

NORTHERN TERRITORY OF AUSTRALIA  
AMENDMENTS OF SUPREME COURT REGULATIONS

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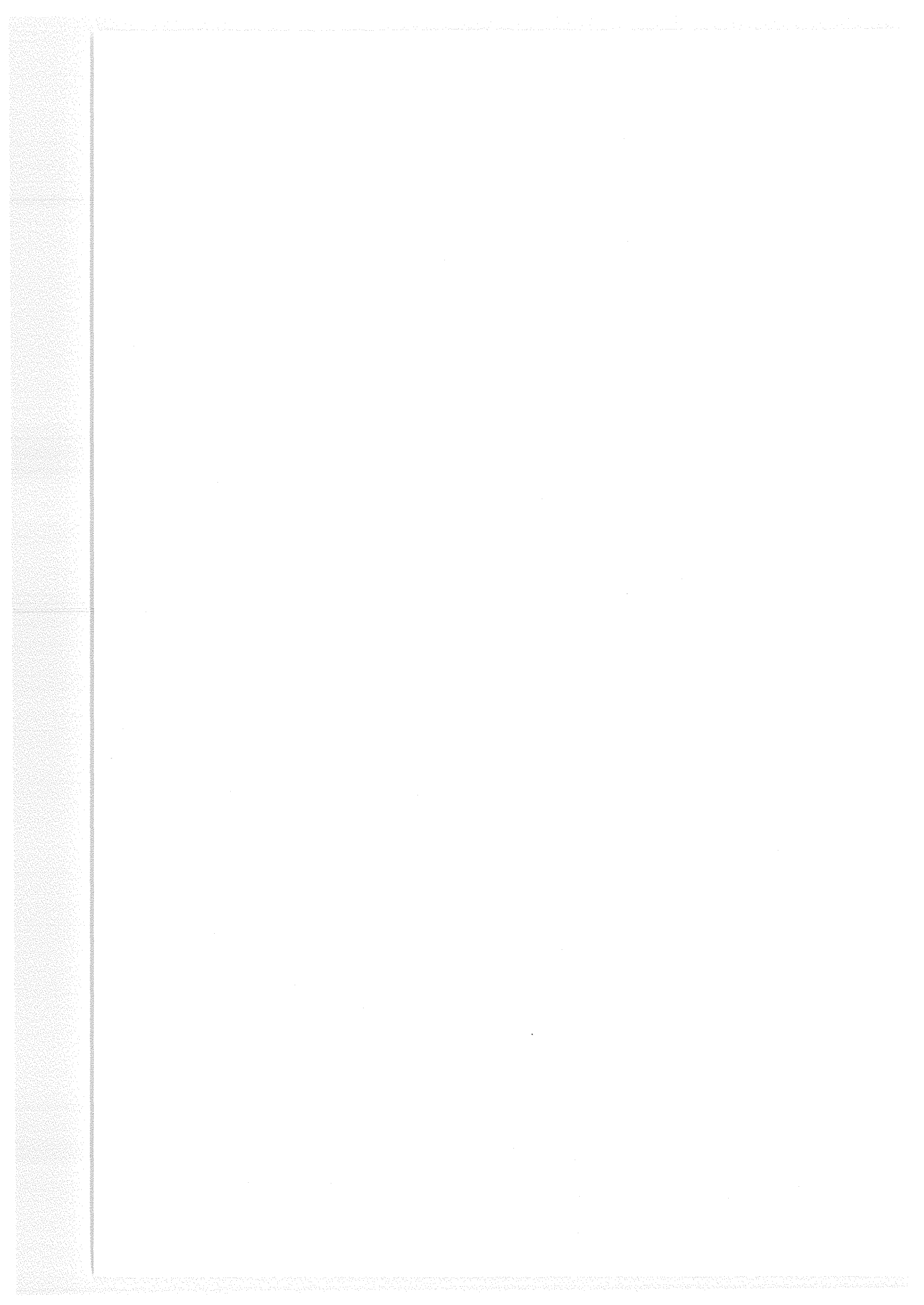
Regulations 2000, No. 48

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# NORTHERN TERRITORY OF AUSTRALIA

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Regulations 2000, No. 48\*

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## **Regulations under the *Supreme Court Act***

I, NEIL RAYMOND CONN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Supreme Court Act*.

Dated 28 September 2000.

N. R. CONN  
Administrator

By His Honour's Command

M. J. PALMER  
Minister for Primary Industry and Fisheries  
acting for and on behalf of the  
Attorney-General

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\* Notified in the *Northern Territory Government Gazette* on 11 October 2000.

**AMENDMENTS OF SUPREME COURT REGULATIONS**

**1. Principal Regulations**

The Supreme Court Regulations are in these Regulations referred to as the Principal Regulations.

**2. Repeal and substitution**

Regulations 3 and 4 of the Principal Regulations are repealed and the following substituted:

**"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.

"(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.

"(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,

## *Supreme Court Regulations*

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."

### **3. Schedule**

The Schedule to the Principal Regulations is amended –

- (a) by omitting "(e.g. Notices of Appeal, Applications for Leave to Appeal or Extension of Time)";
- (b) by omitting "Item 4 – photocopying fees" and substituting "Item 4 – photocopying";
- (c) by omitting "Item 5 – service fees (by bailiff/Deputy Sheriff) 60.00" and substituting the following:

"Item 5 – service (by the sheriff or an officer of the sheriff)	the relevant fee specified in the Schedule to the Sheriff Regulations";
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- (d) by omitting "Item 6 – taxation fee – 7.5% of total costs allowed";

