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**JUSTICE**


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JU301\*

Civil Judgments Enforcement Act 2004

## Civil Judgments Enforcement Amendment Regulations 2006

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Civil Judgments Enforcement Amendment Regulations 2006*.

**2. Commencement**

These regulations come into operation on 1 July 2006.

**3. The regulations amended**

The amendments in these regulations are to the *Civil Judgments Enforcement Regulations 2005*\*.

[\* *Published in Gazette 28 April 2005, p. 1483-559.*

*For amendments to 25 May 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 52.]*

**4. Schedule 1 amended**

- (1) Schedule 1 is amended in each item listed in column 1 of the Table to this subregulation by deleting the figure set out in column 2, and inserting instead the figure set out in column 3 opposite that item.

**Table**

Column 1 Item	Column 2 Delete	Column 3 Insert instead
1	53.00	55.50
1	79.00	83.00
1	86.00	90.50
1	129.00	135.50
2 (both places)	65.00	68.50
2 (both places)	87.00	91.50

- (2) After Schedule 1 item 1 note 4 the following note is inserted —

“

Note 5:

The fee payable on an application relating to an order made in the exercise of the jurisdiction referred to in the *Residential Tenancies Act 1987* section 12A is the fee payable on an application in relation to a judgment not exceeding \$7 500.

”

## 5. Schedule 2 amended

- (1) Schedule 2 is amended in each item listed in column 1 of the Table to this subregulation by deleting the figure set out in column 2, and inserting instead the figure set out in column 3 opposite that item.

**Table**

<b>Column 1 Item</b>	<b>Column 2 Delete</b>	<b>Column 3 Insert instead</b>
1(a)	27.00	28.50
1(b)	37.50	39.50
1(c)	19.00	20.00
2	69.00	72.50
3	69.00	72.50
4	36.50	38.50
6(a)	0.95	1.00
6(b)	1.05	1.10
7	128.50	135.00
8	58.00	61.00

- (2) Schedule 2 is amended as follows:
- (a) in item 6 note 2 by deleting “a bailiff an additional fee for travel outside the metropolitan area” and inserting instead —
 

“ an enforcement officer an additional fee for travel ”;
  - (b) in item 10 note 1 by deleting “\$189.00.” and inserting instead —
 

“ \$198.50. ”;
  - (c) in item 13 by deleting “a bailiff, assistant bailiff or other person employed or engaged by a bailiff” and inserting instead —
 

“ an enforcement officer ”;
  - (d) by deleting item 16(a);
  - (e) in item 16(b) by deleting “a bailiff or assistant bailiff” and inserting instead —
 

“ an enforcement officer ”.

(3) Schedule 2 item 11 and notes 1 and 2 after it and item 12 are deleted and the following is inserted instead —

“

- 11. On the execution of an arrest warrant of any kind —
  - (a) for arresting the person ..... 72.50
  - (b) for conveying the person to a court or a custodial place and releasing the person from arrest or custody ..... 72.50
  - (c) for each 30 minutes after 2 hours and 30 minutes that an enforcement officer is required to keep the person in custody until he or she is conveyed to a court or a custodial place ..... 19.25

Note 1:

The fee under paragraph (a) is payable whether or not the Sheriff’s functions under the warrant are performed and includes up to 3 attempts to perform the functions at the same address.

Note 2:

The fee under paragraph (a) includes —

- (a) receipt of the warrant; and
- (b) attendances and inquiries before attempting arrest; and
- (c) giving any notice; and
- (d) making any report.

- 12. For each half hour or part of a half hour that it is necessary for an enforcement officer to engage an assistant to perform a function —
  - (a) in relation to the execution of an arrest warrant; or
  - (b) in accordance with a property (seizure and delivery) order; or
  - (c) in accordance with a property (seizure and sale) order ..... 19.25

”

**6. Schedule 3 amended**

Schedule 3 is amended in each item listed in column 1 of the Table to this regulation by deleting the figure set out in column 2, and inserting instead the figure set out in column 3 opposite that item.

**Table**

<b>Column 1 Item</b>	<b>Column 2 Delete</b>	<b>Column 3 Insert instead</b>
1	61.00	64.00
2	25.00	26.00
3, 6 and 10	58.00	61.00
4	143.50	150.50
5	174.50	183.00
7, 8 and 12(b)	36.50	38.50
9	123.50	129.50

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.