
JUSTICE

JU301*

Civil Judgments Enforcement Act 2004

**Civil Judgments Enforcement Amendment
Regulations (No. 2) 2009**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Civil Judgments Enforcement Amendment Regulations (No. 2) 2009*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Civil Judgments Enforcement Regulations 2005*.

4. Regulation 3 amended

In regulation 3 insert in alphabetical order:

Act means the *Civil Judgments Enforcement Act 2004*;

5. Regulation 96 amended

In regulation 96(7a) delete “until that the means” and insert:

until the means

6. Regulation 105 amended

In regulation 105(3)(b) after “other” (second occurrence) insert:

than

7. Regulation 106 amended

In regulation 106 delete the Table and insert:

Table

Schedule 1 items 1 and 2
Schedule 2 items 1, 6, 18 and 19
Schedule 3 items 1, 2 and 3

8. Regulation 107A inserted

After regulation 106 insert:

107A. To whom fees must be paid

- (1) The fees specified in Schedule 1 must be paid to the court to which the application or request or registration application concerned is made.
- (2) The fees specified in Schedule 2 and Schedule 3 (other than items 1 and 2) for an action must be paid —
 - (a) if the action has been or will be done by —
 - (i) the Sheriff or Marshal in Admiralty; or
 - (ii) a Deputy Sheriff; or

- (iii) a bailiff appointed under the Act section 107(2)(a) or (b); or
 - (iv) an assistant bailiff appointed by a bailiff appointed under the Act section 107(2)(a) or (b),
to the Sheriff or Marshal in Admiralty, as the case requires;
 - (b) if the action has been or will be done by —
 - (i) a bailiff appointed under the Act section 107(2)(c), (d) or (e); or
 - (ii) an assistant bailiff appointed by a bailiff appointed under the Act section 107(2)(c), (d) or (e),
to the bailiff.
- (3) If under subregulation (2)(b) fees are paid to a bailiff, the bailiff is entitled to retain the fees for his or her own use.
- (4) The fees in Schedule 3 items 1 and 2 must be paid to the Marshal in Admiralty.

9. Regulation 109 replaced

Delete regulation 109 and insert:

109. Recovery of unpaid fees

- (1) If —
 - (a) a fee specified in Schedule 1 is not paid under regulation 107A(1) to a court; or
 - (b) a fee specified in Schedule 2 is not paid under regulation 107A(2)(a) to the Sheriff; or
 - (c) a fee specified in Schedule 3 is not paid under regulation 107A(2)(a) or (4) to the Marshal in Admiralty,

the unpaid fee is a debt due to the State and may be recovered in a court of competent jurisdiction.
- (2) If a fee specified in Schedule 2 or Schedule 3 (other than items 1 and 2) is not paid under regulation 107A(2)(b) to a bailiff, the unpaid fee is a debt due to the bailiff and may be recovered in a court of competent jurisdiction.

10. Schedule 2 amended

- (1) In Schedule 2 in the heading to the Table delete “**Matter**” and insert:

Action

- (2) In Schedule 2 item 6 Note 1 delete “**matters**” and insert:

actions

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.
