

South Australia

Magistrates Court Regulations 2021

under the *Magistrates Court Act 1991*

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Schedule 1—Revocation of *Magistrates Court Regulations 2019*

1—Short title

These regulations may be cited as the *Magistrates Court Regulations 2021*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Magistrates Court Act 1991*;

Crown means the Crown in right of this State;

government agency includes—

- (a) a Minister, instrumentality or agency of the Crown; or
- (b) a body or person subject to control or direction by the Governor, a Minister of the Crown or other instrumentality or agency of the Crown; or
- (c) South Australia Police; or
- (d) the National Heavy Vehicle Regulator established under the *Heavy Vehicle National Law (South Australia)*.

4—Fees in Civil Division

- (1) The following provisions apply to the fees prescribed for setting a date for trial in the Civil Division:
 - (a) except where the Court or a registrar otherwise directs, the fee—
 - (i) is payable by the applicant; 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 applicant, the Court or a registrar may direct that the fee is to be paid in equal portions by each of the applicants;
 - (c) the trial will not proceed on the day set for that purpose unless the fee has been paid in accordance with this subregulation.
- (2) If an attempt to settle a proceeding by mediation under section 27 of the Act has been made, the fee prescribed for setting a date for trial in the Civil Division may, if the mediator so certifies, be discounted by 50%.

Note—

Section 15 of the *Crown Proceedings Act 1992* makes provision in relation to the Crown's liability for fees and charges in civil proceedings in the Court.

5—Fees in Criminal Division

- (1) A government agency is not required to pay any fee or charge—
- (a) for commencing, or taking any step in, proceedings in the Criminal Division; or
 - (b) for obtaining a transcript of any such proceedings to which it is a party; or
 - (c) for obtaining a copy of evidence in any such proceedings to which it is a party.
- (2) Any costs to which a government agency is entitled will be calculated as if the government agency were liable to pay, and had in fact paid, fees and charges from which it is exempt under subregulation (1).

6—Fees generally

The Court may require a non-refundable deposit as security for the payment of fees for the production of a transcript of the hearing of a case at the request of a party where the Court does not require the transcript.

Schedule 1—Revocation of *Magistrates Court Regulations 2019*

The *Magistrates Court Regulations 2019* are revoked.

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 21 October 2021

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