

South Australia

District Court Regulations 2018

under the *District Court Act 1991*

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Legislative history

1—Short title

These regulations may be cited as the *District Court Regulations 2018*.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *District 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 proceedings

- (2) 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 directs otherwise, 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) the trial will not proceed on the day set for that purpose unless the fee has been paid in accordance with paragraph (a).

- (3) The following provisions apply to the prescribed trial fees for each day or part of a day on which the trial is heard by the Court in the Civil Division:
- (a) the fee for a trial is the prescribed fee as in force on the day on which the trial commences;
 - (b) the fee is not payable for the first day of trial if the fee prescribed for setting a date for trial in the Civil Division has been paid;
 - (c) subject to paragraph (d), the fee is payable by the applicant in the proceedings;
 - (d) if the Court or a registrar so directs, the fee is payable by another party to the proceeding or by the parties to the proceeding in the proportions directed.
- (5) 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 proceedings

- (2) A government agency is not required to pay any fee or charge—
- (a) for commencing, or taking any step in, proceedings in the Court to which this regulation applies; 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.
- (3) 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 (2).
- (4) This regulation applies to criminal proceedings in the Court.

6—Fees generally

- (2) 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.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *District Court Regulations 2018* revoked the following:

District Court (Fees) Regulations 2004

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2018	33	<i>Gazette 13.2.2018 p756</i>	13.2.2018: r 2
2018	84	<i>Gazette 21.6.2018 p2200</i>	1.7.2018: r 2
2019	99	<i>Gazette 13.6.2019 p1932</i>	1.7.2019: r 2
2020	30	<i>Gazette 2.4.2020 p639</i>	27.4.2020: r 2
2020	101	<i>Gazette 4.6.2020 p2911</i>	1.7.2020: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2018</i>
<i>r 3</i>		
<i>ADD</i>	<i>deleted by 101/2020 r 4(1)</i>	<i>1.7.2020</i>
<i>corporation</i>	<i>deleted by 101/2020 r 4(2)</i>	<i>1.7.2020</i>
<i>Electronic System</i>	<i>inserted by 30/2020 r 4</i>	<i>27.4.2020</i>
	<i>deleted by 101/2020 r 4(3)</i>	<i>1.7.2020</i>
<i>National Credit Code</i>	<i>deleted by 101/2020 r 4(4)</i>	<i>1.7.2020</i>
<i>not-for-profit organisation</i>	<i>deleted by 101/2020 r 4(5)</i>	<i>1.7.2020</i>
<i>prescribed corporation</i>	<i>deleted by 101/2020 r 4(6)</i>	<i>1.7.2020</i>

<i>small business</i>	<i>deleted by 101/2020 r 4(7)</i>	1.7.2020
<i>subsidiary</i>	<i>deleted by 101/2020 r 4(8)</i>	1.7.2020
r 4		
r 4(1)	<i>deleted by 101/2020 r 5(1)</i>	1.7.2020
r 4(2)	varied by 30/2020 r 5(1)	27.4.2020
	varied by 101/2020 r 5(2)	1.7.2020
r 4(3)	varied by 30/2020 r 5(2)—(4)	27.4.2020
	varied by 101/2020 r 5(3)—(5)	1.7.2020
r 4(4)	<i>deleted by 101/2020 r 5(6)</i>	1.7.2020
r 5		
r 5(1)	<i>deleted by 101/2020 r 6</i>	1.7.2020
r 6		
r 6(1)	<i>deleted by 101/2020 r 7</i>	1.7.2020
Schs 1—3	<i>substituted by 84/2018 r 4</i>	1.7.2018
	<i>substituted by 99/2019 r 4</i>	1.7.2019
	<i>substituted by 30/2020 rr 6—8</i>	27.4.2020
	<i>deleted by 101/2020 r 8</i>	1.7.2020
Sch 4	<i>deleted by 101/2020 r 8</i>	1.7.2020
Sch 5	<i>omitted under Legislation Revision and Publication Act 2002</i>	1.7.2018

Historical versions

1.7.2018
1.7.2019
27.4.2020