

South Australia

Sheriff's Variation Regulations 2004

under the *Sheriff's Act 1978*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Sheriff's Variation Regulations 2004*.

2—Commencement

These regulations will come into operation on 1 July 2004.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Sheriff's Regulations 1992*

4—Substitution of Schedule

Schedule—delete the Schedule and substitute:

Schedule—Fees

- | | | |
|---|---|---------------|
| 1 | Receiving and entering a writ of summons, notice, order or other document for service in relation to proceedings in the Supreme Court or District Court | \$27 per copy |
| 2 | Receiving and entering a warrant or other process of execution in relation to proceedings in the Supreme Court or District Court | \$40 |

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| 3 | Serving a writ of summons, other summons, claim, notice, order or other document where a written report must be submitted for preparation of an affidavit of service | \$29.75 per copy |
| 4 | Serving a writ of summons, other summons, claim, notice, order or other document where a written report need not be submitted for preparation of an affidavit of service | \$25.55 per copy |
| 5 | Conducting inquiries as necessary before the execution of a warrant or other process of execution | \$29.75 |
| 6 | Executing a warrant or other process of execution or making an arrest | \$56.40 |
| 7 | Additional fee if, under a warrant, personal property is seized and processed for sale | \$56.40 |
| 8 | Allowance for travelling expenses incurred in the service of a document or execution of any process in relation to proceedings in the Supreme Court or District Court (only one fee is payable on two or more processes served or executed at the same time on the same person or on different persons at the same address) | \$0.90 per kilometre or part of a kilometre over 1 kilometre (one way) |
| 9 | Poundage— | |
| | (a) on a warrant of sale or other process of execution (other than on a warrant of possession enforced against real property), calculated on the amount realised on sale or if not sold on the value of the property seized or the amount of the judgement debt whichever is the lesser | \$0.10 per \$1 for the first \$2 000 and \$0.05 per \$1 over \$2 000 |
| | (b) on a warrant of possession enforced against real property, calculated on the annual value (within the meaning of the <i>Valuation of Land Act 1971</i>) of the real property seized | \$0.10 per \$1 for the first \$2 000 and \$0.05 per \$1 over \$2 000 |
| 10 | Attendance by sheriff at court in charge of a person or to lodge a person in a gaol or other lock-up | \$32 per hour or part hour, after the first hour |
| 11 | Opening of office (or office remaining open) after hours for urgent execution of process | \$179 per hour or part hour |

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 27 May 2004

No 56 of 2004

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