



New South Wales

Legal Profession Amendment (Fixed Costs) Regulation 2008

under the

Legal Profession Act 2004

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Legal Profession Act 2004*.

JOHN HATZISTERGOS, M.L.C.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Legal Profession Regulation 2005* so as:

- (a) to enable the Local Court and District Court to make orders for costs in relation to aspects of certain enforcement proceedings other than those for which costs are fixed by Schedule 2, and
- (b) to fix the costs payable for attendance at an examination of a judgment debtor in the Local Court or District Court if the judgment debtor fails:
 - (i) to attend the examination, or
 - (ii) to produce requested documents at the examination.

This Regulation is made under the *Legal Profession Act 2004*, including sections 329, 330 and 738 (the general regulation-making power).

2008 No 414

Clause 1 Legal Profession Amendment (Fixed Costs) Regulation 2008

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under the

Legal Profession Act 2004

1 Name of Regulation

This Regulation is the *Legal Profession Amendment (Fixed Costs) Regulation 2008*.

2 Amendment of Legal Profession Regulation 2005

The *Legal Profession Regulation 2005* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 112 Prescribed costs for recovery of certain debts and enforcement of certain judgments—sections 329 (1) (c) and (d) and 330 (1) of the Act

Omit clause 112 (1). Insert instead:

- (1) The costs payable in respect of the following:
 - (a) the enforcement of a lump sum debt or liquidated sum for damages,
 - (b) the enforcement of a judgment by a judgment creditor,
 - (c) the enforcement of a judgment for the possession of land,being costs of a legal service specified in Schedule 2, are fixed at the amount specified in that Schedule in respect of that service.

[2] Clause 112 (1A)

Insert after clause 112 (1):

- (1A) This clause does not fix the costs of any other legal service in respect of a matter referred to in (1) (a), (b) or (c).

[3] Schedule 2 Costs for recovery of certain debts and enforcement judgments

Insert after item 6 of Part 2 of Schedule 2:

6A Failed examination of judgment debtor

Costs on attending examination of judgment debtor where the judgment debtor fails, without reasonable excuse: \$231

- (a) to attend the examination, or
- (b) to produce documents at the examination as required under the order for examination.

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Schedule 1 Amendments

[4] Schedule 2, Part 3

Insert after item 6 of Part 3:

6A Failed examination of judgment debtor

Costs on attending examination of judgment debtor where the judgment debtor fails, without reasonable excuse: \$165

- (a) to attend the examination, or
- (b) to produce documents at the examination as required under the order for examination.

BY AUTHORITY
