

South Australia

DISTRICT COURT (FEES) REGULATIONS 1992

REGULATIONS UNDER THE DISTRICT COURT ACT 1991

District Court (Fees) Regulations 1992

being

No. 156 of 1992: *Gaz.* 2 July 1992, p. 226¹

as varied by

No. 155 of 1993: *Gaz.* 1 July 1993, p. 361²
No. 87 of 1994: *Gaz.* 23 June 1994, p. 1793³
No. 65 of 1995: *Gaz.* 10 May 1995, p. 2024⁴
No. 98 of 1996: *Gaz.* 30 May 1996, p. 2686⁵
No. 41 of 1997: *Gaz.* 3 April 1997, p. 1407⁶
No. 62 of 1997: *Gaz.* 13 May 1997, p. 1832⁷
No. 54 of 1998: *Gaz.* 28 May 1998, p. 2297⁸
No. 123 of 1999: *Gaz.* 24 June 1999, p. 3275⁹
No. 56 of 2000: *Gaz.* 25 May 2000, p. 2710¹⁰
No. 36 of 2001: *Gaz.* 3 May 2001, p. 1722¹¹

- 1 Came into operation 6 July 1992: reg. 2.
2 Came into operation 1 July 1993: reg. 2.
3 Came into operation 1 July 1994: reg. 2.
4 Came into operation 1 July 1995: reg. 2.
5 Came into operation 1 July 1996: reg. 2.
6 Came into operation 3 April 1997: reg. 2.
7 Came into operation 1 July 1997: reg. 2.
8 Came into operation 1 July 1998: reg. 2.
9 Came into operation 1 July 1999: reg. 2.
10 Came into operation 1 July 2000: reg. 2.
11 **Came into operation 13 May 2001: reg. 2.**

NOTE:

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last consolidation.
- For the legislative history of the regulations see Appendix.

3.

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Fees

SCHEDULE 1

Fees in Civil Division

SCHEDULE 2

Fees in Criminal Division

SCHEDULE 3

Fees in Criminal Injuries Division

SCHEDULE 4

Transitional provisions

1. Trial fee for trial commenced before 1 July 1995

APPENDIX

LEGISLATIVE HISTORY

Citation

1. These regulations may be cited as the *District Court (Fees) Regulations 1992*.

Commencement

2. These regulations will come into operation on 6 July 1992.

Fees

3. (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 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.

(5) The fees payable in relation to documents filed or lodged in the Court are payable by purchasing a fee stamp (available from any Court Registry) and affixing the stamp to the document in accordance with subregulation (6).

(6) A fee stamp must be affixed—

(a) if more than one copy of the document is filed or lodged—to the office copy;

(b) to the face of the document or, if the document consists of more than one page, to the face of the first page of the document;

and

(c) so that the stamp does not obliterate or obscure any word, figure or other writing on the document.

5.

SCHEDULE 1
Fees in Civil Division

1.	Summons fee—on filing a document by which a proceeding (other than a proceeding specified in clause 1AA or clause 1A) is commenced	\$246
1AA.	Summons fee—on filing a document by which a proceeding is commenced where a fee has already been paid (whether under clause 1C or under clause 1 as in force before 13 May 2001) for filing an application for discovery of documents relating to the subject-matter of the proceeding	\$190

1A.	<p>On filing an application under the <i>Consumer Credit (South Australia) Code</i> for any of the following:</p> <ul style="list-style-type: none"> (a) an order under s. 34(5); (b) an order under s. 35; (c) a determination and consequential orders under s. 36(6); (d) leave under s. 36(7); (e) an order under s. 68; (f) an order under s. 69; (g) a determination under s. 77(1); (h) an order under s. 79; (i) an authorisation under s. 80(4)(c); (j) an order under s. 88(2); (k) variation or revocation of an order under s. 89; (l) an authorisation under s. 91(1)(a); (m) an authorisation under s. 92; (n) an order under s. 93; (o) an authorisation under s. 94(2); (p) an order under s. 98; (q) an authorisation under s. 156(2)(e); (r) a determination under s. 157(1); (s) an order under s. 171(1); (t) an extension of time under s. 174; (u) a direction under Sched. 2, cl. 17. 	\$56
1B.	On filing a counterclaim or a third party notice	\$246
1C.	Summons fee—on filing a document by which application is made for discovery of documents before the commencement of a proceeding	\$56
2.	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 clause 1, 1A, 1B or 1C	\$56

