

SOUTH AUSTRALIA

**SUPREME COURT (FEES) REGULATIONS, 1987**

## REGULATIONS UNDER THE SUPREME COURT ACT, 1935

### *Supreme Court (Fees) Regulations, 1987*

being

No. 278 of 1987: *Gaz.* 3 December 1987, p. 1768<sup>1</sup>

as varied by

No. 237 of 1988: *Gaz.* 24 November 1988, p. 1836<sup>2</sup>

No. 216 of 1989: *Gaz.* 7 December 1989, p. 1709<sup>3</sup>

No. 172 of 1990: *Gaz.* 30 August 1990, p. 720<sup>4</sup>

No. 181 of 1990: *Gaz.* 13 September 1990, p. 840<sup>5</sup>

No. 235 of 1990: *Gaz.* 29 November 1990, p. 1649<sup>6</sup>

No. 257 of 1990: *Gaz.* 20 December 1990, p. 1891<sup>7</sup>

No. 177 of 1991: *Gaz.* 15 August 1991, p. 585<sup>8</sup>

No. 24 of 1992: *Gaz.* 27 February 1992, p. 593<sup>9</sup>

No. 159 of 1992: *Gaz.* 2 July 1992, p. 240<sup>10</sup>

No. 156 of 1993: *Gaz.* 1 July 1993, p. 364<sup>11</sup>

No. 92 of 1994: *Gaz.* 23 June 1994, p. 1802<sup>12</sup>

No. 30 of 1995: *Gaz.* 13 April 1995, p. 1429<sup>13</sup>

No. 64 of 1995: *Gaz.* 10 May 1995, p. 2022<sup>14</sup>

No. 101 of 1996: *Gaz.* 30 May 1996, p. 2691<sup>15</sup>

No. 66 of 1997: *Gaz.* 13 May 1997, p. 1838<sup>16</sup>

No. 60 of 1998: *Gaz.* 28 May 1998, p. 2307<sup>17</sup>

<sup>1</sup> Came into operation 14 December 1987: reg. 2.

<sup>2</sup> Came into operation 5 December 1988: reg. 2.

<sup>3</sup> Came into operation 18 December 1989: reg. 2.

<sup>4</sup> Came into operation 1 September 1990: reg. 2.

<sup>5</sup> Came into operation 15 September 1990: reg. 2.

<sup>6</sup> Came into operation 1 December 1990: reg. 2.

<sup>7</sup> Came into operation 1 January 1991: reg. 2.

<sup>8</sup> Came into operation 1 September 1991: reg. 2.

<sup>9</sup> Came into operation 1 March 1992: reg. 2.

<sup>10</sup> Came into operation 6 July 1992: reg. 2.

<sup>11</sup> Came into operation 1 July 1993: reg. 2.

<sup>12</sup> Came into operation 1 July 1994: reg. 2.

<sup>13</sup> Came into operation 1 May 1995: reg. 2.

<sup>14</sup> Came into operation 1 July 1995: reg. 2.

<sup>15</sup> Came into operation 1 July 1996: reg. 2.

<sup>16</sup> Came into operation 1 July 1997: reg. 2.

<sup>17</sup> Came into operation 1 July 1998: reg. 2.

*Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.*

2.

1. These regulations may be cited as the *Supreme Court (Fees) Regulations, 1987*.
2. These regulations will come into operation on 14 December, 1987.
3. The *Supreme Court (Fees) Regulations, 1983* (No. 154 of 1983, see *Gazette*, 22 September, 1983, p. 945) as varied, are revoked.
4. The fees payable in respect of proceedings in the court are as set out in the schedule.

**SCHEDULE**  
*Fees*

**PART 1—GENERAL**

<b>General Fees</b>	<b>\$</b>
<b>1. On filing—</b>	
(a) a document by which a proceeding in the court is commenced . . . . .	460.00
(b) a counterclaim or third party notice . . . . .	460.00
(c) a summons for leave to appeal . . . . .	80.00
(d) a notice of appeal—	
· in respect of an appeal in which leave to appeal is required . . . . .	385.00
· in respect of an appeal as of right . . . . .	460.00
<i>(No further fee is payable for filing pleadings or particulars or for any interlocutory application, interlocutory motion, application for directions or application for immediate relief, for signing judgement, or for any necessary affidavit or document)</i>	
<b>2. On—</b>	
(a) filing or lodging an application, notice or other document that does not relate to a proceeding for which a fee has been paid under item 1; or	
(b) sealing a certificate; or	
(c) certifying under seal that a document is a true copy . . . . .	29.00
<b>3. For each request to search and inspect a record of the court, other than a Divorce or Matrimonial Causes record . . . . .</b>	<b>8.00</b>
<i>(A fee is not, however, payable under this clause for a request in respect of a record relating to criminal proceedings by or on behalf of the person accused in those proceedings or the victim of the offence that is the subject of those proceedings).</i>	
<b>4. For a plain or office copy of a document (other than a copy of evidence) . . . . .</b>	<b>2.00 per page</b>
<b>5. For a copy of evidence . . . . .</b>	<b>4.70 per page</b>
<b>6. For a copy of reasons for judgment . . . . .</b>	<b>4.70 per page</b>
<i>(However, one copy will be supplied to a party to the proceedings free of charge)</i>	
<b>7. For a copy of a computer disc containing the record of court proceedings (including the reasons for judgment) . . . . .</b>	<b>the fee that would be payable under these regulations for a printed copy of the record of the proceedings plus \$45.00 for each day or part of a day on which the proceedings were recorded.</b>
<b>8. For production of transcript on the request of a party where the court does not require the transcript . . . . .</b>	<b>9.40 per page</b>
<b>9. Trial fee payable by the plaintiff . . . . .</b>	<b>220.00 for each day or part of a day during which the trial is heard.</b>
<i>(The fee applicable is the fee fixed under this clause as in force on the day on which the trial commenced.)</i>	

