



New South Wales

District Court Amendment (Fees) Regulation 2005

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

2005 No 267

Clause 1 District Court Amendment (Fees) Regulation 2005

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1 Name of Regulation

This Regulation is the *District Court Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

3 Amendment of District Court Regulation 2000

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

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

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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))	908.00 (in the case of a corporation) or 454.00 (in any other case)
	(2) Filing an originating process by way of a notice of appeal	376.00 (in the case of a corporation) or 188.00 (in any other case)
	(3) Filing a notice of cross-claim or third or subsequent party notice	908.00 (in the case of a corporation) or 454.00 (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)	118.00 (in the case of a corporation) or 59.00 (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)	1,554.00 (in the case of a corporation) or 777.00 (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)	706.00 (in the case of a corporation) or 353.00 (in any other case)
4	Making a copy of any document, for each page (minimum fee of \$10.00)	2.00
5	Supply of duplicate tape recording of sound-recorded evidence, for each cassette	36.00
6	For each copy of the transcript of any proceedings:	
	(a) for each page, where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages of \$66.00)	7.90

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Schedule 1 Amendment

	\$
(b) for each page, where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages of \$78.00)	9.00
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	46.00
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	57.00
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 <i>Sheriff Act 1900</i>
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)	
14 On referral for hearing by an arbitrator under the <i>Arbitration (Civil Actions) Act 1983</i> (to be paid equally between the parties)	578.00
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 Note. 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.	882.00 (in the case of a corporation) or 441.00 (in any other case)
16 To issue a subpoena (for production, to give evidence, or both)	114.00 (in the case of a corporation) or 57.00 (in any other case)

	\$
<p>17 For allocation of a date for hearing the proceedings by a judge or a judge and jury</p> <p>Note 1. 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.</p> <p>Note 2. 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.</p> <p>Note 3. A hearing allocation fee is not payable:</p> <ul style="list-style-type: none"> (a) in criminal proceedings, or (b) in proceedings of an interlocutory nature only. <p>Note 4. A hearing allocation fee is not payable and, if paid, is to be remitted, if:</p> <ul style="list-style-type: none"> (a) the proceedings do not proceed on the allocated date for hearing, and (b) a registrar is satisfied that the adjournment was due to circumstances beyond the control of the parties to the proceedings. 	<p>972.00 (in the case of a corporation) or 486.00 (in any other case)</p>