

**NORTHERN TERRITORY OF AUSTRALIA**

**LOCAL COURT REGULATIONS**

As in force at 1 July 2013

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 July 2013

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## LOCAL COURT REGULATIONS

### Regulations under the *Local Court Act*

#### **1 Citation**

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

#### **2 Fees**

Subject to regulations 4 and 5, the fee payable for a procedure or matter specified in the Schedule is the fee specified in the Schedule opposite the procedure or matter.

#### **3 Time for payment of fees**

- (1) A fee specified in item 1, 2, 3 or 4 of the Schedule is payable to the Court:
  - (a) in the case of a fee specified in item 1 or 2 – at the time of filing; or
  - (b) in the case of a fee specified in item 3 or 4 – on demand by the Court.
- (2) A fee specified in item 5 or 6 is payable to the bailiff:
  - (a) in the case of a fee specified in item 5 – on demand by the bailiff after service; or
  - (b) in the case of a fee specified in item 6 – on execution of the warrant.

#### **4 Exemption from payment of fee**

- (1) Subject to subregulation (3), a person acting in a proceeding for or by the authority of the Territory is, in relation to that proceeding, exempt from payment of the fees specified in item 1 or 2 of the Schedule.

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- (2) A person 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 that subregulation, have been payable.
  - (3) On recovery of the fee, the person must pay an amount equal to the fee to the Court.

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

If, in a particular case, the Registrar is of the opinion that the payment of a fee specified in item 1, 2, 3 or 4 of the Schedule would cause financial hardship to the plaintiff, applicant or 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 Fees**

regulation 2

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Item No.		Fee (revenue units unless otherwise stated)
1	Filing	
	(a) Statement of claim or originating application under Part 7 of the Rules seeking monetary relief where the amount is:	
	(i) more than \$5 000 but less than \$10 000	232
	(ii) \$10 000 or more but less than \$20 000	355
	(iii) \$20 000 or more	435
	(iv) an unspecified amount	435
	(b) Statement of claim or originating application under Part 7 of the Rules other than a claim or application seeking monetary relief	232
	(c) Statement of claim or originating application under Part 7 of the Rules seeking relief other than monetary relief in addition to, or as an alternative to, monetary relief where the amount in addition to or as an alternative to relief is:	
	(i) more than \$5 000 but less than \$10 000	232
	(ii) \$10 000 or more but less than \$20 000	355
	(iii) \$20 000 or more	435
	(iv) an unspecified amount	435
	(d) Application for an interpleader order under Part 14 of the Rules	126

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(e)	Application for an order under Part 18 of the Rules seeking preliminary discovery or discovery from a non-party	126
(f)	Application for a re-hearing under Part 36 of the Rules	271
(g)	Notice of appeal under Part 37 of the Rules	115
(h)	Application for the issue of a warrant	62
(i)	Application for an order under Chapter 2 of the Rules	62
(j)	Any other application under an Act other than the <i>Local Court Act</i> or a provision of any other Act as specified in this Schedule	126
(l)	Judgment filed for registration under section 105 of the <i>Service and Execution of Process Act 1992</i> (Cth)	134
2	Taxation of costs	
	Filing a bill of costs under Part 38 of the Rules	385
3	Orders	
	Certified copy of order under Part 35 of the Rules	66
4	Inspection	
	Inspection under section 12(3) of the Act – per file	22
5	Service	
	Bailiff fee for service under Part 4, Division 2 of the Rules (for 2 attempts)	125
6	Execution of Warrants	
(a)	Bailiff fee for execution of warrant of possession	136
(b)	Bailiff fee for execution of warrant of seizure and sale where the value of property to be seized is:	
(i)	less than \$5 000	91
(ii)	\$5 000 or more but less than \$20 000	136

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	(iii) \$20 000 or more	180
	(c) Bailiff fee for execution of other warrants	65
7	Photocopying by Court staff – per page	\$2

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**ENDNOTES**
**1 KEY**

Key to abbreviations

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

**2 LIST OF LEGISLATION*****Local Court Regulations (SL No. 39, 1998)***

Notified	7 October 1998
Commenced	7 October 1998

***Amendments of Local Court Regulations (SL No. 10, 2000)***

Notified	1 March 2000
Commenced	1 March 2000

***Amendment of Local Court Regulations (SL No. 23, 2001)***

Notified	30 May 2001
Commenced	30 May 2001

***Amendments of Local Court Regulations (SL No. 45, 2002)***

Notified	1 November 2002
Commenced	1 November 2002

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

Notified	8 November 2006
Commenced	8 November 2006

***Justice Legislation Amendment Act 2007 (Act No. 5, 2007)***

Assent date	24 April 2007
Commenced	s 37 (except amd of Criminal Code and <i>Legal Profession Act 2006</i> ): 1 May 2007 (s 2(1), s 2 <i>Victims of Crime Assistance Act 2006</i> (Act No. 15, 2006) and Gaz G17, 26 April 2007, p 7); rem: 24 April 2007

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

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

***Fees and Charges (Attorney-General and Justice Portfolio) Amendment  
Regulations 2013 (SL No. 27, 2013)***

Notified 28 June 2013  
Commenced 1 July 2013 (r 2)

**3 LIST OF AMENDMENTS**

r 3 sub No. 10, 2000, r 3  
r 5 amd No. 10, 2000, r 4; No. 36, 2006, r 9  
sch amd No. 10, 2000, r 5; No. 23, 2001; No. 45, 2002, r 2  
sub No. 36, 2006, r 10  
amd Act No. 5, 2007 s 37; No. 34, 2009, r 10  
sub No. 27, 2013, r 6