

NORTHERN TERRITORY OF AUSTRALIA

SMALL CLAIMS REGULATIONS

Regulations 2002, No. 3

TABLE OF PROVISIONS

Regulation

1. Citation
2. Commencement
3. Fee for filing document
4. Service Fee
5. Fee for copy of orders, inspections etc.
6. Recovery of disbursements
7. Exemption from payment of fee
8. Waiver of fee in case of hardship



NORTHERN TERRITORY OF AUSTRALIA

Regulations 2002, No. 3*

Regulations under the *Small Claims Act*

I, JOHN CHRISTOPHER ANICTOMATIS, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Small Claims Act*.

Dated 31 January 2002.

J. C. ANICTOMATIS
Administrator

By His Honour's Command

S. J. STIRLING
Minister for Employment, Education and Training
Acting for and on behalf of the
Minister for Justice and Attorney-General

* Notified in the *Northern Territory Government Gazette* on 13 February 2002.

Small Claims Regulations

SMALL CLAIMS REGULATIONS

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 \$65.

(2) The fee payable for filing an application for a re-hearing under Part 23 of the Rules is \$50.

(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.

(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.

Small Claims Regulations

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 hardship to the party who must pay the fee, the Registrar may waive payment of the whole or a part of the fee.
