

South Australia

Supreme Court (Fees) Variation Regulations 2004

under the *Supreme Court Act 1935*

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Part 1—Preliminary

1—Short title

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

4—Substitution of Schedule

Schedule—delete the Schedule and substitute:

Schedule—Fees

Part 1—General

General Fees

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| 1 | On filing— | | |
| | (a) | an application for discovery of documents before the commencement of a proceeding | |
| | (b) | a document by which a proceeding in the court is commenced— | |
| | (i) | in the case where a fee has previously been paid for filing an application for discovery of documents relating to the subject-matter of the proceeding | \$836 |
| | (ii) | in any other case | \$1 007 |
| | (c) | a counterclaim or third party notice | \$1 007 |
| | (d) | a summons for leave to appeal | \$171 |
| | (e) | a notice of appeal— | |
| | | • in respect of an appeal for which leave to appeal is required | \$836 |
| | | • in respect of an appeal as of right | \$1 007 |

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.

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| 2 | On— | | |
| | (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 | \$34.75 |
| | (b) | sealing a certificate | \$34.75 |
| | (c) | certifying under seal that a document is a true copy | \$34.75 |
| 3 | For each request to search and inspect a record of the court, other than a Divorce or Matrimonial Causes record | | \$9.50 |

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.

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| 4 | For a 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.

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| 7 | For a copy of a computer disc 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 \$59 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 | \$1 007 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 clause 9 as in force on the day on which the trial commenced and is payable by the plaintiff or appellant in the proceedings. However, if the Court or Registrar so orders, the fee is payable by another party to the proceedings or by the parties to the proceedings in the proportions ordered.

Suitor's Funds

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| 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	\$34.75
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>	\$108
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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	\$178 per hour or part of an hour
15	For opening the court (or the court remaining open) after hours for urgent hearing	\$535 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	\$273
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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	\$5.90
	(b) in any other case—	
	• if taken within the State	\$1.15
	• if taken outside the State	\$2.30
18	For attesting a document required to be attested by a Commissioner for taking affidavits	\$1.15
19	Commissioner's fee on execution of bail in the Admiralty jurisdiction, including any affidavit of justification	\$9.50

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	\$34.25
21	For—	
	(a) service of a writ of summons	\$28.50
	(b) execution of a warrant of arrest (for each person)	\$59
	but, if a writ is served and a warrant executed on a person at the same time	\$76.50
22	For execution of a warrant for the seizure of a ship, cargo or other goods	\$59
23	For the release of any ship, goods or person from seizure or arrest	\$28.50
24	For the execution of a commission of appraisal or sale	\$59
25	For the execution of any decree, order, commission or instrument other than one otherwise specified in this Part	\$59
26	For delivery of a ship or goods to a purchaser	\$59
27	For attending the discharge of cargo or removal of a ship or goods	\$59 per day or part of a day
28	For opening office (or office remaining open) after hours for urgent execution of process	\$178 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	\$11.60
	(b) for each additional \$200 or part of \$200	\$7.10
30	For retaining possession of a ship (with or without cargo) or of a ship's cargo	\$34.25 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.

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 57 of 2004

AGO0121/04CS