

LOCAL COURTS ACT 1904

LOCAL COURT AMENDMENT RULES 1990

Made by His Excellency the Governor in Executive Council.

Citation

1. These rules may be cited as the *Local Court Amendment Rules 1990*.

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) included anything related thereto .	9.50
2.	Service of a judgment summons, including anything related thereto and attendance at court thereon	10.20
3.	Warrant of execution—	
(a)	Execution of, including service of necessary notice and return to the warrant	23.70
(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	8.80
(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	4.90

	\$
(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 is 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	24.00
(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	9.00
(c) Removal of persons or property that is not the property of the plaintiff from the premises	75.00 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 27.30

6. Order of Commitment 27.30

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 . 12.20

8. Attendance in court except where otherwise provided 1.70 "; and

(b) in item 11—

- (i) in subitem (1) by deleting "60" and substituting the following—
" 65 ";
- (ii) in subitem (2) by deleting "1.20" and substituting the following—
" 1.30 ";
- (iii) in subitem (3) by deleting "60" and substituting the following—
" 65 "; and
- (iv) in subitem (4) by deleting "60" and substituting the following—
" 65 ".

[*Reprinted in the Gazette of 17 November 1976 at pp. 4329-560. For amendments to 6 April 1990 see pp. 297-8 of 1988 Index to Legislation of Western Australia and Gazettes of 14 April, 23 June, and 4 and 18 August 1989.]

Dated 24 April 1990.

By His Excellency's Command,

G. PEARCE, Clerk of the Council.