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PERTH: FRIDAY, 14th JANUARY

[1966

LOCAL COURTS ACT, 1904-1964.

Crown Law Department,
Perth, 22nd December, 1965.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Local Courts Act, 1904-1964, has been pleased to make the Rules of Court set out in the schedule hereunder, to have and take effect at the expiration of one month from the publication thereof in the *Government Gazette*.

R. C. GREEN,
Under Secretary for Law.

Schedule.

Rules of Court.

Principal
rules.

1. In these Rules the Local Court Rules, 1961, made under the provisions of the Local Courts Act, 1904-1964, and published in the *Government Gazette* on the 6th June, 1961, and amended by notice published in the *Government Gazette* on the 23rd March, 1965, are referred to as the principal Rules.

Appendix
amended by
substituting
Part II.

2. The Appendix to the principal Rules is amended by substituting for Part II (Table of Court Fees and Bailiffs' Fees) and Part III (Local Court Scales of Costs and Allowances to Witnesses), the following Parts:—

PART II
TABLE OF COURT FEES

Item No.	Service	Not exceeding \$100	Over \$100	Notes
1.	Entry of plaint or entry of filing or any other originating proceeding and summons thereon	\$ 1.20	\$ 2.40	Fees are payable on the amount or the value of the claim.
2.	Hearing fee or assessment of damages or value of goods (when not made at trial), including entry of judgment	2.40	4.00	Hearing fee is payable on the amount or the value of the claim before an action is called on in Court. Once paid a hearing fee shall not be refunded, notwithstanding that the action is not heard. No hearing fee is payable on a judgment summons. When hearing fee is paid, there is no fee on entry of judgment. In garnishee proceedings a hearing fee is payable on the amount of debt sought to be attached, provided the action comes to trial.
3.	Hearing fee under section 47A, subsection 7	2.40	4.00	Hearing fee is payable on the amount or the value of the claim, provided the Magistrate tries the action with the consent of all parties.
4.	Hearing fee (set off or counterclaim) including entry of judgment. (To be paid by defendant on the amount (if any) exceeding the amount of plaintiff's claim.)	2.40	4.00	If defendant's counterclaim is greater than the plaintiff's claim, the defendant pays the hearing fee on the difference.
5.	Entry of judgment in default of appearance of plaintiff or where notice of defence not given and no confession filed	1.20	2.40	If plaintiff does not appear at trial and defendant obtains judgment, he may enter the judgment upon payment of the fees on the amount of the judgment. When notice of defence is not given by defendant, the plaintiff may enter judgment and pay the fees. When defendant admits the debt and files a confession, no entry of judgment fee is payable. Fees are payable on the amount or value of the claim, excepting where defendant obtains judgment, in which case the fee is on the amount of the judgment.

6.	Entry of judgment under section 47A (except where hearing fee is payable under item 3 of this table of fees)	1.20	2.40	Fees are payable on the amount or value of the claim.
7.	On summons to witness	0.40	0.60	Fees are payable on the amount or value of the claim.
8.	Filing affidavits, notices, and other documents required to be filed (except notices of defence to summonses, confessions of claim, praecipes, affidavits of service, notices of discontinuance, or special defence, or applications by judgment debtors to vary order for payment)	0.40	0.60	Fees are payable on the amount or value of the claim. No fees are payable on :— Notices of defence to summonses. Confessions of claim. Praecipes. Affidavits of Service. Notices of discontinuance. Special defence. Applications by judgment debtors to vary orders for payment.
9.	Application for new trial	0.80	1.40	Fees are payable on the amount or value of the claim.
10.	Hearing fee, new trial	1.40	2.40	Fees are payable on the amount or value of the claim.
11.	Warrant of any kind	0.60	1.40	Fees are payable on amount for which warrant is issued. A warrant of delivery of specific goods shall be charged for according to the assessed value of the goods, or if the value has not been assessed, according to the value put on them by the plaintiff : provided that there shall be added to this value the amount of any moneys (other than costs) to be levied under the warrant.
12.	Judgment summons	0.60	1.40	Fees are payable on amount for which judgment summons is issued. No hearing fee is payable on a judgment summons. When defendant (judgment debtor) is summoned as a witness the fees for a witness summons (item 7) must be paid together with conduct money.
13.	Summons not otherwise specified	0.60	1.40	Fees are payable on amount or value of claim.
14.	Plaint and summons for recovery of possession of land	1.20	2.40	Fees are payable on the annual value or where the tenancy is for less a term than a year, or is by the week, month, or other period less than a year, then on the value of such term or period provided that where the amount claimed as rent in arrears is greater than the rental value of the term or period of the tenancy then the fees shall be charged on such greater amount.
15.	Hearing fee, including entry of judgment, in action for recovery of possession of land	2.40	4.00	Fees are payable on the annual value or where the tenancy is for a less term than a year, or is by the week, month, or other period less than a year, then on the value of such term or period provided that where the amount claimed as rent in arrears is greater than the rental value of the term or period of the tenancy then the fees shall be charged on such greater amount.

