



New South Wales

# Civil Procedure Amendment (Fees) Regulation 2006

under the

Civil Procedure Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Civil Procedure Act 2005*.

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The object of this Regulation is to amend the *Civil Procedure Regulation 2005* so as:

- (a) to provide for the waiver, postponement and remittal of fees by the registrar of a court rather than, as is currently the case, by the court, and
- (b) to enable the registrar of a court, and the Sheriff, to delegate functions conferred on them by that Regulation, and
- (c) to extend the range of matters for which fees are payable to the Sheriff, and
- (d) to correct the description of certain other matters for which fees are payable under that Regulation, and
- (e) to increase certain fees that are payable in relation to civil proceedings generally.

This Regulation is made under the *Civil Procedure Act 2005*, including section 18 (Fees).

## **2006 No 358**

Clause 1            Civil Procedure Amendment (Fees) Regulation 2006

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### **Civil Procedure Amendment (Fees) Regulation 2006**

under the

Civil Procedure Act 2005

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

This Regulation is the *Civil Procedure Amendment (Fees) Regulation 2006*.

#### **2 Commencement**

This Regulation commences on 1 July 2006.

#### **3 Amendment of Civil Procedure Regulation 2005**

The *Civil Procedure Regulation 2005* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 9 Payment of hearing allocation fees**

Insert before clause 9 (1):

- (1A) This clause applies in relation to civil proceedings in the Supreme Court or the District Court.

**[2] Clause 10 Payment of hearing fees**

Insert before clause 10 (1):

- (1A) This clause applies in relation to civil proceedings in the Supreme Court.

**[3] Clause 11 General power to waive, postpone and remit fees**

Insert “registrar of the” after “The” in clause 11 (1).

**[4] Clause 11 (1)**

Omit “court thinks”. Insert instead “registrar thinks”.

**[5] Clause 20**

Omit the clause. Insert instead:

**20 Delegation of functions**

- (1) The registrar of a court may delegate to any person the exercise of any of the functions conferred on the registrar by this Regulation, other than this power of delegation.
- (2) The Sheriff may delegate to any person the exercise of any of the functions conferred on the Sheriff by this Regulation, other than this power of delegation.

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Schedule 1 Amendments

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**[6] Schedules 1 and 2**

Omit the Schedules. Insert instead:

**Schedule 1 Court fees**

(Clause 4)

**Part 1 Supreme Court**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Matter for which fee payable</b>	<b>Standard fee</b>	<b>Corporation fee</b>
1 Filing an originating process (other than an originating process referred to in items 2–9)	\$659	\$1,318
2 Filing an originating process in the Equity Division for entry in the Commercial List or the Technology and Construction List	\$1,506	\$3,012
3 Filing an originating process in the Equity Division for entry in the Admiralty List	\$606	\$1,453
4 Filing an originating process by which an application for a grant or resealing of probate in respect of an estate the sworn gross value of which:		
(a) is less than \$50,000	Nil	—
(b) is \$50,000 or more but less than \$250,000	\$582	—
(c) is \$250,000 or more but less than \$500,000	\$734	—
(d) is \$500,000 or more but less than \$1,000,000	\$1,106	—
(e) is \$1,000,000 or more	\$1,472	—
5 Filing in the Court of Appeal a holding summons for leave to appeal or cross-appeal	\$129	\$258
6 Filing in the Court of Appeal an ordinary summons for leave to appeal or cross-appeal in respect of an application initiated by a holding summons	\$604	\$1,208
7 Filing any other summons in the Court of Appeal	\$732	\$1,464

