

South Australia

## Supreme Court (Fees) Regulations 1999

under the *Supreme Court Act 1935*

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### Legislative history

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#### 1—Citation

These regulations may be cited as the *Supreme Court (Fees) Regulations 1999*.

#### 2—Commencement

These regulations will come into operation on 1 July 1999.

#### 3—Revocation

The *Supreme Court (Fees) Regulations 1987* (see *Gazette 30.6.2003 p1768*), as varied, are revoked.

#### 3A—Interpretation

In these regulations—

*Act* means the *Supreme Court Act 1935*.

#### 4—Fees

- (1) The fees payable in respect of proceedings of the court are as follows:
  - (a) the fees set out in the Schedule; and

- (b) in the case of the execution of process, in addition to the relevant fee, the costs reasonably incurred in the execution.

**Examples—**

- sums expended in attending the discharge of a ship or goods;
  - sums paid to a shipkeeper;
  - sums paid for the safe custody of property;
  - travelling expenses;
  - necessary meals;
  - sums paid to engage assistants;
  - postage, telephone calls;
  - fees paid to auctioneers or appraisers.
- (2) The Registrar may require a party to proceedings to pay a deposit on account of any fee to which the party may become liable under these regulations.
- (3) The fees payable for inspection or copying of material under section 131 of the Act are the appropriate fees set out in the Schedule.

## Schedule—Fees

### Part 1—General

#### General Fees

1	On filing—	
	(a) a document by which a proceeding in the court is commenced—	
	(i) if a fee has been paid (whether under paragraph (e) or under this paragraph as in force before 13 May 2001) for filing an application for discovery of documents relating to the subject-matter of the proceeding	\$805
	(ii) in any other case	\$970
	(b) a counterclaim or third party notice	\$970
	(c) a summons for leave to appeal	\$165
	(d) a notice of appeal—	
	(i) in respect of an appeal for which leave to appeal is required	\$805
	(ii) in respect of an appeal as of right	\$970
	(e) an application for discovery of documents before the commencement of a proceeding	\$165

**Note—**

No further fee is payable for filing pleadings or particulars or for any interlocutory application, interlocutory motion, application for directions or application for immediate relief, for signing judgment or for any necessary affidavit or document.

2	On—	
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**1.7.2003 to 30.6.2004—Supreme Court (Fees) Regulations 1999**  
Fees—Schedule

(a)	filing or lodging an application, notice or other document that does not relate to a proceeding for which a fee has been paid under clause 1	\$33.50
(b)	sealing a certificate	\$33.50
(c)	certifying under seal that a document is a true copy	\$33.50
3	For each request to search and inspect a record of the court, other than a Divorce or Matrimonial Causes record	\$9.20

**Note—**

No fee is payable under clause 3 for a request made in respect of a record relating to criminal proceedings by or on behalf of the defendant or the victim of the offence that is the subject of those proceedings.

4	For a plain or office copy of a document (other than a copy of evidence)	\$2.20 per page
5	For a copy of evidence	\$5 per page
6	For a copy of the reasons for judgment	\$5 per page

**Note—**

One copy will be supplied to a party to the proceedings free of charge.

7	For a copy of a computer disk containing the record of court proceedings (including the reasons for judgment)	the fee that would be payable under these regulations for a printed copy of the record of the proceedings plus \$57 for each day or part of a day on which the proceedings were recorded
8	For production of a transcript on the request of a party where the court does not require the transcript	\$10 per page
9	Trial fee	\$970 for each day or part of a day on which the trial is heard by the Court

**Note—**

The fee for a trial is the fee fixed under this clause as in force on the day on which the trial commenced. Usually, the fee is payable by the plaintiff or appellant in the proceedings. However, the Court or Registrar may order some other party or parties to pay the whole or a portion of the fee.

**Suitor's Funds**

10	On interest collected on funds in court or credited to an account	3% of the amount of interest
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**Note—**

This fee may be charged either from time to time or prior to the payment or transfer of interest out of any fund or money in court. No fee is payable if the total amount of interest does not exceed \$10.

