

South Australia

Criminal Law (Sentencing) Variation Regulations 2010

under the *Criminal Law (Sentencing) Act 1988*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Criminal Law (Sentencing) Regulations 2000*

- 4 Insertion of regulation 7A
 - 7A Enforcement of order for restitution of property (section 59)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Criminal Law (Sentencing) Variation Regulations 2010*.

2—Commencement

These regulations will come into operation on the day on which section 10 of the *Statutes Amendment (Victims of Crime) Act 2009* comes into operation.

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 *Criminal Law (Sentencing) Regulations 2000*

4—Insertion of regulation 7A

After regulation 7 insert:

7A—Enforcement of order for restitution of property (section 59)

The prescribed fees for issuing, serving and executing an order under section 59(2)(b) are the sum of the following:

- (a) for the time spent in locating the property to be valued—an amount per hour equal to the amount per hour prescribed under the *Sheriff's Regulations 2005* in relation to the sheriff's attendance to execute an enforcement process;
- (b) for valuing the property—the actual costs reasonably incurred in causing the property to be valued;
- (c) for administrative work in issuing the order—an amount equal to the fee prescribed under the *Sheriff's Regulations 2005* in relation to receiving and entering a summons, notice, order or other document for service;
- (d) for serving the order—an amount equal to the fee prescribed under the *Sheriff's Regulations 2005* in relation to execution of a warrant;
- (e) if travelling expenses are incurred in issuing and serving the order—an amount equal to the amount prescribed under the *Sheriff's Regulations 2005* as an allowance for travelling expenses incurred in the service of a document or execution of a process.

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 16 September 2010

No 207 of 2010

AGO0044/07CS