TABLE OF COURT FEES

Item No.	Service	Not exceeding \$100	Over \$100	Notes
		\$	\$	
16.	Search (within one year)	0.40	0.40	
17.	Search (after one year)	0.80	0.80	
18.	Certificate of judgment (issuing)	0.40	0.40	
19.	Certificate of judgment (registering)	0.40	0.40	
20.	Certificate of judgment of other States (registering)	0.50	0.50	
21.	Taking bond of any kind	0.40	0.40	
22.	Appointment to tax costs	0.50	0.50	
23.	Service of summons authorised by post, inclusive of cost of postage	1.00	1.00	
24.	Interpleader summons	0.60	1.20	Issued on application of the Bailiff.
25.	Interpleader—Hearing fee on	2.40	4.00	Hearing fee shall be prepaid by claimant, calculated on the amount of money in Court or in the hands of the Bailiff, or the amount of money claimed, or the assessed value of the goods claimed, or if the value has not been assessed the value put on them by the claimant; and the magistrate at the hearing shall direct by whom such fee shall ultimately be borne.
26.	Garnishee summons	1.40	2.40	Fees shall be payable on the amount of the debt sought to be attached.
27.	Garnishee summons—Hearing fee	2.40	4.00	Hearing fee is payable on the amount of the debt sought to be attached, provided the action comes to trial.
28.	For issuing any duplicate warrant, summons, order, or other document under Order 38. Rule 21 or 22—The same fee as is prescribed for the issue of the original thereof.			
29.	Examination of witnesses <i>de bene esse</i> before Clerk. For the first hour or part thereof, \$1.60, and for every subsequent hour or part thereof, \$0.80.			
30.	Copies of documents, \$0.10 per folio with a minimum of \$0.50.			
31.	Taxing costs, \$0.05 in each amount of \$2.00 on amount of filed bill, any less amount than \$2.00 to be disregarded.			
32.	Postage on any process issued for service or execution by bailiff of foreign court, \$0.50.			

33.	Fees payable in proceedings under the Metropolitan Water Supply, Sewerage and Drainage Act, 1909-1963, Part VIII, (6) (iii) :—	\$
	(1) On filing certificate of rates unpaid—Each parcel of land	0.40
	(2) Advertising in <i>Government Gazette</i> —Each parcel of land	0.50
	(3) On issuing and signing notice and service thereof by registered post—Each parcel of land	1.00
	(4) On issuing and signing any other notice	0.40
	(5) On filing any affidavit	0.40
	(6) On warrant of execution—Each parcel of land	1.20
34.	The following fees shall be payable in connection with an appeal, motion, application or proceeding under any statute now or hereafter in force, where the matter is not otherwise specifically provided for in the Act or these Rules :—	
	(1) On lodging notice of appeal, notice of motion, application or other document initiating proceedings	0.50
	(2) Hearing fee	0.50
	(3) Summons to witness	0.40
	(4) Filing affidavit, notice or other document required to be filed	0.40
	(5) Order	0.50
	(6) Stating case for Supreme Court	1.20

