

South Australia

Sheriff's Regulations 1992

under the *Sheriff's Act 1978*

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Schedule—Fees

Legislative history

1—Short title

These regulations may be cited as the *Sheriff's Regulations 1992*.

2—Commencement

These regulations will come into operation on 6 July 1992.

3—Fees

- (1) The fees set out in the Schedule are payable to the sheriff in relation to proceedings in the Supreme Court, District Court or Magistrates Court.
- (3) In addition to the fees set out in the Schedule, the expenses reasonably incurred by the sheriff in the service of a document or execution of any process are payable to the sheriff including expenses incurred in relation to the following:
 - (a) meals while travelling;
 - (b) labour and removal of goods;
 - (c) cartage;
 - (d) storage;
 - (e) insurance;
 - (f) advertisements;
 - (g) seizure and maintenance of animals;
 - (h) postage;
 - (i) telephone calls;
 - (j) engaging assistants;
 - (k) engaging auctioneers or agents;

- (1) conducting a sale of land or goods.
- (4) The sheriff may require—
 - (a) a deposit as security for the payment of fees before commencing any proceeding or at any time during the course of the proceeding; and
 - (b) a written undertaking to pay any further fees which may become payable above the amount of the deposit.
- (5) The fee for service of a document or execution of a process is payable despite the document not being served or the process not being executed if—
 - (a) the officer who attempted to serve the document or execute the process obtained information about the defendant of value to the plaintiff; or
 - (b) the sheriff is satisfied that other special circumstances exist justifying the fee, and a written report on the results of the attempted service or execution has been provided to the plaintiff.

4—Participating bodies

For the purposes of the definition of *participating body* in section 4 of the Act, the following are declared to be participating bodies:

- (a) Industrial Relations Commission of South Australia;
- (b) Workers Compensation Tribunal.

5—Safe keeping and disposal of items

- (1) If a person fails, on leaving the premises of a participating body, to collect items held in safe keeping while the person is on the premises (see section 9G(h)(i) of the Act), the sheriff—
 - (a) must take reasonable care, for a period of 30 days, of the items (other than perishable items); and
 - (b) may, in the sheriff's absolute discretion—
 - (i) in the case of perishable items—destroy or otherwise dispose of the items;
 - (ii) in any other case—destroy or otherwise dispose of the items after taking reasonable care of them for the period referred to in paragraph (a).
- (2) The items may be kept at any place considered appropriate by the sheriff and, before an item is released to a person, the person may be required to produce satisfactory evidence of identity and entitlement to the item.
- (3) If the items are sold, the net proceeds of the sale must be paid into the Consolidated Account.

Schedule—Fees

1	Receiving and entering a writ of summons, notice, order or other document for service in relation to proceedings in the Supreme Court or District Court	\$22.90 per copy
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2	Receiving and entering a warrant or other process of execution in relation to proceedings in the Supreme Court or District Court	\$30.75
3	Serving a writ of summons, other summons, claim, notice, order or other document where a written report must be submitted for preparation of an affidavit of service	\$26.25 per copy
4	Serving a writ of summons, other summons, claim, notice, order or other document where a written report need not be submitted for preparation of an affidavit of service	\$20.70 per copy
5	Executing a warrant or other process of execution or making an arrest	\$51.50
6	Conducting inquiries as necessary before the execution of a warrant or other process of execution	\$26.25
7	Allowance for travelling expenses incurred in the service of a document or execution of any process in relation to proceedings in the Supreme Court or District Court (only one fee is payable on two or more processes served or executed at the same time on the same person or on different persons at the same address)	\$0.80 per kilometre or part of a kilometre over 1 kilometre (one way)
8	Allowance for travelling expenses incurred in the service of a document or execution of any process in relation to proceedings in the Magistrates Court (only one fee is payable on two or more processes served or executed at the same time on the same person or on different persons at the same address)	\$0.80 per kilometre or part of a kilometre over 15 kilometres (one way)
9	Poundage—	
	(a) on a warrant of sale or other process of execution (other than on a warrant of possession enforced against real property), calculated on the amount realised on sale or if not sold on the value of the property seized or the amount of the judgement debt whichever is the lesser	\$0.10 per \$1 for the first \$2 000 and \$0.05 per \$1 over \$2 000
	(b) on a warrant of possession enforced against real property, calculated on the annual value (within the meaning of the <i>Valuation of Land Act 1971</i>) of the real property seized	\$0.10 per \$1 for the first \$2 000 and \$0.05 per \$1 over \$2 000
10	Attendance by sheriff at court in charge of a person or to lodge a person in a gaol or other lock-up	\$30.75 per hour or part hour, after the first hour
11	Opening of office (or office remaining open) after hours for urgent execution of process	\$172 per hour or part hour

