

South Australia

Magistrates Court Regulations 2019

under the *Magistrates Court Act 1991*

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Legislative history

1—Short title

These regulations may be cited as the *Magistrates Court Regulations 2019*.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Magistrates 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;
- (c) South Australia Police; or
- (d) the National Heavy Vehicle Regulator established under the *Heavy Vehicle National Law (South Australia)*.

4—Fees in Civil Division

- (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 otherwise directs, 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) if there is more than 1 applicant, the Court or a registrar may direct that the fee is to be paid in equal portions by each of the applicants;

- (c) the trial will not proceed on the day set for that purpose unless the fee has been paid in accordance with this subregulation.
- (3) If an attempt to settle a proceeding by mediation under section 27 of the Act has been made, the fee prescribed for setting a date for trial in the Civil Division may, if the mediator so certifies, be discounted by 50%.
- (4) 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 Division

- (2) A government agency is not required to pay any fee or charge—
 - (a) for commencing, or taking any step in, proceedings in the Criminal Division; 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).

8—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.

Formerly

Magistrates Court (Fees) Regulations 2019

Revocation of regulations

The *Magistrates Court Regulations 2019* were revoked by Sch 1 of the *Magistrates Court Regulations 2021* on 21.10.2021.

Legislation revoked by principal regulations

The *Magistrates Court Regulations 2019* revoked the following:

Magistrates Court (Fees) Regulations 2004

Principal regulations and variations

Year	No	Reference	Commencement
2019	101	<i>Gazette 13.6.2019 p1943</i>	1.7.2019: r 2
2020	31	<i>Gazette 2.4.2020 p645</i>	27.4.2020: r 2
2020	115	<i>Gazette 4.6.2020 p2938</i>	1.7.2020: r 2

Provisions varied

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

Provision	How varied	Commencement
r 1	varied by 115/2020 r 4	1.7.2020
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>27.4.2020</i>
r 3		
<i>corporation</i>	<i>deleted by 115/2020 r 5(1)</i>	<i>1.7.2020</i>
<i>Electronic System</i>	<i>inserted by 31/2020 r 4</i>	<i>27.4.2020</i>
	<i>deleted by 115/2020 r 5(2)</i>	<i>1.7.2020</i>
<i>not-for-profit organisation</i>	<i>deleted by 115/2020 r 5(3)</i>	<i>1.7.2020</i>

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<i>prescribed corporation</i>	<i>deleted by 115/2020 r 5(4)</i>	<i>1.7.2020</i>
<i>small business subsidiary</i>	<i>deleted by 115/2020 r 5(5)</i>	<i>1.7.2020</i>
	<i>deleted by 115/2020 r 5(6)</i>	<i>1.7.2020</i>
r 4		
<i>r 4(1)</i>	<i>deleted by 115/2020 r 6(1)</i>	<i>1.7.2020</i>
<i>r 4(2)</i>	<i>varied by 31/2020 r 5(1)—(3)</i>	<i>27.4.2020</i>
	<i>varied by 115/2020 r 6(2)</i>	<i>1.7.2020</i>
<i>r 4(3)</i>	<i>varied by 31/2020 r 5(4)</i>	<i>27.4.2020</i>
	<i>varied by 115/2020 r 6(3)</i>	<i>1.7.2020</i>
r 5		
<i>r 5(1)</i>	<i>deleted by 115/2020 r 7</i>	<i>1.7.2020</i>
<i>r 6</i>	<i>deleted by 115/2020 r 8</i>	<i>1.7.2020</i>
<i>r 7</i>	<i>deleted by 115/2020 r 8</i>	<i>1.7.2020</i>
r 8		
<i>r 8(1)</i>	<i>deleted by 115/2020 r 9</i>	<i>1.7.2020</i>
<i>Sch 1</i>	<i>substituted by 31/2020 r 6</i>	<i>27.4.2020</i>
	<i>deleted by 115/2020 r 10</i>	<i>1.7.2020</i>
<i>Sch 2</i>	<i>substituted by 31/2020 r 7</i>	<i>27.4.2020</i>
	<i>deleted by 115/2020 r 10</i>	<i>1.7.2020</i>
<i>Sch 3</i>	<i>deleted by 115/2020 r 10</i>	<i>1.7.2020</i>
<i>Sch 4</i>	<i>deleted by 115/2020 r 10</i>	<i>1.7.2020</i>
<i>Sch 5</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>27.4.2020</i>

Historical versions

27.4.2020