

SUPREME COURT ACT 1970—REGULATION

(Relating to fees)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Supreme Court Act 1970, has been pleased to make the Regulation set forth hereunder.

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

Commencement

1. This Regulation commences on 1 January 1996.

Amendments

2. The Supreme Court (Fees and Percentages) Regulation 1993 is amended:

- (a) by omitting clause 5;
- (b) by omitting Schedule 1 and by inserting instead the following Schedule:

SCHEDULE 1—COURT FEES

(Cl. 3)

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| 1. | (a) Filing an initiating process (except in the Commercial and Probate Divisions and the Court of Appeal) | 485.00 |
| | (b) Filing an initiating process in the Commercial Division | 2,210.00 |
| | (c) Filing an initiating process (other than a process referred to in paragraph (d)) in the Probate Division | 485.00 |

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- (d) Filing an initiating process by which an application for a grant or resealing under Part 78 of the Supreme Court Rules 1970 (Probate) is made in respect of an estate the sworn gross value of which:
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| (i) does not exceed \$50,000 | Nil |
| (ii) is \$50,000 or more but does not exceed \$250,000 ... | 430.00 |
| (iii) is \$250,000 or more but does not exceed \$500,000 ... | 540.00 |
| (iv) is \$500,000 or more but does not exceed \$1,000,000 | 810.00 |
| (v) is \$1,000,000 or more | 1,080.00 |
- (e) The fees for filing a cross-claim under Part 6 of the Supreme Court Rules 1970 (Cross-claims) in any Division of the Court are to be the same fees as are from time to time payable in respect of the filing of an initiating process in that Division.

NOTE 1: In this Item, "initiating process" means:

- (a) *an originating process under the Supreme Court Rules 1970 (other than a notice of appeal to the Court of Appeal and a summons for leave to appeal to the Court of Appeal); or*
- (b) *a stated case under Part 31 Rule 2 of the Supreme Court Rules 1970; or*
- (c) *a petition; or*
- (d) *subject to Note 4, a summons commencing proceedings under the Corporations Regulations; or*
- (e) *a writ of summons under the Admiralty Rules of the Commonwealth.*

NOTE 2: Where proceedings are transferred to the Commercial Division, the fee payable is the difference between the fee referred to in paragraph (b) of Item 1 and any fee paid under paragraph (a) or (d) of that Item.

NOTE 3: This Item does not apply to a summons by which an application for a grant or resealing under Part 78 of the Supreme Court Rules 1970 (Probate) is made in respect of an estate the sworn gross value of which is less than \$50,000.

NOTE 4: This Item does not apply to a summons by which an application is made in the course of a winding up by the Court under the Corporations Law, unless it is a summons claiming relief under section 1321 of the Corporations Law or regulation 5.6.26 (3) or 5.6.54 (2) of the Corporations Regulations.

NOTE 5: This Item does not apply to a summons to pass accounts which is filed pursuant to section 85 (IAA) of the Wills, Probate and Administration Act 1898.

NOTE 6: No fee is payable in respect of a summons issued under Part 58 of the Supreme Court Rules 1970 (Taking Evidence for Foreign and Australian Courts and Tribunals).

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NOTE 7: No fee is payable for an initiating process which relates to the issue of a subpoena to be served outside the State under the Service and Execution of Process Act 1992 of the Commonwealth.

2.	(a) For filing a summons in the Court of Appeal	540.00
	(b) Notice of appeal without appointment	215.00
	(c) Notice of appeal with appointment:	
	(i) in proceedings in which a summons to which paragraph (a) applies has been filed	1,130.00
	(ii) in proceedings in which a notice of appeal to which paragraph (b) applies has been filed	1,455.00
	(iii) in any other proceedings	1,670.00
3.	To open or keep open the registry or part of the registry or to open or keep open an office elsewhere in the State of a clerk of the Court:	
	(a) on a Saturday, Sunday or public holiday (except the day after Easter Monday)	385.00
	(b) on any other day:	
	(i) before 9 a.m. or after 4.30 p.m.	385.00
	(ii) between 9 and 9.30 a.m. or 4 and 4.30 p.m.	40.00
4.	For an officer of the Court to produce a document at a place other than the Supreme Court Building, Queens Square, Sydney	40.00
5.	To furnish a copy of the written opinion or reasons for opinion of any Judge or of any Master or other officer of the Court	40.00
	<i>NOTE: A party, to proceedings before the Court is entitled to one copy of the opinion or reasons for opinion in relation to the proceedings without charge.</i>	
6.	To prepare appeal papers—fothe first 11 copies, or such other number of copies as is ordered to be printed by the Registrar—for each volume of not more than 250 pages	385.00
7.	The fees to be paid to the Marshal in Admiralty are to be the same fees as are from time to time taken by the Sheriff for service and execution of process of the Court.	
8.	Certificate of the Prothonotary as a signature of a Notary Public	34.00
9.	To prepare a copy of a will, a Certificate of Grant or an Exemplification	34.00
10.	Making a copy of any document, otherwise than as provided for by Item 5 or 9, per page	2.00
	(minimum fee	10.00)
11.	Supply of duplicate tape recording of sound-recorded evidence, per cassette	30.00
12.	For each copy of the transcript of any proceedings:	
	(a) per page, where the matter being transcribed is under 3 months old	6.50
	(minimum fee for 1 to 8 pages	65.00)

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	(b) per page, where the matter being transcribed is 3 months or older (minimum fee for 1 to 8 pages	7.50 65.00)
13.	(a) Filing a requisition for civil trial by jury (to be paid by party requesting jury)	590.00
	(b) Daily jury retention fee (to be paid by party requesting jury for each day a jury is required after the first day of a civil trial)	270.00
14.	Filing an application for an order under section 18 (2) of the Arbitration (Civil Actions) Act 1983 for rehearing an action referred for arbitration	335.00
	<i>NOTE: This amount is subject to the Supreme Court Rules 1970 providing for the refund of the whole or any part of the amount.</i>	
15.	To conduct a genealogical search on a probate file (for each file searched)	62.00
16.	To conduct an adoption search (for each file searched)	34.00
	<i>NOTE: This amount also includes a copy of any document, if approved by the Court.</i>	
17.	(a) To issue a subpoena for production	44.00
	(b) To issue a subpoena for production and to give evidence	44.00
	(c) To issue a subpoena to give evidence	22.00
18.	Notice lodged by a legal practitioner of another State or of a Territory of the Commonwealth for admission as a legal practitioner of the court.	
	<i>NOTE: This fee is fixed as referred to in section 40 of the Mutual Recognition Act 1992 of the Commonwealth. Under that Act, such a fee cannot be greater than the fee imposed on persons in New South Wales seeking to be admitted as legal practitioners of the Court.</i>	

EXPLANATORY NOTE

The object of this Regulation is to increase certain fees set out in the Supreme Court (Fees and Percentages) Regulation 1993 to be paid to a clerk or the registrar of the Supreme Court or the Sheriff (depending on circumstances) in respect of the business of that Court.

The fee for filing one or more notices of objection under Part 52 Rule 50A of the Supreme Court Rules 1970 with respect to the same bill of costs has been removed from the schedule of fees.

This Regulation also repeals a provision exempting the payment of certain court fees in relation to actions to which the Motor Accidents Act 1988 applies that are litigated in the Supreme Court.

This Regulation is made under the Supreme Court Act 1970, including section 130 (Fees and percentages).