	Column 1	Column 2	Column 3
	Matter for which fee payable	Standard fee	Corporation fee
8	Filing a notice of appeal without appointment in the Court of Appeal	\$291	\$582
9	Filing a notice of appeal with appointment in the Court of Appeal:		
	(a) in proceedings in which a summons has been filed in the Court of Appeal	\$1,539	\$3,078
	(b) in proceedings in which a notice of appeal without appointment has been filed	\$1,980	\$3,960
	(c) in any other proceedings	\$2,270	\$4,540
10	Allocating a date for hearing of the proceedings by one or more judges, a judge and jury or an associate judge	\$1,257	\$2,514
11	Filing a requisition for trial by jury	\$800	\$1,600
12	For retention of jury after the first day of trial <b>Note.</b> The fees under this item are to be paid by the party requesting a jury for the trial.	\$365 per day	\$730 per day
13	On referral of proceedings for arbitration under Division 2 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$598	—
14	Filing an application for an order for the rehearing of proceedings under Division 3 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$456	\$912
15	Hearing of proceedings by one of more judges, for each half day of hearing on or after the 11th day <b>Note.</b> For the purposes of this item, a half day comprises a period of 3 hours or less, such period to include any adjournment of less than half an hour.	\$234	\$468
16	Hearing of proceedings by an associate judge, for each half day of hearing on or after the 11th day <b>Note.</b> For the purposes of this item, a half day comprises a period of 3 hours or less, such period to include any adjournment of less than half an hour.	\$211	\$422
17	Preparing appeal papers (for such number of copies as the registrar orders to be printed) in volumes of not more than 250 pages	\$523 per volume	\$1,046 per volume

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Matter for which fee payable</b>	<b>Standard fee</b>	<b>Corporation fee</b>
18 Filing a notice of motion	\$152	\$304
19 Lodging a will otherwise than as an attachment to an originating process by which an application for a grant or resealing of probate is made	\$32	—
20 Preparing a copy of a will	\$44	—
21 Conducting a genealogical search on a probate file (for each file searched)	\$84	—
22 Conducting a search for an application for a grant or resealing of probate (for each file searched)	\$44	—
23 Lodging a caveat against an application for a grant or resealing of probate	\$31	\$62
24 Conducting an adoption search (for each file searched)	\$44	—
25 Issuing a registrar’s certificate as to the signature of a public notary	\$44	—

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**Part 2 District Court**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Matter for which fee payable</b>	<b>Standard fee</b>	<b>Corporation fee</b>
1 Filing an originating process (other than an originating process referred to in item 2)	\$469	\$938
2 Filing an originating process in relation to an appeal	\$194	\$388
3 Allocating a date for hearing of the proceedings by a judge, a judge and jury or a judicial registrar	\$502	\$1,004
4 Filing a requisition for trial by jury	\$803	\$1,606
5 For retention of jury after the first day of trial <b>Note.</b> The fees under this item are to be paid by the party requesting a jury for the trial.	\$365 per day	\$730 per day

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Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
6 On referral of proceedings for arbitration under Division 2 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$598	—
7 Filing an application for an order for the rehearing of proceedings under Division 3 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$456	\$912
8 Filing a notice of motion	\$61	\$122

### Part 3 Local Courts

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
1 Filing an originating process, under Part 7 of the <i>Local Courts Act 1982</i> , in a Local Court sitting in its General Division	\$173	\$346
2 Filing an originating process, under Part 7 of the <i>Local Courts Act 1982</i> , in a Local Court sitting in its Small Claims Division	\$70	\$140
3 Filing an application notice under Part 6 of the <i>Local Courts Act 1982</i>	\$67	—
4 Filing an application for an order for the rehearing of proceedings under Division 3 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$301	\$602
5 Serving or attempting service by post of originating process by a Local Court	\$30 for each address to which process posted	—
6 Filing a notice of motion	\$61	\$122
7 Filing a notice of appeal, or application for leave to appeal, to the District Court under Part 3 of the <i>Crimes (Local Courts Appeal and Review) Act 2001</i> , as applied to proceedings under Part 6 of the <i>Local Courts Act 1982</i>		
(a) in relation to appellant's first such notice	\$82	—
(b) in relation to appellant's second or subsequent such notice	\$44	—

