

South Australia

Sheriff's (Fees) Variation Regulations 2012

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 (Fees) Variation Regulations 2012*.

2—Commencement

These regulations will come into operation on 1 July 2012.

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 2005*

4—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

Schedule 1—Fees

| | | |
|---|--|---------|
| 1 | For receiving and entering a summons, notice, order or other document for service (other than in relation to proceedings in the Magistrates Court)—per copy | \$35.75 |
| 2 | For receiving and entering a warrant (including a summons when issued as a joint process) or other process of execution | \$52.50 |
| 3 | For serving a summons, claim, notice, order or other document where a written report must be submitted for the preparation of an affidavit of service—per copy | \$39.25 |

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|----|---|--|
| 4 | For serving a summons, claim, notice, order or other document where a written report does not have to be submitted for the preparation of an affidavit of service—per copy | \$33.75 |
| 5 | For conducting inquiries as necessary before executing a warrant or other process of execution | \$39.25 |
| 6 | For executing a warrant (including serving a summons when issued as a joint process) or other process of execution or making an arrest | \$74.00 |
| 7 | Additional fee if, under a warrant, personal property is seized and processed for sale | \$74.00 plus \$42.00 for each hour or part of an hour after the first 3 hours |
| 8 | Allowance for travelling expenses incurred in the service of a document or execution of a process Note— Only 1 fee is payable where 2 or more processes are served or executed at the same time on the same person or on different persons at the same address. | \$1.15 per kilometre or part of a kilometre, after 50 kilometres |
| 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 (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 dollar for the first \$2 000 and \$0.05 per dollar over \$2 000 \$0.10 per dollar for the first \$2 000 and \$0.05 per dollar over \$2 000 |
| 10 | For sheriff's attendance to execute an enforcement process | \$42.00 per hour or part hour, after the first hour |
| 11 | For opening the office (or the office remaining open) after hours for an urgent execution of process | \$282.00 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's Deputy

with the advice and consent of the Executive Council
on 31 May 2012

No 141 of 2012

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