

Local Courts (Civil Claims) Regulation 2000

[2000-527]



New South Wales

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The provisions displayed in this version of the legislation have all commenced.

Authorisation

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Local Courts (Civil Claims) Regulation 2000



New South Wales

1 Name of Regulation

This Regulation is the *Local Courts (Civil Claims) Regulation 2000*.

2 Commencement

This Regulation commences on 1 September 2000.

3 Definitions

In this Regulation:

corporation has the same meaning as in section 57A of the *Corporations Act 2001* of the Commonwealth.

the Act means the *Local Courts (Civil Claims) Act 1970*.

4 Fees

(1) The fees to be taken in respect of the business of a court are the fees set out in Schedule 1.

(1A) However, a reference in that Schedule to a corporation does not include a reference to a corporation that produces evidence, satisfactory to a registrar:

- (a) that its turnover, in the financial year of the corporation immediately preceding the financial year in which the fees are to be taken, was less than \$200,000, or
- (b) if the corporation has not been in existence for a full financial year—that its turnover in its first financial year is likely to be less than \$200,000.

(1B) A reference in Schedule 1 to a fee payable in the case of a corporation is a reference to a corporation on whose behalf a request is made to file a document or render a service.

(2) A fee charged under this Regulation for any document or service is payable to the registrar of the court:

- (a) by the person at whose request the document is filed or the service is rendered,

and

(b) when the document is filed or the service is rendered.

(3) However, a registrar who is requested to file a document or render a service:

(a) may require any fee for the document or service to be paid before the document is filed or the service is rendered, or

(b) may, by order in writing, direct that the whole or any part of such fee be postponed, waived or remitted subject to such conditions (if any) as the registrar thinks fit to impose.

5 Postponement or waiver of fees in certain cases

(1) The taking of any fee in respect of the business of a court in relation to proceedings involving a pro bono party or legally assisted party is, if the fee is payable by the pro bono party or legally assisted party, to be postponed until judgment is given in the proceedings.

(2) The fee is not to be taken at all, or if taken must be remitted, if:

(a) judgment in the proceedings is against the pro bono party or legally assisted party concerned, or

(b) judgment is in favour of the pro bono party or legally assisted party, but damages are not awarded (or only nominal damages are awarded) in that party's favour and costs are not awarded in that party's favour.

(3) A registrar must not refuse to file or issue any document, or render a service, relevant to proceedings merely because, in accordance with this clause, a fee in respect of any business of a court has not been taken on behalf of a pro bono party or legally assisted party to those proceedings.

(4) For the purposes of this clause:

(a) a party to proceedings is a **pro bono party** if he or she is being represented under the pro bono scheme of the Law Society of New South Wales or the pro bono scheme of the New South Wales Bar Association and a legal practitioner acting for the party:

(i) certifies in writing to the registrar or Clerk of the Local Court with whom the initiating process is lodged on behalf of the party that the party is being so represented, and

(ii) undertakes in writing to the registrar or Clerk to pay the filing fee for that document if, at the conclusion of the proceedings, subclause (2) does not apply, and

(b) a party to proceedings is a **legally assisted party** if he or she is receiving legal assistance through a community legal centre within the meaning of section 48H of the *Legal Profession Act 1987*.

6 Amendment of Local Courts (Civil Claims) Rules 1988

The *Local Courts (Civil Claims) Rules 1988* are amended by omitting Rule 2 of Part 2.

Schedule 1 Court fees

(Clause 4)

	\$
1 Filing a statement of claim:	
(a) in respect of a claim for an amount not exceeding \$3,000	122.00 (in the case of a corporation) or 61.00 (in any other case)
(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	160.00 (in the case of a corporation) or 80.00 (in any other case)
(c) in respect of a claim for an amount exceeding \$10,000 but not exceeding \$40,000	304.00 (in the case of a corporation) or 152.00 (in any other case)
(d) in respect of a claim for an amount exceeding \$40,000	440.00 (in the case of a corporation) or 220.00 (in any other case)
2 Filing a notice of cross-claim or a third or subsequent party notice:	
(a) in respect of a claim for an amount not exceeding \$3,000	122.00 (in the case of a corporation) or 61.00 (in any other case)
(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	160.00 (in the case of a corporation) or 80.00 (in any other case)
(c) in respect of a claim for an amount exceeding \$10,000 but not exceeding \$40,000	304.00 (in the case of a corporation) or 152.00 (in any other case)
(d) in respect of a claim for an amount exceeding \$40,000	440.00 (in the case of a corporation) or 220.00 (in any other case)
3 Filing a notice of motion under Part 15 of the <i>Local Courts (Civil Claims) Rules 1988</i> in respect of an action commenced in the General Division	110.00 (in the case of a corporation) or 55.00 (in any other case)

4	Filing a certificate or certified copy of conviction or order	122.00 (in the case of a corporation) or 61.00 (in any other case)
5	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. This amount is subject to any rules providing for the refund of the whole or any part of the amount	538.00 (in the case of a corporation) or 269.00 (in any other case)
6	Making a copy of any document or part of a document, other than as prescribed by Item 8, for each page (minimum fee of \$10.00)	2.00
7	Supply of duplicate tape recording of sound-recorded evidence, for each cassette	34.00
8	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 \$62.00)	7.30
	(b) for each page, where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages of \$72.00)	8.40
9	Except as provided by item 10, service or attempted service by an officer of the Sheriff of any process or other document, including service by post and preparation of affidavit of service—for each address at which service of the process or other document is effected or attempted	42.00
10	Service or attempted service of a statement of claim by post—for each address at which service is effected or attempted	27.00
11	Filing an application for a certificate of judgment (otherwise than pursuant to the <i>Service and Execution of Process Act 1992</i> of the Commonwealth)	22.00 (in the case of a corporation) or 11.00 (in any other case)
12	(a) To issue a subpoena for production	54.00 (in the case of a corporation) or 27.00 (in any other case)
	(b) To issue a subpoena for production and to give evidence	54.00 (in the case of a corporation) or 27.00 (in any other case)
	(c) To issue a subpoena to give evidence	22.00 (in the case of a corporation) or 11.00 (in any other case)

13	Execution or attempted execution of a writ of execution or warrant to apprehend a judgment debtor—for each address at which execution of the writ or warrant is effected or attempted	53.00
14	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 Sheriff Act 1900
15	Levy on writ of execution	
16	For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed	
17	Examination of a judgment debtor by a registrar	100.00 (in the case of a corporation) or 50.00 (in any other case)