BAILIFF'S FEES

	Not exceeding \$20	Over \$20 and not exceeding \$40	Over \$40
Service of summons or other process or document (not otherwise specified) provided that where an attempt to effect any such service is unsuccessful, and the Clerk of the Court is satisfied that such failure to effect such service was not due to any fault of the bailiff and that a further attempt to effect such service is necessary, and so certifies in writing under his hand, an additional fee similar in amount to the fees respectively prescribed under this item for a first attempt to effect service as aforesaid shall be payable to the bailiff for and in respect of the subsequent attempt to effect such service	\$ 0.25	\$ 0.30	\$ 0.35
Affidavit of indorsement of service	0.15	0.15	0.15
Attending Court on each summons and for any adjourned hearing a similar fee	0.15	0.15	0.15
Executing any warrant, provided that where the Bailiff requires the assistance of another officer or person in the execution of a warrant and the Clerk of the Court is satisfied that such assistance is necessary and so certifies in writing under his hand, an additional fee similar in amount to the fees respectively prescribed under this item shall be payable to the bailiff to cover the expense incurred by the bailiff in obtaining such assistance	1.25	1.85	2.50

Mileage for service or executing any process \$0.20 per mile, one way only, a fraction of a mile to be regarded as a mile. In addition to mileage as aforesaid, the bailiff shall be entitled to receive and shall be paid as an allowance to cover expenses which will or may be incurred in effecting service or in executing the process, such amount as shall from time to time be fixed by the Clerk of the Court and approved by the Magistrate of the Court in and for the district in which the bailiff is required to serve or execute the process as an amount reasonably sufficient to cover such expenses.

For keeping possession under a warrant of execution where execution is not paid out within half an hour of the bailiff's entry—

- (a) In respect of any day following the day of levy, such fee, if any, as the clerk may allow not exceeding, per day, \$1.50, or on goldfields, or north of 20° of south latitude, not exceeding per day, \$2.00.
- (b) In respect of the day of levy, where the total amount to be levied (excluding bailiff's charges)—
 - (i) does not exceed \$40.00, a fee of half of the maximum,
 - (ii) exceeds \$40.00, the maximum fee allowable under the immediately preceding subparagraph (a).

When any bailiff remains in possession under more than one warrant, one possession fee only shall be chargeable and apportioned between the several warrants.

Poundage under warrants of execution—

If goods or land sold by a licensed auctioneer, 15 per cent. on amount realised, to include auctioneer's charges.

If goods or land sold other than by a licensed auctioneer, 10 per cent. on amount realised.

If not sold, 3 per cent. on amounts levied.

Cartage, removal, storage of goods, costs of feeding horses or cattle seized, and incidental expenses of sale : a reasonable amount as the Clerk may allow.

Postage fees relating to the service of process, etc., and the execution of warrants in foreign courts, and the return thereof to be allowed.

PART III.
DIVISION I.
LOCAL COURT SCALES OF COSTS.

Higher Scale.	When the Sum recovered or the Subject Matter—				
	Does not exceed \$40;	Exceeds \$40 and does not exceed \$100	Exceeds \$100 and does not exceed \$200	Exceeds \$200	Special Scale.
	A.	B.	C.	D.	E.
	\$	\$	\$	\$	\$
PLAINT, PARTICULARS, AND SUMMONSES.					
1. Preparing particulars of claim or counter-claim, where the claim is a liquidated demand including necessary copies; provided that such particulars and copies are signed pursuant to Order 5, Rule 22	0.80	1.40	2.00	4.00	6.00
2. The like in all other claims	1.20	2.40	4.20	8.40	12.60
3. Drawing Petition, per folio	0.20	0.20	0.20	0.20	0.20
Not exceeding, except by Order of the Magistrate	2.00	5.00	5.00	10.00	15.00
4. Preparing further particulars, when same required by defendant under Order 5, Rule 20, or by plaintiff under Order 10, Rule 16, including copy to file	0.40	0.60	1.00	2.00	3.00
Or per folio	0.20	0.20	0.20	0.20	0.20
5. Summons to Witness, including attending for leave to serve and sealing	...	0.60	1.00	1.00	1.00
Or per folio beyond four	...	...	0.20	0.20	0.20
6. Summons in Chambers, including sealing copy to file and one for service	...	0.60	0.60	1.20	1.80
NOTICES.					
7. Preparing notice to produce or admit, or to admit facts, and one copy	0.60	0.80	1.00	2.00	3.00
8. If special, or necessarily long, such allowance as the Clerk shall think proper, not exceeding per folio	...	0.20	0.20	0.20	0.20
9. For preparing notice of motion to the Court, including copies to file and serve	0.80	1.00	1.20	2.40	3.60
10. If necessarily exceeding five folios, at per folio, including copies to file and serve	...	0.20	0.20	0.20	0.20
11. For preparing notice of any application to Magistrate or Clerk when required, not being <i>ex parte</i> , including copies to file and serve	...	0.60	1.00	2.00	3.00
12. For preparing any other necessary or proper notice, or demand not otherwise provided for, including copies to file and serve	...	0.30	0.30	0.60	0.90
13. Or if special, and necessarily exceeding three folios, there may be allowed in the Clerk's discretion for each folio beyond three, including copy to file	...	0.20	0.20	0.20	0.20

