

**NORTHERN TERRITORY OF AUSTRALIA**

**SUPREME COURT REGULATIONS**

As in force at 1 January 2010

**Table of provisions**

1	Citation .....	1
2	Definition .....	1
3	Prescribed fee in respect of taxation of bill of costs by Taxing Master .....	1
4	Fees in respect of proceeding etc.....	2
5	Waiver of fee in case of financial hardship .....	2

**Schedule**

**ENDNOTES**

# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Regulations as in force at 1 January 2010. Any amendments that commence after that date are not included.

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## SUPREME COURT REGULATIONS

### Regulations under the *Supreme Court Act*

#### 1 Citation

These Regulations may be cited as the *Supreme Court Regulations*.

#### 2 Definition

In these Regulations ***Taxing Master*** means the officer of the Court whose duty it is to tax costs in the Court.

#### 3 Prescribed fee in respect of taxation of bill of costs by Taxing Master

- (1) In this regulation, ***prescribed fee*** means the fee that a party entitled to be paid costs is required to pay to the Court in respect of the taxation of a bill of costs by the Taxing Master.
- (2) There is no prescribed fee if, before the commencement of a taxation of a bill of costs, the Court or the Taxing Master makes an order by consent for payment of the costs in the bill.
- (3) The prescribed fee in respect of a completed taxation of a bill of costs is 7.5% of the amount of costs allowed in respect of the whole bill, exclusive of costs allowed under rule 63.75 of the *Supreme Court Rules* for GST paid or payable on other taxed costs in the bill.
- (4) If the Taxing Master commences to tax a bill of costs but does not complete the taxation because he or she makes an order by consent for payment of costs, or for any other reason, the Taxing Master may order that the amount of costs allowed in respect of the part of the bill that has been taxed is the amount on which the prescribed fee is to be calculated, and the prescribed fee is 7.5% of that amount.
- (5) In an order stating the amount of costs allowed in respect of a bill of costs the Taxing Master must, if a prescribed fee is payable, specify the amount of the prescribed fee and add it to the amount of the costs allowed.

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- (6) Subject to subregulation (7), a party who is required to pay a prescribed fee must do so 28 days after the Taxing Master makes the order allowing costs in the bill of costs.
  - (7) If a party to a taxation proceeding applies under rule 63.55 of the *Supreme Court Rules*:
    - (a) to the Taxing Master for reconsideration of a decision made by the Taxing Master; or
    - (b) to a Judge for a review of an order of the Taxing Master,the party who is required to pay the prescribed fee need not do so until 14 days after the determination of the application.
  - (8) Immediately after a party who is required to pay a prescribed fee does so, the party liable to pay the costs of that party is liable to pay that party an amount equal to the prescribed fee.

#### **4 Fees in respect of proceeding etc.**

- (1) A fee specified in the Schedule is payable to the Court in respect of the item specified opposite the fee.
- (2) Despite subregulation (1), no fee is payable to the Court:
  - (a) in relation to an adoption matter;
  - (b) in relation to a case stated procedure;
  - (c) in relation to a reference to the Full Court;
  - (d) in relation to a criminal matter; or
  - (e) by a person acting for, or by the authority of, the Territory.
- (3) A person exempt under subregulation (2) from paying a fee 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 that subregulation, have been payable.
- (4) A person who recovers a fee under subregulation (3) must pay to the Court an amount equal to the fee.

#### **5 Waiver of fee in case of financial hardship**

If, in a particular case, a Registrar is of the opinion that the payment of a fee specified in the Schedule 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.

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**Schedule**

regulation 4

**PART 1 – FEES PAYABLE FOR PROCEEDINGS IN THE  
COURT OF APPEAL**

<b>Item No.</b>		<b>Fee (revenue units)</b>
1.	Filing of originating process	575
2.	Notice of cross appeal	230
3.	Service (by the sheriff or an officer of the sheriff)	The relevant fee specified in the Schedule to the <i>Sheriff Regulations</i>
		<b>Fee (\$)</b>
4.	Searches (per search)	4
5.	Photocopying (per page):	
	(a) by Supreme Court staff	1.30
	(b) by solicitors/clerks	0.60

**PART 2 – FEES PAYABLE FOR ALL OTHER PROCEEDINGS IN THE  
SUPREME COURT**

<b>Item No.</b>		<b>Fee (revenue units)</b>
1.	Filing of originating process for which no other fee is specifically provided:	
	(a) if the fee is payable by a body corporate	1 380
	(b) otherwise	1 035
1A.	Application to be admitted as a local lawyer under section 25(1) of the <i>Legal Profession Act</i>	345
2.	Setting down for hearing	575
3.	Appeal from Master's decision	115

Schedule

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4.	Filing of writs for enforcement of judgment debts	115
5.	Service (by the sheriff or an officer of the sheriff)	The relevant fee specified in the Schedule to the <i>Sheriff Regulations</i>

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		<b>Fee (\$)</b>
6.	Searches (per search)	4
7.	Photocopying (per page):	
	(a) by Supreme Court staff	1.30
	(b) by solicitors/clerks	0.60

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**ENDNOTES**
**1****KEY**

Key to abbreviations

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

**2****LIST OF LEGISLATION*****Supreme Court Regulations (SL No. 13, 1985)***

Notified	3 July 1985
Commenced	3 July 1985

***Amendments of Supreme Court Regulations (SL No. 53, 1990)***

Notified	21 December 1990
Commenced	21 December 1990

***Amendment of Supreme Court Regulations (SL No. 31, 1992)***

Notified	8 July 1992
Commenced	8 July 1992

***Amendments of the Supreme Court Regulations (SL No. 41, 1993)***

Notified	1 November 1993
Commenced	1 November 1993

***Amendments of Supreme Court Regulations (SL No. 13, 1998)***

Notified	10 June 1998
Commenced	1 July 1998 (r 1)

***Amendments of Supreme Court Regulations (SL No. 48, 2000)***

Notified	11 October 2000
Commenced	11 October 2000

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

Notified	8 November 2006
Commenced	8 November 2006

***Supreme Court Amendment (Admission Fees) Regulations 2007 (SL No. 17, 2007)***

Notified	1 August 2007
Commenced	1 August 2007

**Supreme Court Amendment Regulations 2009 (SL No. 27, 2009)**

Notified 2 September 2009  
Commenced 2 September 2009

**Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)**

Notified 14 December 2009  
Commenced 1 January 2010 (r 2)

**3 SAVINGS AND TRANSITIONAL PROVISIONS**

r 4 *Amendments of Supreme Court Regulations* (SL No. 48, 2000)

**4 LIST OF AMENDMENTS**

r 2 sub No. 41, 1993, r 1  
r 3 amd No. 41, 1993, r 2  
sub No. 48, 2000, r 2  
amd No. 27, 2009, r 4  
r 4 ins No. 53, 1990  
amd No. 31, 1992; No. 13, 1998, r 2  
sub No. 48, 2000, r 2  
r 5 ins No. 36, 2006, r 17  
sch ins No. 53, 1990  
sub No. 13, 1998, r 3  
amd No. 48, 2000, r 3  
sub No. 36, 2006, r 18  
amd No. 17, 2007, r 3; No. 34, 2009, r 10