

NORTHERN TERRITORY OF AUSTRALIA

LOCAL COURT (CRIMINAL PROCEDURE) REGULATIONS 2016

As in force at 20 November 2020

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NORTHERN TERRITORY OF AUSTRALIA

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LOCAL COURT (CRIMINAL PROCEDURE) REGULATIONS 2016

Regulations under the *Local Court (Criminal Procedure) Act 1928*

1 Citation

These Regulations may be cited as the *Local Court (Criminal Procedure) Regulations 2016*.

2 Commencement

These Regulations commence on the commencement of the *Local Court Act 2016*.

5 Limit on amount ordered for costs

- (1) For section 77C of the Act, the amount that the Court may order for costs (the ***prescribed scale***) must not exceed:
 - (a) for the first day of a hearing, including preparation of the case for the hearing and counsel fee – 1 500 monetary units; and
 - (b) for the second or a subsequent day of the hearing – 850 monetary units.
- (2) In determining the amount for costs, the Court may have regard to the following matters:
 - (a) whether the complainant commenced and continued with the proceedings in good faith;
 - (b) whether the complainant failed to take steps to investigate a matter coming to, or within, the complainant's knowledge;
 - (c) the conduct of the investigation of the matters that led to the complainant making the complaint;
 - (d) if the Court dismissed the complaint – whether the dismissal was made on technical grounds and not on a finding that there was insufficient evidence to convict or make an order against the defendant;

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- (e) whether the defendant conducted the defence in a way that unreasonably prolonged the proceedings;
 - (f) whether the defendant was entitled to an acquittal but subsequently convicted on another charge.
- (3) However, if the Court considers the circumstances of the case, or the legal issues, are of an exceptional nature, the Court may order costs exceeding the prescribed scale.

6 Transitional matters for the *Local Court (Criminal Procedure) Regulations 2016*

The prescribed scale as mentioned in repealed regulation 14 of the *Justices Regulations 1929* continues to apply in relation to proceedings in the Local Court that are commenced before the commencement of these Regulations as if the repealed regulation had not been repealed.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Local Court (Criminal Procedure) Regulations (SL No. 15, 2016)

Notified	29 April 2016
Commenced	1 May 2016 (r 2, s 2 <i>Local Court Act 2015</i> (Act No. 15, 2015) and Gaz G1, 6 January 2016, p 9)

Monetary Units Act 2018 (Act No. 17, 2018)

Assent date	6 September 2018
Commenced	1 November 2018 (Gaz G40, 3 October 2018, p 7)

Statute Law Revision Act 2020 (Act No. 26, 2020)

Assent date	19 November 2020
Commenced	20 November 2020 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 2 and 3.

4 LIST OF AMENDMENTS

r 3	amd Act No. 17, 2018, s 12
	rep Act No. 26, 2020, s 3
r 4	rep Act No. 17, 2018, s 13
r 5	amd Act No. 17, 2018, s 14