

Version No. 008
Supreme Court (Fees) Regulations 2001
S.R. No. 159/2001
Version incorporating amendments as at 1 July 2009

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
1 Objective	1
2 Authorising provision	1
3 Commencement	1
4 Revocation	1
5 Definition	1
6 Fees	1
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SCHEDULES	2
SCHEDULE 1—Regulations Revoked	2
SCHEDULE 2—Scale of Fees	3
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ENDNOTES	9
1. General Information	9
2. Table of Amendments	10
3. Explanatory Details	11

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1 Objective

The objective of these Regulations is to prescribe a scale of fees payable in respect of matters in the Supreme Court.

2 Authorising provision

These Regulations are made under section 129 of the **Supreme Court Act 1986**.

3 Commencement

- (1) These Regulations (except clause 1.15 of Part 1 of Schedule 2) come into operation on 1 January 2002.
- (2) Clause 1.15 of Part 1 of Schedule 2 comes into operation on the day upon which section 6 of the **Public Notaries Act 2001** comes into operation.

4 Revocation

The Regulations in Schedule 1 are **revoked**.

5 Definition

In these Regulations *Chapter* followed by Roman numerals means the Chapter of the Rules of the Supreme Court described by the Roman numerals.

6 Fees

The fees payable in respect of matters in the Supreme Court are set out in Schedule 2.

Supreme Court (Fees) Regulations 2001

Sch. 1

S.R. No. 159/2001

SCHEDULES

SCHEDULE 1

REGULATIONS REVOKED

<i>S.R. No.</i>	<i>Title</i>
241/1991	Supreme Court (Fees) Regulations 1991
295/1991	Supreme Court (Fees) (Amendment) Regulations 1991
5/1993	Supreme Court (Fees) (Amendment) Regulations 1993
137/1994	Supreme Court (Fees) (Amendment) Regulations 1994
51/1995	Supreme Court (Fees) (Amendment) Regulations 1995
116/1995	Supreme Court (Fees) (Further Amendment) Regulations 1995
135/1995	Supreme Court (Fees) (Schedule 1 Amendment) Regulations 1995
110/1996	Supreme Court (Fees) (Amendment) Regulations 1996
116/1997	Supreme Court (Fees) (Amendment) Regulations 1997
141/1998	Supreme Court (Fees) (Amendment) Regulations 1998
1/2000	Supreme Court (Fees) (Amendment) Regulations 2000
41/2000	Supreme Court (Fees) (Further Amendment) Regulations 2000
33/2001	Supreme Court (Fees) (Amendment) Regulations 2001

SCHEDULE 2

SCALE OF FEES

PART 1—FEES PAYABLE IN THE PROTHONOTARY'S OFFICE

COMMENCEMENT OF PROCEEDINGS

- 1.1 Commencement of any proceeding (other than an appeal) under Chapter I, II, IV, V, VII or VIII. No fee is payable on commencement of a proceeding under—
- (a) Order 57, Rule 63.64, 75.05, 80.03(4) or 81.01 of Chapter I; or
 - (b) Order 5, Order 6, Part 2 of Order 7, Order 12 or Order 23 of Chapter II; or
 - (c) Order 1 of Chapter IV; or
 - (d) Rule 58.16 of Chapter I if the application is for leave to appeal under section 92 of the **Magistrates' Court Act 1989** 62·8 fee units
- 1.2 Commencement of a counterclaim under Order 10 of Chapter I or a third party proceeding or a claim by a third or subsequent party under Order 11 of Chapter I 62·8 fee units
- 1.3 Commencement of an appeal—
- to the Court of Appeal 257·5 fee units
 - other than to the Court of Appeal 62·8 fee units
- No fee is payable on commencement of an appeal—
- (a) from a judgment given or order made by an Associate Judge of the Supreme Court; or
 - (b) from a judgment given or order made by an Associate Judge of the County Court; or
 - (c) under section 92 of the **Magistrates' Court Act 1989**
 - (d) Parts 4, 5 and 6 of Order 58 of Chapter I
- 1.4 Filing a certificate under section 86(4) of the **County Court Act 1958** or section 112(2) of the **Magistrates' Court Act 1989** 27·3 fee units

Sch. 2 amended by S.R. Nos 52/2003 reg. 4, 88/2004 reg. 4(Sch. 1 items 44.1–44.3), 15/2009 reg. 4, 51/2009 reg. 4, 70/2009 regs 4–6.

