form 4 in Schedule 1 (as in force immediately before the commencement of this clause) is taken to be the approved form for the purposes of clause 64 (1).
- (4) A form that is taken to be an approved form under subclause (3) may be amended in the same way as an approved form approved under this clause.
  - (5) A reference in this Part to an *approved form* for a document is a reference to a form as approved (and amended) from time to time under this clause for the document or a form that is taken to be the approved form for the document under subclause (3).

### [6] **Clause 53 Form of, and fee for, application for assessment of bill of costs**

Omit clause 53 (1). Insert instead:

- (1) For the purposes of section 203 (1) of the Act, an application for assessment (other than an application for assessment of party/party costs under section 202 of the Act) by the client is to be made in the approved form.
- (1A) For the purposes of section 203 (1) of the Act, an application for assessment (other than an application for assessment of party/party costs under section 202 of the Act) by a person other than the client is to be made in the approved form.
- (1B) The application is to be made to the Manager, Costs Assessment in triplicate.

---

**[7] Clause 55 Form of, and fee for, application for assessment of party/party costs**

Omit clause 55 (1) and (2). Insert instead:

- (1) For the purposes of section 203 (1) of the Act, an application for assessment of party/party costs under section 202 of the Act is to be made in the approved form.
- (2) The application is to be made to the Manager, Costs Assessment in triplicate.

**[8] Clause 56 Procedure before application for assessment of party/party costs**

Omit "Form 3" from clause 56 (1) (a).

Insert instead "the approved form referred to in clause 55 (1)".

**[9] Clause 56 (2) (a)**

Omit the paragraph. Insert instead:

- (a) Before the application is made to the Manager, Costs Assessment, the person proposing to make the application is to complete the relevant parts of the form of application in the approved form referred to in clause 55 (1) and send the application to the person to whom the costs are payable (the *recipient*) with a notice advising the recipient that the information required of the recipient in the form is to be provided by the recipient and the completed application form returned to the applicant within 21 days after the recipient receives the notice (or within such longer period as the applicant and the recipient agree).

**[10] Clause 64 Application for review by costs review panel**

Omit clause 64 (1). Insert instead:

- (1) For the purposes of section 208KA (2) (a) of the Act, an application for a review of a determination of a costs assessor is to be made in the approved form and is to be filed in triplicate.

**[11] Schedule 1 Forms**

Omit Forms 1–4.