

JU304*

Supreme Court Act 1935

**Supreme Court (Fees) Amendment
Regulations 2006**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Supreme 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 *Supreme Court (Fees) Regulations 2002**.

[* *Published in Gazette 27 December 2001, p. 6583-616.*
*For amendments to 25 May 2006 see Western Australian
Legislation Information Tables for 2005, Table 4, p. 406.*]

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 item 4 is deleted.
- (2) After Schedule 1 Division 1 item 10 note (2) the following note is inserted —

“

- (3) If the parties agree on the bill of costs in a cause or matter or under the *Legal Practice Act 2003* or the *Commercial Arbitration Act 1985* 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%.

- (3) 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 Item	Column 2 Delete	Column 3 Insert instead
1, 2(a) and (b), 5	654.00	681.00
1, 2(a) and (b), 5	981.00	1 022.00
2(c) and (d)	218.00	228.00
2(c) and (d)	327.00	342.00
3	436.00	456.00
3	654.00	684.00
6 and 7	436.00	456.00
6 and 7	872.00	912.00
8	153.00	160.00
8	229.00	239.00
10(a)	153.00	160.00
10(a)	229.00	239.00
11 (both places)	22.00	23.00
12(a) (both places)	33.00	34.00
12(b) (both places)	55.00	57.00
13(d) and (e) (4 places)	44.00	46.00
13A(b) (both places)	10.50	11.00
14	218.00	228.00

- (4) 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

Column 1 Item	Column 2 Delete	Column 3 Insert instead
1	109.00	114.00
1	218.00	228.00
2	1 635.00	1 710.00
2	3 270.00	3 420.00
3	218.00	228.00
3	327.00	342.00
4	153.00	160.00

Column 1 Item	Column 2 Delete	Column 3 Insert instead
4	229.00	239.00
5	545.00	570.00
5	818.00	855.00
6 and 7	436.00	456.00
6 and 7	872.00	912.00
8 (both places)	22.00	23.00
9(d) (both places)	44.00	46.00
10(b) (both places)	10.50	11.00

6. Schedule 2 amended

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

“

1. 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.

”

- (2) 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

Column 1 Item	Column 2 Delete	Column 3 Insert instead
2	37.50	39.50
3(a)	0.95	1.00

Column 1 Item	Column 2 Delete	Column 3 Insert instead
3(b)	1.05	1.10
4	36.50	38.50

7. 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

Column 1 Item	Column 2 Delete	Column 3 Insert instead
1(a)	136.00	142.00
1(b)	272.00	284.00
1(c)	544.00	568.00
2	44.00	46.00
4	54.50	57.00
5	22.00	23.00

By Command of the Governor,

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