INTERLOCUTORY APPLICATIONS

- 1.5 Commencement of an interlocutory application within a proceeding.
 No fee is payable on commencement of an interlocutory application in a proceeding under—
- (a) Rule 63.64, 75.05, 80.03(4) or 81.01 of Chapter I; or
 - (b) Order 5, Order 6, Part 2 of Order 7, Order 12 or Order 23 of Chapter II; or
 - (c) Order 1 of Chapter IV; or
 - (d) Section 92 of the **Magistrates' Court Act 1989**
- 27.3 fee units

JUDGMENTS IN DEFAULT

- 1.6 Filing judgment in default of appearance or defence
- 27.3 fee units

ENTRY INTO LIST

- 1.7 Setting down or otherwise entering a proceeding into a list (other than the Technology, Engineering and Construction List, the Judicial Review and Appeals List, the Personal Injuries List or the Commercial List of the Commercial Court) including the first day hearing fee.
- No fee is payable on entering a proceeding into a list under—
- (a) Parts 4, 5 and 6 of Order 58 and Rule 75.05 of Chapter I; or
 - (b) Part 2 of Order 7 of Chapter II; or
 - (c) Chapter V; or
 - (d) section 92 of the **Magistrates' Court Act 1989**.
- No fee is payable on entering a proceeding into the Judicial Review and Appeals List or the Personal Injuries List.
- 61.8 fee units
- 1.8 Entering a proceeding into the Technology, Engineering and Construction List or the Commercial List of the Commercial Court
- 190.6 fee units

HEARING FEES

- 1.9 For hearing an appeal by the Court of Appeal or for hearing a trial by Judge or by Judge with jury—
for every day or part of a day (except that where a fee has been paid under item 1.7 no fee is payable for the first day or first part of that day).
No fee is payable in respect of a proceeding under Parts 4, 5 and 6 of Order 58 or Rule 75.05 of Chapter I or section 92 of the **Magistrates' Court Act 1989** 31.9 fee units
- 1.10 For every sitting of a court official at mediation—
for every hour or part of an hour
No fee is payable in respect of a proceeding under section 92 of the **Magistrates' Court Act 1989** 6.2 fee units
- 1.11 For every sitting of a court official at pre-trial conference—
No fee is payable in respect of a proceeding under section 92 of the **Magistrates' Court Act 1989** 6.2 fee units

TAKING ACCOUNTS, ASSESSMENTS, ETC.

- 1.12 Attendance before an Associate Judge or a court official for the purpose of investigation, inquiry or assessment, including the taking of accounts, in respect of each day's attendance before the Associate Judge or court official—
for every hour or part of an hour the Associate Judge or court official is occupied 18 fee units
An Associate Judge or a court official may require a deposit on account of the fee before proceeding with the reference or at any time during its conduct, and a memorandum of the deposit made must be delivered to the party making the deposit
Settlement and signing a report of an Associate Judge or a court official in any investigation, inquiry, assessment or taking of an account
No fee is payable on passing accounts of a committee or receiver in the protective jurisdiction of the Court 11.8 fee units

ADMISSION OF BARRISTERS AND SOLICITORS

- 1.13 Authentication of an order for the admission of a person to practise as a barrister and solicitor of the Supreme Court 19.6 fee units

Supreme Court (Fees) Regulations 2001

Sch. 2

S.R. No. 159/2001

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- 1.14 Certificate sealed by the Prothonotary that a person has been admitted to practise as a barrister and solicitor of the Supreme Court and that the person's name remains on the Roll 11·8 fee units
- APPOINTMENT OF PUBLIC NOTARIES**
- 1.15 Authentication of an order for appointment as a public notary 19·6 fee units
- SEARCHES, PHOTOCOPIES AND SEALING**
- 1.16 Sealing any document or certificate other than—
- (a) a copy required for service; or
 - (b) a judgment, order or warrant; or
 - (c) a document under Rule 7.13(1) of Chapter I; or
 - (d) a certificate under Rule 80.05 of Chapter I; or
 - (e) any document or certificate for which a separate fee is prescribed by these Regulations 11·8 fee units