LOCAL COURT SCALES OF COSTS—continued.

Higher Scale.	When the Sum recovered or the Subject Matter—				
	Does not exceed \$40;	Exceeds \$40 and does not exceed \$100	Exceeds \$100 and does not exceed \$200	Exceeds \$200	Special Scale.
	A.	B.	C.	D.	E.
	\$	\$	\$	\$	\$
SERVICE.					
<i>Note.</i> —Where any two or more summonses, orders, notices or demands, have or could have been served together, one fee only for service is to be allowed.					
14. Service of a summons required by statute or rule or by order to be served including engrossing, attending to be sworn, oath and filing	Same as Bailiff's fees for similar service as prescribed in Part II of this Appendix.				
15. Mileage for service	Same as mileage payable to Bailiff as prescribed in Part II of this Appendix.				
16. When substituted service ordered, in addition, to include all costs of attendances, making appointment to serve, drawing, engrossing, attending to swear, and to file all affidavits, and the fees paid for oath, and obtaining order, not exceeding	2.00	4.00	5.00	7.50	10.00
17. Service of any order, notice, or demand if not authorised to be served by post	0.50	0.50	0.50	0.50	0.50
18. If authorised to be served by post	0.30	0.30	0.30	0.30	0.30
INSTRUCTIONS					
19. To sue or defend, or to prefer or claim in interpleader proceedings, or for a petition, or for a garnishee summons	0.70	1.40	2.70	5.40	8.00
20. For counter-claim	0.70	1.40	2.70	5.40	8.00
21. For interrogatories	0.70	1.40	1.40	2.70	4.00
22. For special affidavits	0.70	1.40	1.40	2.70	4.00
<i>Note.</i> —The charge for special affidavits is not to be allowed, if in the opinion of the clerk the facts upon which the affidavits are founded had already become known to the solicitor or his clerks in course of the business.					
23. For confession of debt or claim by defendant, and attesting signature thereto	....	1.40	1.40	1.40	1.40
24. For application to add parties	0.70	1.40	2.70	4.00	....
25. For brief on interlocutory motion or application where counsel allowed	....	1.40	1.40	2.70	4.00

26. For brief on trial of action or matter where counsel employed, such fee as the clerk may think fit having regard to all the circumstances of the case	....	2.10	4.20	12.60	31.50
		to	to	to	to
		6.30	12.60	42.00	63.00
26a. On assessment of damages only where counsel employed. (Unless otherwise ordered by the Magistrate)	....	1.05	2.10	6.30	15.75
		to	to	to	to
		3.15	6.30	21.00	31.50
27. Examining and taking minutes of evidence where no counsel employed, for each witness afterwards allowed on taxation	0.40	0.70	1.40	2.70	4.00
28. If exceeding six folios, for each additional folio	0.10	0.20	0.20	0.20	0.20
29. (a) In actions under section thirty-nine, or remitted from the Supreme Court, where no counsel employed, if the Magistrate so orders, in addition to items 27 or 28, for preparation of minutes of facts or argument	....	4.20	8.40	....	....
(b) In actions under section thirty-nine, or remitted from the Supreme Court, where no counsel employed, if the Magistrate so orders, in addition to items 27 or 28, for preparation of minutes of facts or argument—not exceeding	....	....	....	16.80	25.20
DRAWING.					
<i>Note.</i> —The matter of all documents should be necessary and relevant and expressed without prolixity, and the costs of all unnecessary, irrelevant, and prolix matter must be disallowed.					
30. Notice and particulars of special defence or admission of facts, including necessary copies	0.60	1.00	1.40	2.70	4.00
31. Draft of Order under Order 14, Rule 8, including copy to file	0.60	1.00	2.00	3.00	....
Or, per folio	....	0.20	0.20	0.20	0.20
32. Brief on trial of action or matter where counsel employed including necessary and proper observations, per folio	0.20	0.20	0.20	0.20	0.20
	not exceeding				
	2.00				
33. Brief on any motion, application, or upon further consideration when counsel allowed by Magistrate	....	1.40	1.40	2.70	4.00
			to	to	to
			2.70	5.40	8.00
34. Affidavit of documents, or any other special affidavit, including engrossing	0.50	1.00	1.00	2.00	3.00
Or, per folio	0.10	0.20	0.20	0.20	0.20
35. Affidavit of Debt, Order 28, including engrossing, attending deponent to be sworn, oath, and filing	0.80	1.40	1.40	2.70	4.00
36. Affidavit justifying choice of Court	1.40	1.40	1.40	2.70	4.00
Or, per folio	0.10	0.20	0.20	0.20	0.20
37. Affidavit, when required, of service of a notice, or document, including engrossing, attending to be sworn, oath and filing	0.50	0.60	0.80	0.80	0.80
38. Affidavit, when required, of service, or of any notice under Order 20, Rule 9, of any admission of facts or documents, including engrossing, attending to be sworn, oath, and to file	0.40	0.40	0.70	0.80	0.80

