

NORTHERN TERRITORY OF AUSTRALIA

LOCAL COURT (CRIMINAL PROCEDURE) REGULATIONS 2016

As in force at 1 November 2018

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 November 2018

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*.

3 Definition

In these Regulations:

monetary unit, see section 5 Monetary Units Act 2018.

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;

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The prescribed scale as mentioned in repealed regulation 14 of the *Justices Regulations 1929* continues to apply in relation to proceedings in the Local Court that are commenced before the commencement of these Regulations as if the repealed regulation had not been repealed.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

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
r 4	rep Act No. 17, 2018, s 13
r 5	amd Act No. 17, 2018, s 14