

ACTS AMENDMENT  
(COURT FEES).

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No. 69 of 1984.

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AN ACT to amend the Justices Act 1902 and the  
Local Courts Act 1904.

[Assented to 26 November 1984.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Acts Amendment (Court Fees) Act 1984*. Short title.

2. This Act shall come into operation on such day or days as is or are respectively fixed by proclamation. Commencement.

PART I—JUSTICES ACT 1902.

Principal Act.  
Reprinted as approved 30 November 1977 and amended by Acts Nos. 6 and 67 of 1979, 67 of 1980, 120 of 1981 and 20, 124 and 125 of 1982.

3. In this Part the Justices Act 1902 is referred to as the principal Act.

Section 96 amended.

4. Section 96 of the principal Act is amended by inserting after subsection (3) the following subsections—

“ (4) Regulations made under subsection (1) may provide for the waiver, reduction, refund or deferral of payment of the prescribed fees.

(5) Where provision for the reduction, waiver, refund or deferral of payment of a prescribed fee is made in the regulations, such reduction, waiver, refund or deferral of payment may be expressed to apply or be applicable either generally or specifically—

(a) when an event happens or ceases to happen;

(b) in respect of certain persons or classes of person; or

(c) in respect of a combination of such events and persons,

and may be expressed to apply or to be applicable subject to such conditions as may be specified in the regulations or in the discretion of any person specified in the regulations. ”.

5. Section 136A of the principal Act is amended in subsection (2) by deleting “payment by the applicant of the fee prescribed as that payable on a complaint” and substituting the following—

Section 136A amended.

“ service of the notice referred to in subsection (1) and payment by the applicant of such fee, if any, as is required by or under this Act to be paid ”.

6. Section 200 of the principal Act is amended in subsection (2) by deleting “the prescribed fees” and substituting the following—

Section 200 amended.

“ such fee, if any, as is required by or under this Act to be paid ”.

7. Section 220 of the principal Act is amended—

Section 220 amended.

(a) by inserting before “The” the subsection designation “(1)”; and

(b) by inserting the following subsections—

“ (2) Rules made under subsection (1) may provide for the waiver, reduction, refund or deferral of payment of the prescribed fees.

(3) Where provision for the reduction, waiver, refund or deferral of payment of a prescribed fee is made in the rules, such reduction, waiver, refund or deferral of payment may be expressed to apply or be applicable either generally or specifically—

(a) when an event happens or ceases to happen;

(b) in respect of certain persons or classes of person; or

(c) in respect of a combination of such events and persons, and may be expressed to apply or to be applicable subject to such conditions as may be specified in the rules or in the discretion of any person specified in the rules. ”.

PART II—LOCAL COURTS ACT 1904.

Section 159  
amended.  
Reprinted as  
approved  
11 April 1984.

8. Section 159 of the Local Courts Act 1904 is amended—

(a) by deleting “There shall be payable” and substituting the following—

“ (1) Subject to rules of court made under subsection (3), there shall be payable ”;

(b) by inserting before “The fees” the subsection designation “(2)”; and

(c) by inserting the following subsections—

“ (3) Rules of court may provide for the waiver, reduction, refund or deferral of payment of the prescribed fees.

(4) Where provision for the reduction, waiver, refund or deferral of a prescribed fee is made in the rules of court, such reduction, waiver, refund or deferral of payment may be expressed to apply or be applicable either generally or specifically—

(a) when an event happens or ceases to happen;

(b) in respect of certain persons or classes of person; or

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(c) in respect of a combination of such events and persons,

and may be expressed to apply or to be applicable subject to such conditions as may be specified in the rules or in the discretion of any person specified in the rules. ”.

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