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1992	158	<i>Gazette 2.7.1992 p236</i>	6.7.1992: r 2
1993	158	<i>Gazette 1.7.1993 p369</i>	1.7.1993: r 2
1994	90	<i>Gazette 23.6.1994 p1798</i>	1.7.1994: r 2
1995	67	<i>Gazette 10.5.1995 p2028</i>	1.7.1995: r 2
1996	241	<i>Gazette 14.11.1996 p1684</i>	14.11.1996: r 2
1997	69	<i>Gazette 13.5.1997 p1845</i>	1.7.1997: r 2
1998	58	<i>Gazette 28.5.1998 p2304</i>	1.7.1998: r 2
1999	127	<i>Gazette 24.6.1999 p3281</i>	1.7.1999: r 2
2000	60	<i>Gazette 25.5.2000 p2716</i>	1.7.2000: r 2
2000	237	<i>Gazette 28.9.2000 p2298</i>	29.9.2000: r 2
2001	47	<i>Gazette 31.5.2001 p1948</i>	1.7.2001: r 2
2002	84	<i>Gazette 20.6.2002 p2578</i>	1.7.2002: r 2
2003	85	<i>Gazette 29.5.2003 p2226</i>	1.7.2003: r 2
2004	56	<i>Gazette 27.5.2004 p1463</i>	1.7.2004: 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
r 3		
r 3(1)	varied by 241/1996 r 3(a), (b)	14.11.1996
<i>r 3(2)</i>	<i>deleted by 241/1996 r 3(c)</i>	<i>14.11.1996</i>
r 3(3)	varied by 241/1996 r 3(d), (e)	14.11.1996
r 3(5)	substituted by 241/1996 r 3(f)	14.11.1996
rr 4 and 5	inserted by 237/2000 r 3	29.9.2000
<i>Sch 1</i>	<i>varied by 158/1993 r 3</i>	<i>1.7.1993</i>
	<i>varied by 90/1994 r 3</i>	<i>1.7.1994</i>
	<i>varied by 67/1995 r 3</i>	<i>1.7.1995</i>
	<i>deleted by 241/1996 r 4</i>	<i>14.11.1996</i>
<i>Sch 2</i>	<i>varied by 158/1993 r 4</i>	<i>1.7.1993</i>

	<i>varied by 90/1994 r 4</i>	1.7.1994
	<i>varied by 67/1995 r 4</i>	1.7.1995
	<i>deleted by 241/1996 r 4</i>	14.11.1996
<i>Sch before substitution by 84/2002</i>	<i>inserted by 241/1996 r 4</i>	14.11.1996
	<i>varied by 69/1997 r 3</i>	1.7.1997
	<i>varied by 58/1998 r 3</i>	1.7.1998
	<i>varied by 127/1999 r 3</i>	1.7.1999
	<i>varied by 60/2000 r 3</i>	1.7.2000
	<i>varied by 47/2001 r 3</i>	1.7.2001
Sch	substituted by 84/2002 r 3	1.7.2002
	substituted by 85/2003 r 4	1.7.2003