LOCAL COURT SCALES OF COSTS—continued.

Higher Scale.	When the Sum recovered or the Subject Matter—				
	Does not exceed \$40;	Exceeds \$40 and does not exceed \$100	Exceeds \$100 and does not exceed \$200	Exceeds \$200	Special Scale.
	A.	B.	C.	D.	E.
39. Accounts, statements, and other documents for use in Chambers when required, or in court when required by Magistrate, including fair copy to leave, per folio ....	....	0.20	0.20	0.20	0.20
40. Bill of costs of taxation, including copy for clerk, per folio	0.10	0.10	0.20	0.20	0.20
41. Interrogatories or answers thereto including copy to file	0.50	1.00	1.40	2.70	4.00
Or, per folio	0.10	0.20	0.20	0.20	0.20
COPIES.					
<i>Note.</i> —No copies are to be allowed for unless the Clerk is satisfied that they were necessary, and that copies previously prepared were not available.					
42. Of necessary documents to accompany brief, or for use in Court when Counsel not employed, per folio	0.10	0.10	0.10	0.10	0.10
43. Where no provision is made herein that the fee for preparing, drawing, or serving any document is to include copies thereof, for each copy the clerk may consider necessary (first copy)—per folio ....	....	0.10	0.10	0.10	0.10
Carbon copies ....	....	0.05	0.05	0.05	0.05
PERUSALS.					
44. Of particulars of claim or counter claim, further particulars delivered under Order 5, Rule 20, or defence or special defence by the solicitor of the party to whom the same are delivered ....	....	0.70	1.40	2.70	4.00
Or, per folio ....	....	0.10	0.10	0.10	0.10
45. Of any petition ....	....	0.70	1.40	2.70	4.00
Or, per folio ....	....	0.10	0.10	0.10	0.10
46. Of notice to produce or admit or to admit facts by the Solicitor of the party served ....	....	0.50	1.00	2.00	3.00
47. Of notice of defendant's claim against any person not a party to the action, under Order 13 ....	....	0.70	1.40	2.70	4.00

