

South Australia

## **Magistrates Court (Fees) Regulations 2004**

under the *Magistrates Court Act 1991*

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#### **1—Short title**

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

#### **3—Interpretation**

In these regulations—

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

#### **4—Fees**

- (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.
- (3) The fees payable for inspection or copying of material under section 51 of the Act are the appropriate fees set out in the Schedules.
- (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.

## Schedule 1—Fees in Civil (General Claims) Division and Civil (Minor Claims) Division

1	For issuing a <i>Final Notice of Claim</i> under the rules	\$13.10
2	On commencement of minor civil action	\$90.00
3	On lodging a counterclaim or a third party notice in a minor civil action	\$90.00
4	On commencement of any other action under <i>Magistrates Court Act 1991</i>	\$170.00
5	On lodging a counterclaim or a third party notice in any other action under <i>Magistrates Court Act 1991</i>	\$170.00
6	For issuing and administering an investigation or examination summons under <i>Magistrates Court Act 1991</i>	\$34.50
7	On commencement of action under any other Act or issuing a summons on such action	\$90.00
8	On lodging a counterclaim or a third party notice in any action under any other Act	\$90.00
9	For publishing advertisement	actual costs reasonably incurred
10	For each request to search and inspect a record of the Court	\$12.70
11	For copy of evidence	\$5.00 per page
12	For copy of reasons for judgment (One copy will be supplied to a party to the proceedings free of charge.)	\$5.00 per page
13	For copy of any other document	\$3.00 per page
14	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 \$79.00 for each day or part of a day on which the proceedings were recorded
15	For production of transcript at request of a party where the Court does not require the transcript	\$10.00 per page
16	Taxation of costs: on lodging a bill of costs (other than in a minor civil action)	\$46.00
17	For opening Registry (or Registry remaining open) after hours for urgent execution of process	\$238.00 per hour or part of an hour
18	For opening Court (or Court remaining open) after hours for urgent hearing	\$715.00 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	\$131.00 plus if the complaint or information alleges more than 1 offence—\$30.25
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**1.7.2007 to 30.6.2008—Magistrates Court (Fees) Regulations 2004**  
Fees in Criminal Division—Schedule 2

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2	For making an enforcement order under the <i>Expiation of Offences Act 1996</i>	\$131.00
3	For issuing a warrant of commitment	\$33.00
4	For copy of evidence	\$5.00 per page
5	For copy of reasons for judgment (One copy will be supplied to a party to the proceedings free of charge.)	\$5.00 per page
6	For copy of any other document	\$3.00 per page
7	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 \$79.00 for each day or part of a day on which the proceedings were recorded
8	For production of transcript at request of a party where the Court does not require the transcript	\$10.00 per page
9	For each request to search and inspect a record of the Court	\$12.70

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- 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](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Magistrates Court (Fees) Regulations 2004* revoked the following:

*Magistrates Court (Fees) Regulations 1992*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2004	51	<i>Gazette 27.5.2004 p1447</i>	1.7.2004: r 2
2005	127	<i>Gazette 26.5.2005 p1609</i> erratum <i>Gazette 16.6.2005 p1830</i>	1.7.2005: r 2
2006	146	<i>Gazette 15.6.2006 p1902</i>	1.7.2006: r 2
<b>2007</b>	<b>97</b>	<b><i>Gazette 7.6.2007 p2411</i></b>	<b>1.7.2007: r 2</b>
2008	86	<i>Gazette 5.6.2008 p2013</i>	1.7.2008: 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 the Legislation Revision and Publication Act 2002</i>	<i>1.7.2005</i>
Schs 1 and 2	substituted by 127/2005 r 4	1.7.2005
	substituted by 146/2006 r 4	1.7.2006
	<b>substituted by 97/2007 r 4</b>	<b>1.7.2007</b>
<i>Sch 3</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2005</i>

### Historical versions

1.7.2005

1.7.2006