

NORTHERN TERRITORY OF AUSTRALIA

SMALL CLAIMS REGULATIONS

As in force at 8 November 2006

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SMALL CLAIMS REGULATIONS

Regulations under the *Small Claims Act*

1 Citation

These Regulations may be cited as the *Small Claims Regulations*.

2 Commencement

These Regulations come into operation on the commencement of the *Small Claims Amendment Act 2001*.

3 Fee for filing document

- (1) The fee payable for filing a statement of claim under Part 7 of the Rules is 72 revenue units.
- (2) The fee payable for filing an application for a rehearing, or a notice of appeal from an order made by a Registrar, under Part 23 of the Rules is 50 revenue units.
- (3) A fee payable under subregulation (1) or (2) is payable to the Court at the time of filing.

4 Service Fee

- (1) The fee for personal service of a document in proceedings is the fee specified in item 5 of the Schedule to the *Local Court Regulations*.
- (2) A fee payable under subregulation (1) is payable to the bailiff on demand by the bailiff after service of the document.
- (3) A fee payable under subregulation (1) is recoverable as part of a judgment whether or not fee was claimed in the statement of claim.

5 Fee for copy of orders, inspections etc.

- (1) The fee payable for a certified copy of an order under Part 21 of the Rules is the fee specified in item 3 of the Schedule to the *Local Court Regulations*.

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- (2) The fee payable for inspection and copies of a document relating to proceedings is the fee specified in item 4 of the Schedule to the *Local Court Regulations*.
 - (3) A fee payable under subregulation (1) or (2) is payable to the Court on demand by a Registrar.

6 Recovery of disbursements

All disbursements reasonably incurred by a party or by a legal practitioner on behalf of a party in proceedings are recoverable as part of the judgment whether or not the disbursements have been claimed in the statement of claim.

7 Exemption from payment of fee

- (1) Despite regulations 3, 4 and 5, a person acting in proceedings for or by authority of the Territory is exempt, in relation to the proceedings, from payment of the fees specified in these Regulations.
- (2) A person who is exempt from payment of a fee under subregulation (1) is entitled to recover, as part of a judgment debt as if it were a cost incurred, an amount equal to the fee that would, but for subregulation (1), have been payable.
- (3) A person referred to in subregulation (2) must, on recovery of the fee, pay to the Court an amount equal to that fee.

8 Waiver of fee in case of hardship

If, in a particular case, the Registrar is of the opinion that the payment of a fee under regulation 3, 4 or 5 would cause financial hardship to the party who must pay the fee, the Registrar may waive payment of the whole or a part of the fee.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Small Claims Regulations (SL No. 3, 2002)

Notified	13 February
Commenced	13 February 2002 (r 2, s 2 <i>Small Claims Amendment Act 2001</i> (Act No. 63, 2001), s 2 <i>Local Court Amendment Act 2001</i> (Act No. 64, 2001) and Gaz G6, 13 February 2002, p 4)

Amendment of Small Claims Regulations (SL No. 48, 2002)

Notified	4 December 2002
Commenced	4 December 2002

Courts Legislation Amendment (Revenue Units) Regulations 2006 (SL No. 36, 2006)

Notified	8 November 2002
Commenced	8 November 2002

3 LIST OF AMENDMENTS

r 3	amd No. 48, 2002; No. 36, 2006, r 14
r 8	amd No. 36, 2006, r 15