48. Of any claim, defence or counter claim, when served on a person not originally a party to the action, by the solicitor of the party served therewith	0.70	1.40	2.70	4.00
Or, per folio	0.10	0.10	0.10	0.10
49. Of other special affidavits by the solicitor of the party against whom the same can be read, per folio	0.10	0.10	0.10	0.10
50. Draft of special order or judgment when prepared by clerk	0.70	1.40	2.70	4.00
Or, per folio	0.10	0.10	0.10	0.10
51. Of interrogatories by the solicitor of the party by whom the same are to be answered	0.90	1.40	2.70	4.00
Or, per folio	0.10	0.10	0.10	0.10
52. Of affidavit in answer to interrogatories by the solicitor of the party interrogating, per folio	0.10	0.10	0.10	0.10
ATTENDANCES.				
<i>Note.</i> —More than one attendance at the office of the clerk in an action or matter shall not be allowed, unless the clerk on taxation is satisfied that each separate attendance was necessary.				
53. To enter plaint, or file petition, including filling up praecipe, obtaining any necessary leave from the clerk, or giving proper undertaking prior to such entry or filing	0.70	1.40	1.40	1.40
54. To deliver or file any counter claim, special defence, further particulars, answers to interrogatories, admission of facts, affidavit of documents, or particulars of claim in interpleader proceedings	0.70	0.70	0.70	0.70
55. To lodge order, etc., when action or matter remitted or transferred to Local Court, including preparing all necessary documents	2.70	2.70	2.70	2.70
56. To inspect, or produce for inspection, documents pursuant to a notice to admit, or pursuant to any order or a notice under any rule	0.70	1.40	1.40	2.00
Or, per hour	1.40	1.40	2.00	2.00
<i>Note.</i> —This item is not to be allowed, unless it is shown to the satisfaction of the clerk that there were good and sufficient reasons for giving the notice and making the inspection.				
57. Where solicitor inspecting does not reside or carry on business within two miles of place of inspection, in addition sum paid for locomotion not exceeding	4.00	4.00	4.00	4.00
58. To obtain or give any necessary or proper consent or admission	0.70	1.40	2.00	2.00
59. On examination of a witness before the clerk or an examiner, or under Order 27, Rule 13, under Order 20, per hour	1.40	2.00	3.00	3.00
60. On deponents being sworn, or by a solicitor or his clerk to be sworn to any special affidavit	0.40	0.70	1.40	1.40
61. To enter up judgment by default or to set down action for assessment of damages or value	0.70	0.70	0.70	1.40
62. Where in consequence of anything done by the opposite party during the progress of an action or matter, it becomes necessary to advise or receive instructions from a client, for each attendance the clerk may deem absolutely necessary	1.40	1.40	1.40	1.40

LOCAL COURT SCALES OF COSTS—*continued.*

Higher Scale.	When the Sum recovered or the Subject Matter—				
	Does not exceed \$40	Exceeds \$40 and does not exceed \$100	Exceeds \$100 and does not exceed \$200	Exceeds \$200	Special Scale.
	A.	B.	C.	D.	E.
<i>ATTENDANCES—continued</i>					
63. To make or oppose any interlocutory application or motion before the magistrate in Court, or in chambers, without counsel, if certified by the magistrate	\$ 1.00 to 2.00	\$ 1.40 to 2.70	\$ 2.00 to 4.20	\$ 4.00 to 8.40	\$ 6.00 to 12.60
64. The like with counsel	0.70	1.40	1.40 to 2.00	2.70 to 4.00	4.00 to 6.00
65. On any interlocutory application to the clerk	0.40	0.70	1.40	2.70	4.00
66. On counsel with brief	0.70	0.70	1.40	2.70	4.00
67. To appoint conference and attending thereon	....	1.40	2.70	4.20	6.30
68. At Court, conducting cause without counsel, per day (or proportionately for part of a day)	3.00	8.40 to 12.60	12.60 to 21.00	21.00 to 25.20	25.20 to 42.00
<i>Note.</i> —The minimum must not be exceeded if the action is undefended, or there is no real contest.					
<i>Note.</i> —One half of fees to be allowed on assessments and the like.					
69. At Court on trial with counsel This item to be allowed only if ordered by Court.	2.00	3.00 to 4.20	4.20 to 8.40	6.30 to 16.80	8.40 to 25.20
<i>Note.</i> —The minimum must not be exceeded if the cause is undefended, or there is no real contest, nor if the solicitor does not attend in person.					
70. Where trial is commenced but not concluded, on the days on which it is first heard, for each day or part of a day on which it is afterwards heard, with or without counsel This item to be allowed only if ordered by Court.	2.00	3.00 to 4.20	4.20 to 8.40	6.30 to 16.80	8.40 to 25.20

