



# Civil Procedure Further Amendment (Fees) Regulation 2012

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*.

GREG SMITH, MP  
Attorney General

## **Explanatory note**

The object of this Regulation is to increase certain fees payable under the *Civil Procedure Act 2005* in relation to proceedings in the Supreme Court.

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

## **2012 No 650**

Clause 1 Civil Procedure Further Amendment (Fees) Regulation 2012

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# **Civil Procedure Further Amendment (Fees) Regulation 2012**

under the

Civil Procedure Act 2005

### **1 Name of Regulation**

This Regulation is the *Civil Procedure Further Amendment (Fees) Regulation 2012*.

### **2 Commencement**

This Regulation commences on 1 January 2013 and is required to be published on the NSW legislation website.

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## Schedule 1      Amendment of Civil Procedure Regulation 2012

**Schedule 1 Court fees**

Omit Part 1. Insert instead:

**Part 1      Supreme Court**

Column 1		Column 2	Column 3
Item	Matter for which fee payable	Standard fee	Corporation fee
1	Filing an originating process (other than an originating process referred to in items 2–6)	\$999	\$2,737
2	Filing an originating process by which an application for a grant of representation, or resale of a grant of representation, in respect of an estate the sworn gross value of which:		
	(a) is less than \$100,000	Nil	—
	(b) is \$100,000 or more but less than \$250,000	\$650	—
	(c) is \$250,000 or more but less than \$500,000	\$900	—
	(d) is \$500,000 or more but less than \$1,000,000	\$1,350	—
	(e) is \$1,000,000 or more but less than \$2,000,000	\$1,800	—
	(f) is \$2,000,000 or more but less than \$5,000,000	\$3,000	—
	(g) is \$5,000,000 or more	\$5,000	—
3	Filing in the Court of Appeal a notice of intention to appeal	\$286	\$653
4	Filing in the Court of Appeal a summons seeking leave to appeal or a cross-summons seeking leave to cross-appeal in proceedings where a notice of intention to appeal has been filed by the same party	\$1,022	\$2,000

## 2012 No 650

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Schedule 1 Amendment of Civil Procedure Regulation 2012

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	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item</b>	<b>Matter for which fee payable</b>	<b>Standard fee</b>	<b>Corporation fee</b>
5	Filing in the Court of Appeal a summons seeking leave to appeal or a cross-summons seeking leave to cross-appeal in proceedings where a notice of intention to appeal has not been filed by the same party	\$1,308	\$2,653
6	Filing in the Court of Appeal a notice of appeal or notice of cross-appeal:		
	(a) in proceedings where leave to appeal has been granted	\$2,017	\$4,090
	(b) in proceedings where a notice of intention to appeal has been filed by the same party	\$3,039	\$6,090
	(c) in any other proceedings	\$3,325	\$6,743
7	Allocating a date for hearing of the proceedings by one or more judges, a judge and jury or an associate judge	\$1,995	\$4,560
8	Filing a requisition for trial by jury	\$1,006	\$2,012
9	Retaining a jury after the first day of trial	\$459 per day	\$918 per day
	<b>Note.</b> The fees under this item are to be paid by the party requesting a jury for the trial.		
10	Referring proceedings for arbitration under Division 2 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$752	—
11	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>	\$573	\$1,148
12	Hearing of proceedings by one or more judges, for each day of hearing or part of a day of hearing:		
	(a) on the 2nd, 3rd or 4th day	\$795	\$1,824
	(b) on the 5th, 6th, 7th, 8th or 9th day	\$1,278	\$3,168
	(c) on or after the 10th day	\$2,572	\$6,252
13	Hearing of proceedings by an associate judge, for each day of hearing or part of a day of hearing on or after the 2nd day	\$682	\$1,364

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	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item</b>	<b>Matter for which fee payable</b>	<b>Standard fee</b>	<b>Corporation fee</b>
14	Preparing appeal papers (for such number of copies as the registrar orders to be printed) in volumes of not more than 250 pages	\$658 per volume	\$1,316 per volume
15	Filing a notice of motion	\$366	\$838
16	Preparing a copy of a will	\$54	—
17	Conducting a genealogical search on a probate file (for each file searched)	\$104	—
18	Conducting a search for an application for a grant of representation or reseal of a grant of representation (for each file searched)	\$54	—
19	Lodging a caveat against an application for a grant of representation or reseal of a grant of representation	\$38	\$76
20	Conducting an adoption search (for each file searched)	\$54	—
21	Issuing a registrar's certificate as to the signature of a public notary	\$54	—

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