

South Australia

MAGISTRATES COURT (FEES) REGULATIONS 1992

REGULATIONS UNDER THE MAGISTRATES COURT ACT 1991

Magistrates Court (Fees) Regulations 1992

being

No. 157 of 1992: *Gaz.* 2 July 1992, p. 232¹

as varied by

- No. 160 of 1993: *Gaz.* 1 July 1993, p. 372²
No. 89 of 1994: *Gaz.* 23 June 1994, p. 1796³
No. 66 of 1995: *Gaz.* 10 May 1995, p. 2026⁴
No. 100 of 1996: *Gaz.* 30 May 1996, p. 2689⁵
No. 227 of 1996: *Gaz.* 17 October 1996, p. 1387⁶
No. 259 of 1996: *Gaz.* 23 December 1996, p. 2262⁷
No. 64 of 1997: *Gaz.* 13 May 1997, p. 1835⁸
No. 57 of 1998: *Gaz.* 28 May 1998, p. 2302⁹
No. 126 of 1999: *Gaz.* 24 June 1999, p. 3279¹⁰
No. 59 of 2000: *Gaz.* 25 May 2000, p. 2714¹¹
No. 46 of 2001: *Gaz.* 31 May 2001, p. 1946¹²

- 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 17 October 1996: reg. 2.
7 Came into operation 3 February 1997: reg. 2.
8 Came into operation 1 July 1997: reg. 2.
9 Came into operation 1 July 1998: reg. 2.
10 Came into operation 1 July 1999: reg. 2.
11 Came into operation 1 July 2000: reg. 2.
12 **Came into operation 1 July 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
- 2A. Interpretation
3. Fees

SCHEDULE 1

*Fees in Civil (General Claims) Division and Civil
(Minor Claims) Division*

SCHEDULE 2

Fees in Criminal Division

APPENDIX

LEGISLATIVE HISTORY

Citation

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

Commencement

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

Interpretation

2A. In these regulations—

"Act" means the *Magistrates Court Act 1991*.

Fees

3. (1) The fees set out in schedule 1 are payable to the Court in relation to proceedings in—

- (a) the Civil (General Claims) Division; or
- (b) the Civil (Minor Claims) Division; or
- (c) the Civil (Consumer and Business) Division.

(2) The fees set out in schedule 2 are payable to the Court in relation to proceedings in the Criminal Division.

(2a) The fees payable for inspection or copying of material under section 51 of the Act are the appropriate fees set out in the schedules.

(3) 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.

(4) 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 (5).

(5) 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.

SCHEDULE 1
*Fees in Civil (General Claims) Division and Civil
(Minor Claims) Division*

A1.	For issuing a <i>Final Notice of Claim</i> under the rules	\$10
1.	On commencement of minor civil action	\$58
2.	On lodging a counterclaim or a third party notice in a minor civil action	\$58
3.	On commencement of any other action under <i>Magistrates Court Act 1991</i>	\$110
4.	On lodging a counterclaim or a third party notice in any other action under <i>Magistrates Court Act 1991</i>	\$110
5.	For issuing investigation or examination summons under <i>Magistrates Court Act 1991</i>	\$10.30
6.	On commencement of action under any other Act or issuing a summons on such action	\$58
7.	On lodging a counterclaim or a third party notice in any action under any other Act	\$58
8.	For publishing advertisement	actual costs reasonably incurred
9.	For each request to search and inspect a record of the Court	\$8.50
10.	For copy of evidence	\$4.70 per page
11.	For copy of reasons for judgment (One copy will be supplied to a party to the proceedings free of charge.)	\$4.70 per page
12.	For plain or office copy of any other document	\$2.10 per page
13.	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 \$52.50 for each day or part of a day on which the proceedings were recorded.
14.	For production of transcript at request of a party where the Court does not require the transcript	\$9.40 per page
15.	Taxation of costs: on lodging a bill of costs (other than in a minor civil action)	\$31
16.	For opening Registry (or Registry remaining open) after hours for urgent execution of process	\$159 per hour or part of an hour
17.	For opening Court (or Court remaining open) after hours for urgent hearing	\$476 per hour or part of an hour

SCHEDULE 2
Fees in Criminal Division

1.	On commencement of proceedings for summary applications, summary offences, minor indictable offences or indictable offences	\$84.50 plus if the complaint or information alleges more than one offence—\$24.20
1A.	For making an enforcement order under the <i>Expiation of Offences Act 1996</i>	\$84.50
2.	For issuing a warrant of commitment	\$26.50
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	\$2.10 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 \$52.50 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

APPENDIX

LEGISLATIVE HISTORY

Transitional Provisions

(Transitional provision from Regulation No. 259 of 1996, reg. 4)

4. A regulation varied or revoked by these regulations will continue to apply (as in force immediately prior to the variation or revocation coming into operation) to an expiration notice issued under the varied or revoked regulations.