**Fees Payable on Taxation of Costs**

11	On lodging a bill of costs	\$33.50
12	For taxing a bill of costs	5% of the amount allowed on taxation (to the nearest dollar)

**Miscellaneous**

13	On serving on a Registrar of the Magistrates Court copies of a notice of appeal to the Supreme Court against a decision of the Magistrates Court pursuant to section 42 of the <i>Magistrates Court Act 1991</i>	\$104
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**Note—**

This fee is payable at the Magistrates Court when the appeal is lodged.

14	For opening the Registry (or the Registry remaining open) after hours for urgent execution of process	\$172 per hour or part of an hour
15	For opening the court (or the court remaining open) after hours for urgent hearing	\$516 per hour or part of an hour

**Part 2—Fees payable under rules regulating admission of practitioners**

16	On application for admission or re-admission as a practitioner	\$263
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**Part 3—Fees to be taken by officers of the court or Commissioners for taking affidavits**

17	On taking an affidavit or an affirmation or attestation upon honour or a declaration (for each person making the affidavit, affirmation, attestation upon honour or declaration)—	
	(a) if taken by a Commissioner who has to travel more than one kilometre from his or her residence or office or, in the case of an officer of the court, one kilometre from the Registry	\$5.70
	(b) in any other case—	
	(i) if taken within the State	\$1.10
	(ii) if taken outside the State	\$2.25
18	For attesting a document required to be attested by a Commissioner for taking affidavits	\$1.10
19	Commissioner's fee on execution of bail in the Admiralty jurisdiction, including any affidavit of justification	\$9.20

## Part 4—Fees to be taken in marshal's office

20	Receiving and entering a writ of summons, warrant of release, decree, order, commission or other instrument under the seal of the court	\$33
21	For—	
	(a) service of a writ of summons	\$27.50
	(b) execution of a warrant of arrest (for each person)	\$57
	but, if a writ is served and a warrant executed on a person at the same time	\$73.50
22	For execution of a warrant for the seizure of a ship, cargo or other goods	\$57
23	For the release of any ship, goods or person from seizure or arrest	\$27.50
24	For the execution of a commission of appraisalment or sale	\$57
25	For the execution of any decree, order, commission or instrument other than one otherwise specified in this Part	\$57
26	For delivery of a ship or goods to a purchaser	\$57
27	For attending the discharge of cargo or removal of a ship or goods	\$57 per day or part of a day
28	For opening office (or office remaining open) after hours for urgent execution of process	\$172 per hour or part of an hour
29	On the gross proceeds of any ship or goods sold—	
	(a) for every \$200 or part of \$200, up to \$20 000	\$11.20
	(b) for each additional \$200 or part of \$200	\$6.80
30	For retaining possession of a ship (with or without cargo) or of a ship's cargo	\$33 per day or part of a day

**Note—**

No fee is payable under this Part for the custody and possession of property seized if it consists of money with an ADI, or goods stored in a bonded warehouse, or if it is in the custody of a customs officer or other authorised person.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1999	65	<i>Gazette 27.5.1999 p2821</i>	1.7.1999: r 2
1999	165	<i>Gazette 12.8.1999 p783</i>	12.8.1999: r 2
2000	62	<i>Gazette 25.5.2000 p2719</i>	1.7.2000: r 2
2001	35	<i>Gazette 3.5.2001 p1721</i>	13.5.2001: r 2
2001	49	<i>Gazette 31.5.2001 p1951</i>	1.7.2001: r 2
2002	85	<i>Gazette 20.6.2002 p2580</i>	1.7.2002: r 2
2003	87	<i>Gazette 29.5.2003 p2231</i>	1.7.2003: r 2
2004	57	<i>Gazette 27.5.2004 p1465</i>	1.7.2004: r 2

### Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
r 3A	inserted by 49/2001 r 3	1.7.2001
r 4		
r 4(1)	varied by 49/2001 r 4(a)	1.7.2001
r 4(3)	inserted by 49/2001 r 4(b)	1.7.2001
Sch	varied by 165/1999 r 3	12.8.1999
	varied by 62/2000 r 3	1.7.2000
	varied by 35/2001 r 3	13.5.2001
	varied by 49/2001 r 5	1.7.2001
	varied by 85/2002 r 3	1.7.2002
	varied by 87/2003 r 4	1.7.2003