**Suitors' Funds**

10. On interest collected on funds in court or credited to an account . . . . . 3% of the amount of interest

*(This fee may be charged either from time to time or prior to the payment or transfer of interest out of any fund or money in court. However, if the total amount of interest does not exceed \$10, no fee is payable.)*

**Fees Payable on Taxation of Costs**

11. On lodging a bill of costs . . . . . 29.00

12. For taxing a bill of costs . . . . . 5% of the amount allowed on taxation (to the nearest dollar)

**Miscellaneous**

13. On serving on a Registrar of the Magistrates Court copies of a notice of appeal to the Supreme Court against the decision of the Magistrates Court pursuant to section 42 of the *Magistrates Court Act 1991* . . . . . 80.00

*(This fee is payable to the Magistrates Court when the appeal is lodged).*

14. For opening Registry (or Registry remaining open) after hours for urgent execution of process . . . . . 145.00 per hour or part of an hour.

15. For opening court (or court remaining open) after hours for urgent hearing . . . . . 435.00 per hour or part of an hour.

**PART 2—FEES PAYABLE UNDER RULES REGULATING THE ADMISSION OF PRACTITIONERS**

16. On application for admission or re-admission as a practitioner . . . . . 225.00

**PART 3—FEES TO BE TAKEN BY OFFICERS OF THE COURT OR COMMISSIONERS FOR TAKING AFFIDAVITS**

17. On taking an affidavit or an affirmation or attestation upon honour or a declaration (for each person making the affidavit, affirmation, attestation upon honour or declaration)—

(a) if taken by a Commissioner who has to travel more than one kilometre from his or her residence or office or, in the case of an officer of the court, one kilometre from the Registry . . . . . 5.00

(b) in any other case—  
 · if taken within the State . . . . . 1.00  
 · if taken outside the State . . . . . 2.00

18. For attesting a document required to be attested by a Commissioner for taking affidavits . . . . . 1.00

19. Commissioner's fee on execution of bail in the Admiralty jurisdiction, including any affidavit of justification . . . . . 8.00

**PART 4—FEES TO BE TAKEN IN MARSHAL'S OFFICE**

20. Receiving and entering a writ of summons, warrant of release, decree, order, commission or other instrument under the seal of the court . . . . . 28.00

21. For service of a writ of summons . . . . . 23.00

5.

- 22.** For the execution of—  
(a) a warrant for the seizure of a ship, cargo or other goods . . . . . 45.00  
(b) a writ of attachment (for each person) . . . . . 45.00
- 23.** Where a writ of summons is served at the same time as a warrant of arrest is executed, the following fee is payable instead of the fees under items 21 and 22 . . . . . 60.00
- 24.** For the release of any ship, goods, or person from seizure or arrest . . . . . 23.00
- 25.** For the execution of a commission of appraisalment or sale . . . . . 45.00
- 26.** For the execution of any decree, order, commission or instrument other than those specified in this schedule . . . . . 45.00
- 27.** For delivery of a ship or goods to a purchaser . . . . . 45.00
- 28.** For attending the discharge of cargo or removal of a ship or goods . . . . . 45.00 per day or part of a day.
- 29.** For opening office (or office remaining open) after hours for urgent execution of process . . . . . 145.00 per hour or part of an hour.
- 30.** On the gross proceeds of any ship or goods sold—  
(a) for every \$200 or part of \$200 up to \$20 000 . . . . . 9.00  
(b) for each additional \$200 or part of \$200 . . . . . 6.00
- 31.** For retaining possession of a ship (with or without cargo) or of a ship's cargo . . . . . 28.00 per day or part of a day.

*(No fee is payable for the custody and possession of property seized if it consists of money in a bank, or goods stored in a bonded warehouse, or if it is in the custody of a customs house officer or other authorised person.*

*In addition to the fees specified in this schedule, the Marshal may recover all expenses reasonably incurred in the execution of the duties referred to in this schedule, including—*

- sums expended in attending the discharge of a ship or goods;*
- sums paid to a shipkeeper;*
- sums paid for the safe custody of property;*
- travelling expenses;*
- necessary meals;*
- sums paid to engage assistants;*
- postage, telephone calls;*
- fees paid to auctioneers or appraisers.*

*Such fee (if any) as the Registrar may determine is payable for any procedure or service not specified in this schedule.*

*A deposit on account of the fees applicable to any proceeding may be required before the proceeding is commenced, or at any time during the course of the proceeding and a memorandum of the amount deposited must be delivered to the party making the deposit. An undertaking in writing to pay any further fees which may become payable beyond the amount deposited may be required.)*

## **APPENDIX**

### **LEGISLATIVE HISTORY**

Schedule:

varied by 237, 1988, reg. 3; 216, 1989, reg. 3; 172, 1990, reg. 3; 181, 1990, reg. 3; 235, 1990, reg. 3; 257, 1990, reg. 3; 177, 1991, reg. 3; 24, 1992, reg. 3; 159, 1992, reg. 3; 156, 1993, reg. 3; 92, 1994, reg. 3; 30, 1995, reg. 3; 64, 1995, reg. 3; 101, 1996, reg. 3; substituted by 66, 1997, reg. 3; varied by 60, 1998, reg. 3