3.	For sealing a certificate or certifying under seal that a document is a true copy	\$30
4.	For each request to search and inspect a record of the Court	\$8.20
5.	For copy of evidence	\$4.70 per page
6.	For copy of reasons for judgment (One copy will be supplied to a party to the proceedings free of charge.)	\$4.70 per page
7.	For plain or office copy of any other document	\$2 per page
8.	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 \$51 for each day or part of a day on which the proceedings were recorded.
9.	For production of transcript at request of a party where the Court does not require the transcript	\$9.40 per page
10.	Trial fee payable by the plaintiff <i>(The fee applicable is the fee fixed under this clause as in force on the day on which the trial commenced.)</i>	\$154 for each day or part of a day during which the trial is heard by the Court
11.	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.
12.	Taxation of costs: on lodging a bill of costs	\$30
13.	Taxation of costs: for taxing a bill of costs	5% of the amount allowed on taxation to the nearest dollar
14.	For opening Registry (or Registry remaining open) after hours for urgent execution of process	\$154 per hour or part of an hour
15.	For opening Court (or Court remaining open) after hours for urgent hearing	\$462 per hour or part of an hour

SCHEDULE 2
Fees in Criminal Division

1.	<p>(1) For each request to search and inspect a record of the Court (This fee is payable by purchase of a fee stamp from the Registry.)</p> <p>(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.</p>	\$8.20
2.	For sealing a certificate or certifying under seal that a document is a true copy	\$30
3.	For copy of evidence	\$4.70 per page
4.	For copy of reasons for judgment (One copy will be supplied to a party to the proceedings free of charge.)	\$4.70 per page
5.	For plain or office copy of any other document	\$2 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 \$51 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	\$56
2.	(1) For each request to search and inspect a record of the Court (This fee is payable by purchase of a fee stamp from the Registry.) (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.	\$8.20
3.	For copy of evidence	\$4.70 per page
4.	For copy of reasons for judgment (One copy will be supplied to a party to the proceedings free of charge.)	\$4.70 per page
5.	For plain or office copy of any other document	\$2 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 \$51 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	\$9.40 per page
8.	Taxation of costs: on lodging a bill of costs	\$30
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	\$154 per hour or part of an hour
11.	For opening Court (or Court remaining open) after hours for urgent hearing	\$462 per hour or part of an hour

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APPENDIX**LEGISLATIVE HISTORY**

(entries in bold type indicate amendments incorporated since the last consolidation)

Schedule 1

- Clause 1:** varied by 155, 1993, reg. 3(a); 87, 1994, reg. 3(a); 65, 1995, reg. 3(a); 98, 1996, reg. 3(a); substituted by 41, 1997, reg. 3; **varied by 62, 1997, reg. 3(a); 54, 1998, reg. 3(a); 123, 1999, reg. 3(a); 56, 2000, reg. 3(a); 36, 2001, reg. 3(a)**
- Clause 1AA:** **inserted by 36, 2001, reg. 3(b)**
- Clause 1A: inserted by 155, 1993, reg. 3(b); 87, 1994, reg. 3(b); varied by 65, 1995, reg. 3(b); 98, 1996, reg. 3(a); substituted by 41, 1997, reg. 3; varied by 62, 1997, reg. 3(b); 54, 1998, reg. 3(b); 56, 2000, reg. 3(b)
- Clause 1B: inserted by 41, 1997, reg. 3; varied by 62, 1997, reg. 3(c); 54, 1998, reg. 3(c); 123, 1999, reg. 3(b); 56, 2000, reg. 3(c)
- Clause 1C:** **inserted by 36, 2001, reg. 3(c)**
- Clause 2:** substituted by 155, 1993, reg. 3(b); varied by 87, 1994, reg. 3(c); 65, 1995, reg. 3(c); 98, 1996, reg. 3(b); substituted by 41, 1997, reg. 3; **varied by 62, 1997, reg. 3(d); 54, 1998, reg. 3(d); 56, 2000, reg. 3(d); 36, 2001, reg. 3(d)**
- Clause 3: varied by 155, 1993, reg. 3(c); 65, 1995, reg. 3(d); 98, 1996, reg. 3(c); 62, 1997, reg. 3(e); 54, 1998, reg. 3(e); 123, 1999, reg. 3(c)
- Clause 4: varied by 98, 1996, reg. 3(d); 56, 2000, reg. 3(e)
- Clause 5: varied by 155, 1993, reg. 3(d); 54, 1998, reg. 3(f)
- Clause 6: varied by 155, 1993, reg. 3(e); 54, 1998, reg. 3(g)
- Clause 8: varied by 155, 1993, reg. 3(f); 87, 1994, reg. 3(d); 65, 1995, reg. 3(e); 98, 1996, reg. 3(e); 54, 1998, reg. 3(h); 123, 1999, reg. 3(d); 56, 2000, reg. 3(f)
- Clause 9: varied by 155, 1993, reg. 3(g); 98, 1996, reg. 3(f); 54, 1998, reg. 3(i)
- Clause 10: varied by 155, 1993, reg. 3(h); 87, 1994, reg. 3(e); 65, 1995, reg. 3(f); 98, 1996, reg. 3(g); 62, 1997, reg. 3(f); substituted by 54, 1998, reg. 3(j); varied by 123, 1999, reg. 3(e); 56, 2000, reg. 3(g)
- Clause 12: varied by 155, 1993, reg. 3(i); 65, 1995, reg. 3(g); 98, 1996, reg. 3(h); 62, 1997, reg. 3(g); 54, 1998, reg. 3(k); 123, 1999, reg. 3(f)
- Clause 14: varied by 155, 1993, reg. 3(j); 87, 1994, reg. 3(f); 65, 1995, reg. 3(h); 98, 1996, reg. 3(i); 62, 1997, reg. 3(h); 54, 1998, reg. 3(l); 123, 1999, reg. 3(g); 56, 2000, reg. 3(h)
- Clause 15: varied by 155, 1993, reg. 3(k); 87, 1994, reg. 3(g); 65, 1995, reg. 3(i); 98, 1996, reg. 3(j); 62, 1997, reg. 3(i); 54, 1998, reg. 3(m); 123, 1999, reg. 3(h); 56, 2000, reg. 3(i)

