

**CROWN LAW**

CW301

**LOCAL COURTS ACT 1904****LOCAL COURT AMENDMENT RULES 1991**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These rules may be cited as the *Local Court Amendment Rules 1991*.

**Commencement**

2. These rules shall take effect on the day that is one month after the day that these rules are published in the *Gazette*.

**Appendix amended**

3. The Appendix to the *Local Court Rules 1961*\* is amended in Part II in the Table headed BAILIFF'S FEES—

- (a) by deleting items 1 to 8 and substituting the following items—

“	\$
1. Service of summons or other process or document (not otherwise specified in this table) including anything related thereto .....	10.20
2. Service of a judgment summons, including anything related thereto and attendance at court thereon .....	11.00
3. Warrant of execution—	
(a) Execution of, including service of necessary notice and return to the warrant .....	25.50
(b) Attendance on the execution debtor after seizure or to inspect or remove goods under seizure for sale whilst debtor is in possession and attendance at sale, for each attendance which in the opinion of the clerk is reasonably necessary .....	9.50
(c) For keeping possession of the goods under seizure where the warrant is not paid out within half an hour of bailiff's entry such fee as the clerk may allow per day including day of entry not exceeding .....	5.30

(d) Poundage—	\$
(i) sale of goods or land by licensed auctioneer including auctioneer's charges .....	15% on amount realized
(ii) sale of goods or land by auctioneer other than licensed auctioneer ...	10% on amount realized
(iii) where goods or land are not sold .....	4% on amount levied
(e) Carrier's charges, removal, storage of goods, costs of feeding animals seized, incidental expenses of sale .....	Such reasonable amounts as the clerk may allow

Where the Bailiff is in possession of more than one warrant only one possession attendance or inspection fee is payable apportioned equally among the several warrants.

4. Warrant of Possession—	
(a) Execution of and return to the warrant	25.80
(b) Where vacant possession has not been obtained for each attendance subsequent to entry of premises possessed which in the opinion of the clerk is necessary .....	9.70
(c) Removal of persons or property that is not the property of the plaintiff from the premises .....	80.50 or 5% of annual rental value whichever is lesser
(d) Additional assistance including carrier's charges for removal, storage of goods and incidental expenses .....	Such amount as is in the opinion of the clerk reasonable
5. Bench Warrant .....	29.40
6. Order of Commitment .....	29.40
7. Extra man where in the opinion of the clerk circumstances make additional assistance necessary for the execution of a Bench Warrant or Order of Commitment .....	13.10
8. Attendance in court except where otherwise provided .....	1.85       ";

and

(b) in item 11—

- (i) in subitem (1) by deleting "65" and substituting the following—  
" 70 ";
- (ii) in subitem (2) by deleting "1.30" and substituting the following—  
" 1.40 ";
- (iii) in subitem (3) by deleting "65" and substituting the following—  
" 70 "; and
- (iv) in subitem (4) by deleting "65" and substituting the following—  
" 70 ".

[\*Reprinted in the Gazette on 17 November 1976 at pp. 4329-560. For amendments to 29 May 1991 see pp. 289-90 of 1989 Index to Legislation of Western Australia and Gazettes of 4 May and 26 October 1990.]

By His Excellency's Command,

L. M. AULD, Clerk of the Council.