



New South Wales

# Legal Profession Amendment (Civil Procedure) Regulation 2005

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 substitute Schedule 3 to the *Legal Profession Regulation 2002* (which prescribed the costs chargeable for the uncontested recovery of lump sum debts and the enforcement of judgments by judgment creditors) as a consequence of the enactment of the *Civil Procedure Act 2005*. The costs so prescribed remain unchanged.

This Regulation is made under the *Legal Profession Act 1987*, including section 216 (the general power to make regulations) and section 196.

## **2005 No 412**

Clause 1            Legal Profession Amendment (Civil Procedure) Regulation 2005

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# **Legal Profession Amendment (Civil Procedure) Regulation 2005**

under the

Legal Profession Act 1987

### **1 Name of Regulation**

This Regulation is the *Legal Profession Amendment (Civil Procedure) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 15 August 2005.

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

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

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## Schedule 1 Amendment

(Clause 3)

**Schedule 3**

Omit the Schedule. Insert instead:

### **Schedule 3 Costs for recovery of lump sum debts and for enforcement of judgments by judgment creditors**

(Clause 47)

**Part 1 Supreme Court**

<b>No</b>	<b>Item</b>	<b>Amount</b>
<b>1</b>	<b>Preparation of process</b>	
	Costs of taking instructions, preparing documents and filing statement of claim for recovery of lump sum debt including drawing/typing/checking of originating process and cheque to pay account of process server	\$858
<b>2</b>	<b>Service of additional defendants</b>	
	Costs of service—for each additional defendant	\$50
<b>3</b>	<b>Substituted service</b>	
	Costs of substituted service including drawing/typing/checking of affidavit, notice of motion and cheque to pay account of process server	\$488
<b>4</b>	<b>Service interstate or overseas</b>	
	Costs of service in another jurisdiction:	
(a)	within Australia—including obtaining leave to proceed and drawing/typing/checking notice of motion	\$187
(b)	outside Australia in a country where English is the official language—including drawing/typing/checking of request for service and notice to defendant to be served	\$128
(c)	outside Australia in a country where English is not the official language—including drawing/typing/checking of request for special service and notice to defendant to be served	\$578

## 2005 No 412

Legal Profession Amendment (Civil Procedure) Regulation 2005

Schedule 1 Amendment

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No	Item	Amount
<b>5</b>	<b>Default judgment</b>	
	Costs on applying for default judgment for recovery of lump sum debt including all matters listed in Item 1 plus drawing/typing/checking of affidavit of service, notice of motion and affidavit in support	\$1,246
<b>6</b>	<b>Foreign judgments</b>	
	Costs on obtaining certificate of judgment under section 15 of the <i>Foreign Judgments Act 1991</i> of the Commonwealth, including drawing/typing/checking of summons, minute of judgment, certificate under that section and affidavit of facts	
	(a) if a solicitor is required to attend the court to settle judgment	\$687
	(b) if a solicitor is not so required	\$481
<b>7</b>	<b>Writ of execution</b>	
	Costs of taking instructions, preparing documents and filing notice of motion for writ of execution (whether or not the matter was contested) including drawing/typing/checking of notice of motion, affidavit and cheque for payment of proceeds to plaintiff	\$530

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## Part 2 District Court

No	Item	Amount
<b>1</b>	<b>Preparation of process</b>	
	Costs of taking instructions, preparing documents and filing statement of claim for recovery of lump sum debt including drawing/typing/checking of originating process and cheque to pay account of process server	\$642
<b>2</b>	<b>Service of additional defendants</b>	
	Costs of service—for each additional defendant	\$50
<b>3</b>	<b>Substituted service</b>	
	Costs of substituted service including drawing/typing/checking of notice of motion, affidavit and cheque to pay account of process server	\$462

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<b>No</b>	<b>Item</b>	<b>Amount</b>
<b>4</b>	<b>Default judgment—liquidated claim</b>	
	Costs on applying for default judgment for recovery of lump sum debt including all matters listed in Item 1 plus drawing/typing/checking of affidavit of service, notice of motion and affidavit in support	\$956
<b>5</b>	<b>Default judgment—unliquidated claim</b>	
	Costs on obtaining judgment in undefended proceedings including all matters listed in Items 1 and 4	\$1,335
<b>6</b>	<b>Order for examination</b>	
	Costs of obtaining an order for examination, including drawing/typing/checking of notice of motion and cheque to pay account of process server	\$506
<b>7</b>	<b>Arrest of judgment debtor</b>	
	Costs on issue of warrant for arrest of judgment debtor including drawing/typing/checking of notice of motion for issue of warrant	\$217
<b>8</b>	<b>Writ of execution</b>	
	Costs of taking instructions, preparing documents and filing notice of motion for writ of execution (whether or not the matter was contested) including drawing/typing/checking of notice of motion, affidavit and cheque for payment of proceeds to plaintiff	\$388

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### Part 3 Local Court

<b>No</b>	<b>Item</b>	<b>Amount</b>
<b>1</b>	<b>Preparation of process</b>	
	Costs of taking instructions, preparing documents and filing statement of claim for recovery of lump sum debt including drawing/typing/checking of originating process and cheque to pay account of process server	\$491
<b>2</b>	<b>Default judgment—liquidated claim</b>	
	Costs on applying for default judgment for recovery of lump sum debt including all matters listed in Item 1 plus drawing/typing/checking of affidavit of service, notice of motion and affidavit in support	\$712

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Legal Profession Amendment (Civil Procedure) Regulation 2005

Schedule 1 Amendment

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<b>No</b>	<b>Item</b>	<b>Amount</b>
<b>3</b>	<b>Default judgment—unliquidated claim</b>	
	Costs on obtaining judgment in undefended proceedings including all matters listed in Items 1 and 2	\$1,228
<b>4</b>	<b>Conditions applicable to Items 1–3</b>	
	Items 1, 2 and 3 are alternatives, and only one of them is applicable in respect of any matter. If, in respect of any of those Items, if the amount at issue in the proceedings:	
	(a) does not exceed \$1,000—the costs are 40% of the amount specified for that Item, or	
	(b) exceeds \$1,000 but does not exceed \$5,000—the costs are 60% of the amount specified for that Item, or	
	(c) exceeds \$5,000 but does not exceed \$20,000—the costs are 80% of the amount specified for that Item, or	
	(d) exceeds \$20,000—the costs are the full amount specified for that Item.	
<b>5</b>	<b>Order for examination</b>	
	Costs of obtaining an order for examination, including drawing/typing/checking of notice of motion and cheque to pay account of process server	\$293
<b>6</b>	<b>Examination of judgment debtor</b>	
	Costs on examination of judgment debtor by solicitor	\$213
<b>7</b>	<b>Arrest of judgment debtor</b>	
	Costs on issue of warrant for arrest of judgment debtor including drawing/typing/checking of notice of motion for issue of warrant	\$155
<b>8</b>	<b>Writ of execution</b>	
	Costs of taking instructions, preparing documents and filing notice of motion for writ of execution (whether or not the matter was contested) including drawing/typing/checking of notice of motion, affidavit and cheque for payment of proceeds to plaintiff	\$198

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BY AUTHORITY