71. Where the trial is adjourned for want of time, or upon payment of the costs of the day, in lieu of Items 68 and 69 there may be allowed with or without counsel This item to be allowed only if ordered by Court. <i>Note.</i> —The minimum must not be exceeded, under Items 70 and 71, if the solicitor does not attend in person.	2.00	{ 3.00 to 4.20	4.20 to 8.40	6.30 to 16.80	8.40 to 25.20
72. At court where the amount claimed is paid into Court or the action is withdrawn or discontinued less than three clear days before return day	1.00	2.00	2.00	4.00	6.00
73. Where in ordinary course of post or delivery, notice of payment, withdrawal, or discontinuance does not reach the opposite party or his solicitor in time to prevent attendance of the latter at Court, such sum as the clerk shall think reasonable, not exceeding the minimum fee in Items 68 and 69, as the case may be.	....	1.40	1.40	2.70	4.00
74. To hear a deferred judgment ....	....	1.40	4.20	8.40	12.60
75. Before an arbitrator, for each sitting	3.00	4.20	{ 4.20 to 8.40	16.80	25.20
76. The like with counsel, for each sitting	2.00	3.00	4.20	8.40	12.60
77. Where sitting exceeds three hours, for every additional hour (with or without Counsel)	1.00	1.40	2.00	4.00	6.00
78. On taxation of the costs of the action or matter after trial or hearing	0.70	1.40	{ 1.40 to 2.70	3.40 to 4.20	3.40 to 4.20
79. Any other attendance upon the magistrate or clerk, or at clerk's office, or upon the opposite party, or upon the bailiff in interpleader proceedings not otherwise provided for which the clerk may deem to have been absolutely necessary, and not for a purpose which could have been effected at any previous or subsequent attendance allowed ....	....	{ 0.70 to 1.40	1.40	2.70	2.70
80. On taxation of any other costs allowed by order of magistrate, where such taxation necessarily takes place at some time other than at the time the order giving the costs sought to be taxed was made, to include drawing bill, copies, notice, and service ....	....	0.80	1.40	2.70	3.40
80a. Where a solicitor or counsel necessarily attends before the magistrate or an arbitrator sitting more than 20 miles from his place of business there may be allowed for locomotion maintenance and the additional time occupied a fee (unless increased by the magistrate or arbitrator), not exceeding ....	....	....	....	21.00	31.50

LOCAL COURT SCALES OF COSTS—*continued*

Higher Scale	When the Sum recovered or the Subject Matter—				
	Does not exceed \$40	Exceeds \$40 and does not exceed \$100	Exceeds \$100 and does not exceed \$200	Exceeds \$200	Special Scale
	A.	B.	C.	D.	E.
FEES TO COUNSEL.					
<i>Note.</i> —Fees to counsel are not to be allowed unless the payment of them is vouched by the signature of counsel.					
81. (a) With brief, sum paid not to exceed	8.90	13.10	22.00	42.00	63.00
But					
(b) On assessment of damages only (unless otherwise ordered by the Magistrate) not to exceed	4.45	6.55	11.00	21.00	31.50
<i>Note.</i> —The maximum is not to be allowed as a matter of course, but in assessing the fee to be allowed, the length of the brief, the documents (if any) to be perused and considered, the number of witnesses, the difficulties of fact or law involved, the time occupied by the trial or hearing, the sum involved and the importance of the case, must be considered.					
82. On conference, if the fee was marked on the brief when delivered	....	5.20	5.20	6.30	8.40
<i>Note.</i> —This item is not to be allowed unless certified by the magistrate and is not to be allowed to the practitioner or his partner acting as counsel.					
83. Where the trial is commenced but not concluded on the day on which it is first heard, or is adjourned for want of time, for each day or part of a day on which it is afterwards heard, a refresher may be allowed, unless the magistrate otherwise orders	4.70	4.70 to 8.90	8.90 to 13.10	10.50 to 25.20	14.70 to 37.80
83a. Fee to counsel to hear deferred judgment	2.10	3.15	4.20	6.30	8.40
84. Where trial is adjourned upon payment of the costs of the day there may be allowed as part of such costs	4.70	4.70 to 8.90	8.90 to 13.10	10.50 to 25.20	14.70 to 37.80
85. With brief on further consideration or argument	4.70	4.70 to 8.90	8.90 to 13.10	10.50 to 25.20	14.70 to 37.80
86. With brief on any interlocutory motion or application if magistrate certifies for counsel such fee as is certified by the magistrate not exceeding	....	4.70	8.90	16.80	25.20