Legislative History

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

Regulation 2A:	inserted by 46, 2001, reg. 3
Regulation 3(1):	substituted by 227, 1996, reg. 3
Regulation 3(2a):	inserted by 46, 2001, reg. 4
Schedule 1:	substituted by 160, 1993, reg. 3
Clause A1:	inserted by 126, 1999, reg. 3(a)
Clause 1:	varied by 89, 1994, reg. 3(a); 66, 1995, reg. 3(a); 100, 1996, reg. 3(a); 64, 1997, reg. 3(a); 57, 1998, reg. 3(a); 59, 2000, reg. 3(a); 46, 2001, reg. 5(a)
Clause 2:	varied by 89, 1994, reg. 3(b); 66, 1995, reg. 3(b); 100, 1996, reg. 3(a); 64, 1997, reg. 3(b); 57, 1998, reg. 3(b); 59, 2000, reg. 3(b); 46, 2001, reg. 5(b)
Clause 3:	varied by 89, 1994, reg. 3(c); 66, 1995, reg. 3(c); 100, 1996, reg. 3(b); 64, 1997, reg. 3(c); 57, 1998, reg. 3(c); 126, 1999, reg. 3(b); 59, 2000, reg. 3(c); 46, 2001, reg. 5(c)
Clause 4:	varied by 89, 1994, reg. 3(d); 66, 1995, reg. 3(d); 100, 1996, reg. 3(b); 64, 1997, reg. 3(d); 57, 1998, reg. 3(d); 126, 1999, reg. 3(c); 59, 2000, reg. 3(d); 46, 2001, reg. 5(d)
Clause 5:	varied by 100, 1996, reg. 3(c); 126, 1999, reg. 3(d); 46, 2001, reg. 5(e)
Clause 6:	varied by 89, 1994, reg. 3(e); 66, 1995, reg. 3(e); 100, 1996, reg. 3(d); 64, 1997, reg. 3(e); 57, 1998, reg. 3(e); 59, 2000, reg. 3(e); 46, 2001, reg. 5(f)
Clause 7:	varied by 89, 1994, reg. 3(f); 66, 1995, reg. 3(f); 100, 1996, reg. 3(d); 64, 1997, reg. 3(f); 57, 1998, reg. 3(f); 59, 2000, reg. 3(f); 46, 2001, reg. 5(g)
Clause 9:	varied by 100, 1996, reg. 3(e); 59, 2000, reg. 3(g); 46, 2001, reg. 5(h)
Clause 10:	varied by 57, 1998, reg. 3(g)
Clause 11:	varied by 57, 1998, reg. 3(h)
Clause 12:	varied by 46, 2001, reg. 5(i)
Clause 13:	varied by 89, 1994, reg. 3(g); 66, 1995, reg. 3(g); 100, 1996, reg. 3(f); 57, 1998, reg. 3(i); 126, 1999, reg. 3(e); 59, 2000, reg. 3(h); 46, 2001, 5(j)
Clause 14:	varied by 100, 1996, reg. 3(g); 57, 1998, reg. 3(j)
Clause 15:	varied by 66, 1995, reg. 3(h); 100, 1996, reg. 3(h); 64, 1997, reg. 3(g); 57, 1998, reg. 3(k); 126, 1999, reg. 3(f); 46, 2001, reg. 5(k)
Clause 16:	varied by 89, 1994, reg. 3(h); 66, 1995, reg. 3(i); 100, 1996, reg. 3(i); 64, 1997, reg. 3(h); 57, 1998, reg. 3(l); 126, 1999, reg. 3(g); 59, 2000, reg. 3(i); 46, 2001, reg. 5(l)
Clause 17:	varied by 89, 1994, reg. 3(i); 66, 1995, reg. 3(j); 100, 1996, reg. 3(j); 64, 1997, reg. 3(i); 57, 1998, reg. 3(m); 126, 1999, reg. 3(h); 59, 2000, reg. 3(j); 46, 2001, reg. 5(m)
Schedule 2	
Clause 1:	varied by 160, 1993, reg. 4(a)-(c); 89, 1994, reg. 4(a); 66, 1995, reg. 4(a); 100, 1996, reg. 4(a); 64, 1997, reg. 4(a); 57, 1998, reg. 4(a), (b); 126, 1999, reg. 4(a); 59, 2000, reg. 4(a); 46, 2001, reg. 6(a)
Clause 1A:	inserted by 259, 1996, reg. 3 (Sch. cl. 16); varied by 64, 1997, reg. 4(b); 57, 1998, reg. 4(c); 59, 2000, reg. 4(b); 46, 2001, reg. 6(b)

8.

Clause 2: varied by 160, 1993, reg. 4(d); 66, 1995, reg. 4(b); 100, 1996, reg. 4(b); 57, 1998, reg. 4(d); 126, 1999, reg. 4(b); 59, 2000, reg. 4(c); **46, 2001, reg. 6(c)**

Clause 3: varied by 160, 1993, reg. 4(e); 57, 1998, reg. 4(e)

Clause 4: varied by 160, 1993, reg. 4(f); 57, 1998, reg. 4(f)

Clause 5: varied by **46, 2001, reg. 6(d)**

Clause 6: varied by 160, 1993, reg. 4(g); 89, 1994, reg. 4(b); 66, 1995, reg. 4(c); 100, 1996, reg. 4(c); 57, 1998, reg. 4(g); 126, 1999, reg. 4(c); 59, 2000, reg. 4(d); **46, 2001, reg. 6(e)**

Clause 7: varied by 160, 1993, reg. 4(h); 100, 1996, reg. 4(d); 57, 1998, reg. 4(h)