

JU302\*

## Magistrates Court Act 2004

## Magistrates Court (Fees) Amendment Regulations 2006

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Magistrates Court (Fees) 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 *Magistrates Court (Fees) Regulations 2005\**.

[\* *Published in Gazette 28 April 2005, p. 1573-603.*]

### 4. Regulation 3 amended

Regulation 3 is amended by inserting in the appropriate alphabetical position —

“

**“enforcement officer”** has the meaning given to that term in the *Civil Judgments Enforcement Act 2004* section 3;

”.

### 5. Schedule 1 amended

- (1) Schedule 1 Division 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<br>Item | Column 2<br>Delete | Column 3<br>Insert instead |
|------------------|--------------------|----------------------------|
| 2                | 37.50              | 39.50                      |
| 3(a)             | 0.95               | 1.00                       |
| 3(b)             | 1.05               | 1.10                       |
| 4 (both places)  | 22.00              | 23.00                      |
| 4 and 6(b)       | 55.00              | 57.00                      |

| <b>Column 1<br/>Item</b> | <b>Column 2<br/>Delete</b> | <b>Column 3<br/>Insert instead</b> |
|--------------------------|----------------------------|------------------------------------|
| 5(b)                     | 31 500.00                  | 33 075.00                          |
| 6(a)                     | 33.00                      | 34.00                              |
| 8(b)                     | 10.50                      | 11.00                              |

- (2) Schedule 1 Division 1 is amended as follows:
- (a) in item 3 by deleting “Bailiff’s Office” and inserting instead —  
“ enforcement officer’s office ”;
  - (b) in the note to item 3 by deleting “a bailiff” and inserting instead —  
“ an enforcement officer ”;
  - (c) in item 8 note 1 by deleting “\$15.00” and inserting instead —  
“ \$16.00 ”.
- (3) Schedule 1 Division 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<br/>Item</b> | <b>Column 2<br/>Delete</b> | <b>Column 3<br/>Insert instead</b> |
|--------------------------|----------------------------|------------------------------------|
| 1                        | 63.00                      | 66.00                              |
| 1                        | 95.00                      | 100.00                             |
| 1                        | 161.00                     | 169.00                             |
| 1                        | 242.00                     | 254.00                             |
| 1                        | 257.00                     | 270.00                             |
| 1                        | 386.00                     | 405.00                             |
| 2                        | 41.00                      | 43.00                              |
| 2                        | 62.00                      | 64.50                              |
| 2                        | 74.00                      | 78.50                              |
| 2                        | 97.00                      | 102.00                             |
| 2                        | 119.00                     | 125.00                             |
| 2                        | 154.00                     | 161.50                             |
| 3                        | 21.00                      | 22.00                              |
| 3                        | 42.00                      | 44.00                              |
| 3                        | 32.00                      | 33.50                              |
| 3                        | 64.00                      | 67.00                              |
| 3                        | 43.00                      | 45.00                              |
| 3                        | 86.00                      | 90.00                              |
| 4                        | 100.00                     | 105.00                             |
| 4                        | 150.00                     | 157.50                             |
| 4                        | 181.00                     | 190.00                             |
| 4                        | 271.00                     | 285.00                             |
| 4                        | 202.00                     | 212.00                             |

| Column 1<br>Item | Column 2<br>Delete | Column 3<br>Insert instead |
|------------------|--------------------|----------------------------|
| 4                | 302.00             | 318.00                     |
| 5 and 6          | 58.00              | 61.00                      |
| 5 and 6          | 116.00             | 122.00                     |
| 5 and 6          | 101.00             | 106.00                     |
| 5 and 6          | 202.00             | 212.00                     |
| 5 and 6          | 145.00             | 152.00                     |
| 5 and 6          | 290.00             | 304.00                     |
| 7 and 8(a)       | 53.00              | 55.50                      |
| 7 and 8(a)       | 79.00              | 83.00                      |
| 7 and 8(a)       | 64.00              | 67.00                      |
| 7 and 8(a)       | 96.00              | 100.50                     |
| 7 and 8(a)       | 86.00              | 90.50                      |
| 7 and 8(a)       | 129.00             | 136.00                     |
| 10               | 161.00             | 169.00                     |
| 11               | 63.00              | 66.00                      |

- (4) After Schedule 1 Division 2 item 8 note 2 the following note is inserted —

“

NOTE 3

If the parties agree on the bill of costs and the appointment is cancelled, the following percentage of the fee paid is to be refunded —

- (a) if the appointment is cancelled less than 3 days before the day of the appointment, nil;
- (b) if the appointment is cancelled 3 days or more and less than 10 days before the day of the appointment, 50%;
- (c) if the appointment is cancelled 10 or more days before the day of the appointment, 80%.

”

- (5) Schedule 1 Division 2 item 9 and notes 1 and 2 after it are deleted and the following is inserted instead —

“

|     |  |       |
|-----|--|-------|
| 9.  | 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.

- (6) Schedule 1 Division 3 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<br/>Item</b> | <b>Column 2<br/>Delete</b> | <b>Column 3<br/>Insert instead</b> |
|--------------------------|----------------------------|------------------------------------|
| 1 and 3(a)               | 53.00                      | 55.50                              |
| 2                        | 10.00                      | 10.50                              |
| 3(b)                     | 69.00                      | 72.50                              |

By Command of the Governor,

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