87. With brief before an arbitrator, or on an inquiry, or on an examination of witnesses, if magistrate certifies for counsel, not exceeding .....	....	8.90	13.10	25.20	37.80
<i>Note.</i> —This fee is not to be allowed if the reference or inquiry was directed at the trial, and counsel was then instructed. A refresher may be allowed instead, pursuant to Item 83.					
PLANS, MODELS, ETC.					
88. Plans, charts, or models for use of magistrate at trial, if allowed by order of magistrate, not exceeding in the whole	4.20	8.40	12.60	25.20	37.80
LETTERS, ETC:					
89. Letter before action	0.70	0.70	0.70	1.40	2.10
90. Letters in lieu of attendances which could be properly allowed .....	....	0.70	0.70	1.40	2.10
91. Circular letters .....	....	0.20	0.20	0.20	0.20
92. Cost for searches for Certificate of births, marriages, and deaths, and payment therefor, and other disbursements in relation to procuring office copies or other documentary evidence not otherwise provided for, which the clerk may, upon taxation, think necessary and proper .....	....	....	....	....	....
93. Oaths .....	....	....	....	....	....
94. In addition to the above, an allowance may be made for the necessary expenses of postages, carriage, and transmission of documents, not exceeding .....	....	1.00	2.00	4.00	4.00
EXECUTION.					
There shall be allowed to the solicitor for the party issuing execution (against goods and/or land under Part VIII of the Local Courts Act, 1904 as amended) the under-mentioned amounts, which shall be added to the amount of the judgment or order and levied by the bailiff under the warrant of execution.					
95. For searching at the Deeds Registry, Land Titles Office, or the Department of Lands and Surveys or Mines, in addition to fees paid for searches	2.00	2.00	2.00	3.00	4.00
96. For preparing copy warrant of execution and complying with section 125 of the Act in addition to fees paid thereon	3.00	3.00	3.00	6.00	6.00
<i>Note.</i> —The allowances under Items 95 and 96 shall only be payable in cases where, on search being made, land belonging to the judgment debtor is found registered in his name.					
97. Praccipe for warrant of execution against goods and/or land—Attending to issue and all other attendances on clerk and bailiff .....	....	1.40	2.70	4.00	6.00
EXAMINATION IN AID OF EXECUTION					
98. Motion Order and attending and conducting examination inclusive of all incidental attendances .....	....	1.40	2.70	4.00	6.00
JUDGMENT SUMMONS.					
99. Praccipe for judgment summons and all incidental attendances including issuing judgment summons and conducting examination .....	....	1.40	2.70	4.00	6.00

(Such sums as the clerk shall deem reasonable).
Actual sums paid, unless otherwise provided for.

DIVISION 2.

Allowances to Witnesses.

	\$		\$
1. Professional persons, merchants, bankers, certificated accountants (carrying on business as principals), dentists, surveyors and the like, per day, from	3.15	to	8.40
2. All other witnesses over the age of 17 years, ordinarily in receipt of salary or wages, or who carry on business as principals, per day from	1.50	to	6.30
3. Expert and scientific witnesses attending to give evidence strictly as experts, per day, from	3.15	to	8.40
Plus a qualifying fee for qualifying to give evidence (if allowed) of such amount as may be certified by the Magistrate or Clerk to be fair and reasonable, but not exceeding	6.30	to	10.50
	(if costs taxed under Scale C.)		(if costs taxed under Scale D or E.)
4. Persons not coming within any of the above descriptions, per day	1.00	to	2.00
5. Travelling Expenses—			
(a) Witnesses are to be allowed a refund of travelling expenses suitable to their station if able to travel by public conveyance.			
(b) Where no public conveyance is available or in the case of medical practitioners using their own motor cars, witnesses are to be allowed ten cents per mile beyond two miles from the Court House, calculated one way only: Provided that when more than one witness travels in the same conveyance only one mileage allowance shall be payable.			
(c) Where any witness is required, by reason of the distance which he or she has to travel, to remain away from home overnight, an additional daily allowance of one dollar may be made.			

Note.—The Clerk is to exercise a proper discretion in the case of each witness in fixing the amount of the witness fee to be allowed within the range shown in this Scale. If a witness is not required to be absent from his usual place of residence or business for a period exceeding three hours he is not, in any event, to be allowed an amount exceeding one-half the maximum allowance applicable under the Scale.