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**Part 4 Miscellaneous court fees**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Matter for which fee payable</b>	<b>Standard fee</b>	<b>Corporation fee</b>
1 Issuing a subpoena (for production, to give evidence, or both)	\$59	\$118
2 Issuing a notice to produce a document or thing to the court under Part 34 of the <i>Uniform Civil Procedure Rules 2005</i>	\$59	\$118
3 Issuing an examination order	\$31	\$62
4 Filing or registering a copy or certificate of a judgment, order, determination, decree, adjudication or award of any other court or person under section 133 of the <i>Civil Procedure Act 2005</i>	\$67	\$134
5 Opening or keeping open the registry or part of the registry:	\$523	\$1,046
(a) on a Saturday, Sunday or public holiday or		
(b) on any other day before 9 am or after 5 pm		
6 Requesting production to the court of documents held by another court	\$44	\$88
7 Furnishing a sealed or certified copy of a judgment or order, or of the written opinion or reasons for opinion of any judicial or other officer of the court	\$44	—
8 Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided for by item 7)	\$10, plus \$5 for each 10 pages (or part thereof) after the first 20 pages	—
9 Retrieving and providing access to, but not furnishing a copy of, any document	\$0	—
10 Supplying a duplicate tape recording of sound-recorded evidence	\$37 per cassette	—
11 Supplying a transcript of any proceedings:		



Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
(a) where the matter being transcribed is under 3 months old	\$68, plus an additional \$8.20 for each page after the first 8 pages	—
(b) where the matter being transcribed is 3 months old or older	\$81, plus an additional \$9.30 for each page after the first 8 pages	—
12 Providing any service for which a fee is not otherwise imposed by this Schedule	\$31	\$62
<b>Note.</b> A fee may not be imposed under this item except with the approval of the registrar.		

## Schedule 2 Sheriff's fees

(Clause 5)

Column 1	Column 2
Matter for which fee payable	Fee
1 Serving or attempting service of any document, including service by post and preparation of affidavit of service	\$48 for each address at which, and each occasion on which, service is effected or attempted
2 Executing or attempting execution of an arrest warrant under section 97 of the <i>Civil Procedure Act 2005</i>	\$59 for each address at which, and each occasion on which, execution is effected or attempted
3 Executing or attempting execution of a writ of possession under Part 8 of the <i>Civil Procedure Act 2005</i>	\$245 for each address at which, and each occasion on which, execution is effected or attempted
4 Executing or attempting execution of a writ of delivery under Part 8 of the <i>Civil Procedure Act 2005</i>	\$59 for each address at which, and each occasion on which, execution is effected or attempted
5 Executing or attempting execution of a writ for the levy of property under Part 8 of the <i>Civil Procedure Act 2005</i>	\$59 for each address at which, and each occasion on which, execution is effected or attempted, plus 3% of the proceeds of enforcement
<b>Note.</b> The 3% levy in Column 2 is not payable in relation to writs executed by the Marshal in Admiralty	

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<b>Column 1</b>	<b>Column 2</b>
<b>Matter for which fee payable</b>	<b>Fee</b>
6 Executing or attempting execution of any court process (other than a warrant or writ referred to in item 2, 3, 4 or 5)	\$245 for each address at which, and each occasion on which, execution is effected or attempted
7 Preparing for sale of land following receipt of notice of sale from judgment creditor (UCPR rule 39.22)	\$599
8 Furnishing a certified copy of a writ for the levy of property for registration under section 105A of the <i>Real Property Act 1900</i>	\$16
9 Providing Sheriff's officers to guard property seized under a writ of execution under Part 8 of the <i>Civil Procedure Act 2005</i>	\$327 per Sheriff's officer per day
10 Attending a view by a jury in civil proceedings	\$130
11 Opening or keeping open the Sheriff's office on a Saturday, Sunday or public holiday or on any other day before 9 am or after 5 pm	\$523
12 Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided by item 8)	\$10, plus \$5 for each 10 pages (or part thereof) after the first 20 pages

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BY AUTHORITY