PART 2—FEES PAYABLE IN THE OFFICE OF THE REGISTRAR OF PROBATES

- 2.1AA Posting on the Court's website a notice to apply for a grant of representation under Rule 2A.03 or Rule 4A.03 of Chapter III 3·15 fee units
- 2.1 On filing
- (a) an application for any grant of representation—
 - (i) where the gross value of the estate is less than \$1000 8·8 fee units
 - (ii) where the gross value of the estate is \$1000 or more; 22·5 fee units
 - (b) an originating motion under Rule 7.04(1) of Chapter III 22·5 fee units
- 2.2 On filing—
- (a) a summons under Rule 8.07(3) of Chapter III
 - (b) a summons under Rule 10.02 seeking commission to executors, administrators or trustees
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Supreme Court (Fees) Regulations 2001

S.R. No. 159/2001

Sch. 2

- (c) a summons under Rule 11.02 seeking revocation of a grant of representation
- (d) a summons under Rule 12.02 seeking rectification of a will 62.8 fee units

FILING OF NOTICES

- 2.3 On filing
 - (a) an election to administer under section 11A of the **Trustee Companies Act 1984**
 - (b) a notice of appointment of the Incorporated Nominal Defendant as administrator ad litem under section 158 of the **Transport Accident Act 1986**
 - (c) a notice requiring notification of a grant of representation
 - (d) a caveat in the Probate Jurisdiction
 - (e) notification of application for executors commission (Rule 10.02) 14.9 fee units

PREPARATION

- 2.4 For preparation by the Registrar or Assistant Registrar of an application in relation to a Small Estate 8.2 fee units
- 2.5 For authenticating an order amending parchment 5.7 fee units

REGISTRAR'S CERTIFICATES

- 2.6 Registrar's certificate verifying copy document where not done in the usual course of an application for a grant of representation 9.8 fee units
- 2.7 Every Exemplification where not done in the usual course of an application for a grant of representation 9.8 fee units
- 2.8 Office copy (of parchment and Will) 2.3 fee units

PART 3—FEES APPLICABLE TO ALL OFFICES OF THE COURT

- 3.1 For each request to search and inspect the records of the Court pertaining to a proceeding or purported proceeding—
 - (a) if the correct file number of the proceeding is quoted in the request, or if it is a probate file 2.6 fee units
 - (b) if no number or an incorrect number is quoted in the request 4.1 fee units

Supreme Court (Fees) Regulations 2001

Sch. 2

S.R. No. 159/2001

No fee is payable on a search for a Notice of Appearance required under Rule 21.01(3) of Chapter I

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|-----|--|----------------|
| 3.2 | To obtain a photocopy of any document, for each page | \$1.50 |
| 3.3 | Production of a file to another Court or Tribunal | 10-3 fee units |
| 3.4 | In addition to any other fee payable under these Regulations, where the Prothonotary or Registrar of Probates opens an office of the Court to provide a service referred to in these Regulations outside the hours prescribed by Rule 3.09 of Chapter I— | |
| | (a) within ½ hour before the prescribed opening time or within ½ hour after the prescribed closing time | 5-2 fee units |
| | (b) at any other time | 51-5 fee units |
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ENDNOTES

1. General Information

The Supreme Court (Fees) Regulations 2001, S.R. No. 159/2001 were made on 18 December 2001 by the Governor in Council under section 129 of the **Supreme Court Act 1986**, No. 110/1986 and came into operation as follows:

All of Regulations (*except* clause 1.15 of Part 1 of Schedule 2) on 1 January 2002: regulation 3(1); clause 1.15 of Part 1 of Schedule 2 on 6 June 2002: regulation 3(2).

The Supreme Court (Fees) Regulations 2001 will sunset 10 years after the day of making on 18 December 2011 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

This Version incorporates amendments made to the Supreme Court (Fees) Regulations 2001 by statutory rules, subordinate instruments and Acts.

Supreme Court (Fees) (Amendment) Regulations 2003, S.R. No. 52/2003

Date of Making: 11.6.03

Date of Commencement: 16.6.03: reg. 3

Monetary Units Regulations 2004, S.R. No. 88/2004

Date of Making: 29.6.04

Date of Commencement: 1.7.04: reg. 3

Supreme Court (Fees) Amendment Regulations 2009, S.R. No. 15/2009

Date of Making: 24.2.09

Date of Commencement: 2.3.09: reg. 3

Supreme Court (Fees) (List Amendment) Regulations 2009, S.R. No. 51/2009

Date of Making: 19.5.09

Date of Commencement: 19.6.09: reg. 3

Supreme Court (Fees) Further Amendment Regulations 2009, S.R. No. 70/2009

Date of Making: 23.6.09

Date of Commencement: 1.7.09: reg. 3

3. Explanatory Details

No entries at date of publication.