

South Australia

## **District Court (Fees) [No 52] Regulations 2004**

under the *District Court Act 1991*

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### **1—Short title**

These regulations may be cited as the *District Court (Fees) Regulations 2004*.

### **2—Commencement**

These regulations will come into operation on 1 July 2004.

### **3—Interpretation**

In these regulations—

*Act* means the *District Court Act 1991*.

### **4—Fees**

- (1) The fees set out in Schedule 1 are payable to the Court in relation to proceedings in the Civil Division.
- (2) The fees set out in Schedule 2 are payable to the Court in relation to proceedings in the Criminal Division.
- (3) The fees set out in Schedule 3 are payable to the Court in relation to proceedings in the Criminal Injuries Division.
- (4) The fees to be charged by the Court for inspection or copying of material under section 54 of the Act are the appropriate fees set out in the Schedules.

- (5) 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—Fees in civil division

1	Summons fee—on filing a document by which application is made for discovery of documents before the commencement of a proceeding	\$65
2	Summons fee—on filing a document by which a proceeding (other than a proceeding specified in clause 3 or 4) is commenced	\$503
3	Summons fee—on filing a document by which a proceeding is commenced where a fee has previously been paid for filing an application for discovery of documents relating to the subject-matter of the proceeding	\$438
4	On filing an application under the <i>Consumer Credit (South Australia) Code</i> for any of the following: <ul style="list-style-type: none"><li>(a) an order under section 34(5);</li><li>(b) an order under section 35;</li><li>(c) a determination and consequential orders under section 36(6);</li><li>(d) leave under section 36(7);</li><li>(e) an order under section 68;</li><li>(f) an order under section 69;</li><li>(g) a determination under section 77(1);</li><li>(h) an order under section 79;</li><li>(i) an authorisation under section 80(4)(c);</li><li>(j) an order under section 88(2);</li><li>(k) variation or revocation of an order under section 89;</li><li>(l) an authorisation under section 91(1)(a);</li><li>(m) an authorisation under section 92;</li><li>(n) an order under section 93;</li><li>(o) an authorisation under section 94(2);</li><li>(p) an order under section 98;</li><li>(q) an authorisation under section 156(2)(e);</li><li>(r) a determination under section 157(1);</li><li>(s) an order under section 171(1);</li><li>(t) an extension of time under section 174;</li><li>(u) a direction under Schedule 2, clause 17</li></ul>	\$114
5	On filing a counterclaim or third party notice	\$503
6	On filing or lodging an application, notice or other document that does not relate to a proceeding for which a fee has been paid under any of the preceding clauses	\$65

7	For sealing a certificate or certifying under seal that a document is a true copy	\$34.75
8	For each request to search and inspect a record of the Court	\$9.50
9	For copy of evidence	\$5 per page
10	For copy of reasons for judgment (One copy will be supplied to a party to the proceedings free of charge.)	\$5 per page
11	For copy of any other document	\$2.20 per page
12	For computer disc containing record of court proceedings (including 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.
13	For production of transcript at request of a party where the Court does not require the transcript	\$10 per page
14	Trial fee	\$503 for each day or part of a day on which the trial is heard by the Court
<b>Note—</b>		
The fee for a trial is the fee fixed under clause 14 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 a registrar so orders, the fee is payable by another party to the proceedings or by the parties to the proceedings in the proportions ordered.		
15	Suitors' Fund: on interest collected on funds in Court or credited to an account.  (The fee is payable on transfer of interest out of the fund or account or at such earlier time or times as required by the Court.)	If the interest is \$10 or less—no fee.  If the interest is over \$10—3% of the amount of interest.
16	Taxation of costs: on lodging a bill of costs	\$34.75
17	Taxation of costs: for taxing a bill of costs	5% of the amount allowed on taxation to the nearest dollar
18	For opening Registry (or Registry remaining open) after hours for urgent execution of process	\$178 per hour or part of an hour
19	For opening Court (or Court remaining open) after hours for urgent hearing	\$535 per hour or part of an hour

## **Schedule 2—Fees in criminal division**

1	(1) For each request to search and inspect a record of the Court	\$9.50
	(2) A fee is not payable under subclause (1) for a request by or on behalf of a person accused or a victim of an offence that is the subject of proceedings before the Court.	

2	For sealing a certificate or certifying under seal that a document is a true copy	\$34.75
3	For copy of evidence	\$5 per page
4	For copy of reasons for judgment (One copy will be supplied to a party to the proceedings free of charge.)	\$5 per page
5	For copy of any other document	\$2.20 per page
6	For computer disc containing record of court proceedings (including 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.

### **Schedule 3—Fees in criminal injuries division**

1	Summons fee—on filing a document by which a proceeding is commenced	\$65
2	(1) For each request to search and inspect a record of the Court (2) A fee is not payable under subclause (1) for a request by or on behalf of a person accused or a victim of an offence that is the subject of proceedings before the Court.	\$9.50
3	For copy of evidence	\$5 per page
4	For copy of reasons for judgment (One copy will be supplied to a party to the proceedings free of charge.)	\$5 per page
5	For copy of any other document	\$2.20 per page
6	For computer disc containing record of court proceedings (including 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.
7	For production of transcript at request of a party where the Court does not require the transcript	\$10 per page
8	Taxation of costs: on lodging a bill of costs	\$34.75
9	Taxation of costs: for taxing a bill of costs	5% of the amount allowed on taxation to the nearest dollar
10	For opening Registry (or Registry remaining open) after hours for urgent execution of process	\$178 per hour or part of an hour
11	For opening Court (or Court remaining open) after hours for urgent hearing	\$535 per hour or part of an hour

## **Schedule 4—Revocation of *District Court (Fees) Regulations 1992***

### **1—Revocation**

The *District Court (Fees) Regulations 1992* are revoked.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

### Disallowance of regulations

The *District Court (Fees) [No 52] Regulations 2004* were disallowed on 22.9.2004: see *Gazette* 30.9.2004 p3749.

### Principal regulations

Year	No	Reference	Commencement
2004	52	<i>Gazette</i> 27.5.2004 p1450	1.7.2004: r 2