

Western Australia

District Court (Fees) Regulations 2001

As at 28 Jul 2001

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District Court (Fees) Regulations 2001

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District Court (Fees) Regulations 2001

1. Citation

These regulations may be cited as the *District Court (Fees) Regulations 2001*.

2. Commencement

These regulations come into operation on 28 July 2001.

3. Interpretation

In these regulations unless the contrary intention appears —
“**Rules**” means the rules applicable to the District Court under section 87 of the Act.

4. Fees and poundage to be charged

- (1) Subject to the provisions of these regulations, the fees and poundage specified in Schedule 1 of the *Supreme Court (Fees) Regulations 2001* are to be charged in respect of the matters referred to in section 89A of the Act in relation to which they are applicable.
- (2) The fees to be taken for the filing of a document in an appeal to the District Court are to be charged in accordance with the scale of fees set out in Schedule 1.
- (3) A note to an item in Schedule 1 of the *Supreme Court (Fees) Regulations 2001* has effect according to its tenor as if it were a provision of these regulations.

r. 5.

- (4) Except as provided in Schedule 1 or Schedule 1 of the *Supreme Court (Fees) Regulations 2001*, a fee must not be charged in respect of any of the following —
- (a) filing an affidavit;
 - (b) filing a pleading;
 - (c) search by a party;
 - (d) sealing a copy of a document;
 - (e) drawing up, settling or signing a judgment, order, or decree;
 - (f) amending a pleading;
 - (g) making a request under the Rules;
 - (h) filing, depositing, giving, issuing, or serving any other document required or permitted by the Rules to be filed, deposited, given, issued, or served in connection with proceedings in the District Court.

5. Exemptions

The provisions of these regulations apply to all proceedings in the District Court in any jurisdiction conferred on the Court or a Judge other than criminal proceedings.

6. Fees to be paid before documents etc., filed

Subject to the provisions of these regulations —

- (a) a pleading, application, or other document must not be filed, issued, or otherwise dealt with; and
- (b) no other matter or thing shall be done in the District Court or by an officer of the Court,

unless the fee (if any) payable upon or in respect of filing, sealing, issuing, or otherwise dealing with that pleading, application, or other document or upon or in respect of the doing of that matter or thing, has been paid.

7. Court or Registrar may remit fees or poundage

The District Court or a Registrar may, in a particular case for special reasons, direct —

- (a) that a fee or poundage be waived or reduced;
- (b) that the whole or part of the fee or poundage be refunded; or
- (c) that the payment of the whole or a part of a fee or poundage be deferred until such time, and upon such conditions, if any, as the Court or Registrar thinks fit.

8. Conventions

If, by a Convention that applies to the State, it is provided that a fee is not required to be paid in respect of specified proceedings, the fees referred to in regulation 4 are not to be taken in respect of those proceedings.

Schedule 1 — Fees

Division 1 — Appeals

[r. 4]

| | \$ |
|---|-------|
| 1. Filing notice of appeal | 36.00 |
| 2. Filing notice of intention to appear | 12.00 |
| 3. Filing an answer of the description referred to in Rule 10 | 18.00 |
| 4. Entering appeal for hearing | 18.00 |
| 5. Filing summons to Chambers | 12.00 |
| 6. Photocopies of any document — \$1.80 per page | |
| 7. Filing a bill of costs for taxation — | |
| (a) where the amount claimed is under \$100 | 1.00 |
| (b) where the amount claimed is \$100 or more — for every \$4 or part thereof for which the bill is drawn — 10 cents. | |

Notes

- ¹ This is a compilation of the *District Court (Fees) Regulations 2001*. The following table contains information about that Regulation.

Compilation table

| Citation | Gazettal | Commencement |
|---|----------------------------|------------------------|
| <i>District Court (Fees) Regulations 2001</i> | 27 Jul 2001 p. 3897-901 | 28 Jul 2001 (see r. 2) |