

South Australia

Magistrates Court (Fees) (Listing Fees) Variation Regulations 2018

under the *Magistrates Court Act 1991*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Magistrates Court (Fees) Regulations 2004*

- 4 Variation of regulation 4—Fees
 - 5 Variation of Schedule 1—Fees in Civil (General Claims) Division and Civil (Minor Claims) Division
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Magistrates Court (Fees) (Listing Fees) Variation Regulations 2018*.

2—Commencement

These regulations will come into operation on the day on which Part 3 of the *Statutes Amendment (Court Fees) Act 2017* 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 *Magistrates Court (Fees) Regulations 2004*

4—Variation of regulation 4—Fees

Regulation 4—after subregulation (1) insert:

- (1a) The following provisions apply to the listing fees set out in clause 8A of Schedule 1:
 - (a) except where the Court or a registrar otherwise directs, the fee—
 - (i) is payable by the plaintiff; and

- (ii) must be paid within the period of 14 days after the day on which the trial date is set;
 - (b) if there is more than 1 plaintiff, the Court or a registrar may direct that the fee is to be paid in equal portions by each of the plaintiffs;
 - (c) the trial will not proceed on the day set for that purpose unless the fee has been paid in accordance with this subregulation.
- (1b) If an attempt to settle an action by mediation under section 27 of the Act has been made, the fee payable under clause 8A of Schedule 1 may, if the mediator so certifies, be discounted by 50%.

5—Variation of Schedule 1—Fees in Civil (General Claims) Division and Civil (Minor Claims) Division

Schedule 1—after clause 8 insert:

8A	On setting a date for trial	
(a)	for a minor civil action—	
(i)	where the amount claimed does not exceed \$4 000.00	\$200.00
(ii)	in any other case	\$600.00
(b)	for any other action under the <i>Magistrates Court Act 1991</i> —	
(i)	in the case of a prescribed corporation	\$1 000.00
(ii)	in any other case	\$750.00

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 23 January 2018

No 3 of 2018

AGO0002/18CS