



New South Wales

District Court (Fees) Amendment Regulation 2000

under the

District Court Act 1973

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *District Court Act 1973*.

JEFFREY SHAW, Q.C., M.L.C.,

Attorney General

Explanatory note

The objects of this Regulation are:

- (a) to increase certain court fees set out in the *District Court (Fees) Regulation 1993* to be paid to a registrar in respect of the business of the District Court under the *District Court Act 1973*, and
- (b) to provide for the postponement or waiver of filing fees in the District Court if the persons by whom or on whose behalf the documents are to be filed are persons receiving legal assistance through a community legal centre.

This Regulation is made under the *District Court Act 1973*, including section 150 (Regulations: Court fees).

2000 No 285

Clause 1 District Court (Fees) Amendment Regulation 2000

District Court (Fees) Amendment Regulation 2000

1 Name of Regulation

This Regulation is the *District Court (Fees) Amendment Regulation 2000*.

2 Commencement

This Regulation commences on 1 July 2000.

3 Amendment of District Court (Fees) Regulation 1993

The *District Court (Fees) Regulation 1993* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 4B

After clause 4A, insert:

4B Postponement of fees in certain other cases

- (1) The taking of any fee in respect of the business of the Court in relation to proceedings involving a legally assisted party is, if the fee is payable by the legally assisted party, to be postponed until judgment has been 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 legally assisted party, or
 - (b) judgment is in favour of the legally assisted party, but damages are not awarded (or only nominal damages are awarded) in his or her favour and costs are not awarded in his or her favour.
- (3) A registrar must not refuse to file or issue any document relevant to proceedings merely because, in accordance with this clause, a fee in respect of any business of the Court has not been taken on behalf of a legally assisted party to those proceedings.
- (4) For the purpose of this clause, 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*.

2000 No 285

District Court (Fees) Amendment Regulation 2000

Schedule 1 Amendments

[2] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 3)

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1	(1) Filing a statement of claim or any other originating process (other than the filing of an originating process referred to in paragraph (2))	388
	(2) Filing an originating process by way of a notice of appeal	161
	(3) Filing a notice of cross-claim or third or subsequent party notice	388
2	Filing notice of motion under Part 16 of the <i>District Court Rules 1973</i> (not being a filing referred to in item 1)	51
3	(1) Filing a requisition for a civil trial by a jury (to be paid by the party requesting a jury)	663
	(2) Daily retention fee (to be paid by the party requesting a jury for each day a jury is required after the first day of a civil trial)	302
4	Making a copy of any document, for each page (minimum fee	2 10)
5	Supply of duplicate tape recording of sound-recorded evidence, for each cassette	31
6	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	6.70 58)
	(b) for each page, where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages	7.70 68)

District Court (Fees) Amendment Regulation 2000

Amendments

Schedule 1

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7	Service or attempted service of any process or other document, including service by post and preparation of an affidavit of service—for each address at which service of the process or other document is effected or attempted	39
8	Execution or attempted execution of any writ or warrant—for each address at which execution of the writ or warrant is effected or attempted	49
9	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 <i>Sheriff Act 1900</i>
10	Levy on a writ of execution	
11	For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed	
12	The travelling expenses incurred by officers in conveying an arrested person to prison or to court	
13	Attending a view by a jury (to be paid by the party making the request)	
14	On referral for hearing by an arbitrator under the <i>Arbitration (Civil Actions) Act 1983</i> (to be paid equally between the parties)	493
15	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	376
<p><i>NOTE: This amount is subject to any provision of the District Court Rules 1973 providing for the refund of the whole or any part of this amount.</i></p>		
16	(a) To issue a subpoena for production	49
	(b) To issue a subpoena for production and to give evidence	49
	(c) To issue a subpoena to give evidence	24

BY AUTHORITY