

NORTHERN TERRITORY OF AUSTRALIA

SUPREME COURT REGULATIONS

As in force at 23 November 2011

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 23 November 2011. Any amendments that commence after that date are not included.

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 for 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 for 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 for a completed taxation of a bill of costs is 7.5% of the amount of costs allowed for 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 for 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.

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- (5) In an order stating the amount of costs allowed for 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.
 - (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 for proceeding etc.

- (1) A fee specified in the Schedule is payable to the Court for the item specified opposite the fee.
- (2) Despite subregulation (1), no fee is payable to the Court:
 - (a) for an adoption matter; or
 - (b) for a case stated procedure; or
 - (c) for a reference to the Full Court; or
 - (d) for 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 or deferral of fee, or payment by instalment, in case of financial hardship

- (1) If 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 do one or more of the following:
 - (a) waive payment of the whole or part of the fee;
 - (b) defer payment of the whole or part of the fee;
 - (c) permit the party to pay the fee in instalments.
- (2) The Registrar may grant a waiver or deferral or permission under subregulation (1) on conditions the Registrar considers appropriate, and may change those conditions at any time by notice to the party.
- (3) The Registrar may cancel a deferral or permission at any time by notice to the party, in which case any part of the fee that remains outstanding becomes immediately payable.
- (4) A party to whom a deferral or permission has been granted cannot, without leave of the Court, lodge either of the following if any part of the fee remains unpaid:
 - (a) an application for leave to discontinue the proceeding;
 - (b) if leave is not required – a notice of discontinuance of the proceeding.
- (5) If an amount is not paid when it becomes due under this regulation:
 - (a) the party liable to pay the amount cannot take any further step in the proceeding without the leave of the Court until the amount is paid; and
 - (b) the amount may be recovered as a debt due to the Territory.

Schedule

regulation 4

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

Item No.		Fee (revenue units)
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>
		Fee (\$)
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**

Item No.		Fee (revenue units)
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

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

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 = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

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)

Supreme Court Amendment Regulations 2011 (SL No. 48, 2011)

Notified	23 November 2011
Commenced	23 November 2011

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 amd No. 48, 2011, r 4
r 3 hdg	amd No. 48, 2011, r 4
r 3	amd No. 41, 1993, r 2 sub No. 48, 2000, r 2 amd No. 27, 2009, r 4; No. 48, 2011, r 4
r 4 hdg	amd No. 48, 2011, r 4
r 4	ins No. 53, 1990 amd No. 31, 1992; No. 13, 1998, r 2 sub No. 48, 2000, r 2 amd No. 48, 2011, r 4
r 5	ins No. 36, 2006, r 17 sub No. 48, 2011, r 3
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