Schedule 2

- Clause 1: redesignated as clause 1(1) by 155, 1993, reg. 4(a); varied by 98, 1996, 4(a); 56, 2000, reg. 4(a)
- Clause 1(2): inserted by 155, 1993, reg. 4(a)
- Clause 2: varied by 155, 1993, reg. 4(b); 65, 1995, reg. 4(a); 98, 1996, reg. 4(b); 62, 1997, reg. 4; 54, 1998, reg. 4(a); 123, 1999, reg. 4(a)
- Clause 3: varied by 155, 1993, reg. 4(c); 54, 1998, reg. 4(b)
- Clause 4: varied by 155, 1993, reg. 4(d); 54, 1998, reg. 4(c)

11.

Clause 6:	varied by 155, 1993, reg. 4(e); 87, 1994, reg. 4; 65, 1995, reg. 4(b); 98, 1996, reg. 4(c); 54, 1998, reg. 4(d); 123, 1999, reg. 4(b); 56, 2000, reg. 4(b)
Schedule 3	
Clause 1:	varied by 155, 1993, reg. 5(a); 87, 1994, reg. 5(a); 65, 1995, reg. 5(a); 98, 1996, reg. 5(a); 62, 1997, reg. 5(a); 54, 1998, reg. 5(a); 56, 2000, reg. 5(a)
Clause 2:	redesignated as clause 2(1) by 155, 1993, reg. 5(b); varied by 98, 1996, reg. 5(b); 56, 2000, reg. 5(b)
Clause 2(2):	inserted by 155, 1993, reg. 5(b)
Clause 3:	varied by 155, 1993, reg. 5(c); 54, 1998, reg. 5(b)
Clause 4:	varied by 155, 1993, reg. 5(d); 54, 1998, reg. 5(c)
Clause 6:	varied by 155, 1993, reg. 5(e); 87, 1994, reg. 5(b); 65, 1995, reg. 5(b); 98, 1996, reg. 5(c); 54, 1998, reg. 5(d); 123, 1999, reg. 5(a); 56, 2000, reg. 5(c)
Clause 7:	varied by 155, 1993, reg. 5(f); 98, 1996, reg. 5(d); 54, 1998, reg. 5(e)
Clause 8:	varied by 155, 1993, reg. 5(g); 65, 1995, reg. 5(c); 98, 1996, reg. 5(e); 62, 1997, reg. 5(b); 54, 1998, reg. 5(f); 123, 1999, reg. 5(b)
Clause 10:	varied by 155, 1993, reg. 5(h); 87, 1994, reg. 5(c); 65, 1995, reg. 5(d); 98, 1996, reg. 5(f); 62, 1997, reg. 5(c); 54, 1998, reg. 5(g); 123, 1999, reg. 5(c); 56, 2000, reg. 5(d)
Clause 11:	varied by 155, 1993, reg. 5(i); 87, 1994, reg. 5(d); 65, 1995, reg. 5(e); 98, 1996, reg. 5(g); 62, 1997, reg. 5(d); 54, 1998, reg. 5(h); 123, 1999, reg. 5(d); 56, 2000, reg. 5(e)
Schedule 4:	substituted by 65, 1995, reg. 6; 98, 1996, reg. 6; varied by 62, 1997, reg. 6; revoked by 54, 1998, reg. 6