

NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1988, No. 56\*

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Rules of Court under the Supreme Court Act

WE, the undersigned Judges of the Supreme Court of the Northern Territory of Australia, in pursuance of section 86 of the Supreme Court Act, hereby make the following Rules of Court.

Dated 19 December 1988.

AUSTIN ASCHE CJ

JOHN NADER J

W KEARNEY J

MICHAEL MAURICE J

BRIAN MARTIN J

Judges of the Supreme  
Court of the Northern  
Territory of Australia

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AMENDMENTS OF THE SUPREME COURT RULES

1. COMMENCEMENT

These Rules shall come into operation on 1 January 1989.

2. NEW CHAPTER

The Supreme Court Rules are amended by inserting after Chapter 4 the following:

"CHAPTER 5 - ADMIRALTY (SUPPLEMENTARY) RULES

"ORDER 90 - ADMIRALTY

"90.01 INTERPRETATION

"(1) In this Chapter -

'Act' means the Admiralty Act 1988 of the Commonwealth;

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\* Notified in the Northern Territory Government Gazette on 30 December 1988.

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'Marshall' means the Sheriff or other person authorized by or under rule 90.02;

'Rules' means the Admiralty Rules made under the Act.

"(2) A reference in the Rules to the Registrar otherwise than in relation to a proceeding in a court includes a reference to the Master.

"90.02 REGISTRAR AND MARSHALL

"(1) For the purposes of section 4 of the Rules, but subject to subrule (2) -

- (a) the Master is authorized to exercise the power and function, and perform the duty, of the Registrar; and
- (b) the Sheriff appointed under the Sheriff Act is authorized to exercise the power and function, and perform the duty, of the Marshall.

"(2) The Court constituted by the Chief Justice may, either generally or in a particular case, authorize a person to exercise the power or function, or perform the duty, of the Registrar or the Marshall.

"90.03 OPERATION OF CHAPTERS 1 AND 2

"Chapters 1 and 2 of the Supreme Court Rules, with the necessary changes, and to the extent that they are not inconsistent with the Rules, apply to and in relation to all matters to which the Rules apply.

"90.04 MARSHALL MAY CHARGE FEES

"The Marshall may, in respect of a function exercised or duty performed by the Marshall, charge fees in accordance with the following table:

TABLE OF FEES

- |   |         |
|---|---------|
| 1. Receiving and entering a writ of summons, warrant release, decree, order, caveat, commission or other instrument under the seal of the Court | \$15.00 |
| 2. For service of a writ of summons, but subject to item 5  | \$15.00 |
| 3. For execution of a warrant for the arrest of a ship or seizure of cargo or other goods, but subject to item 5                                | \$30.00 |

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4. For execution of a writ of attachment - for each person	\$30.00
5. Where writ of summons is served at the same time as a warrant of arrest is executed - instead of fees under items 2 and 3	\$40.00
6. For release of a ship, goods or person from seizure or arrest	\$15.00
7. For execution of a commission of appraisement and sale or appraisement/sale, but subject to item 8	\$30.00
8. Where execution of a commission of appraisement is ordered and the Court then orders that there be a commission for sale - instead of the fee under item 7	\$60.00
9. For arranging the appointment of the commission of an auctioneer or agent for sale by public auction or private contract (to include an inventory, valuation, and compiling a certificate of appraisement and preparing for sale)	\$25.00
10. For execution of a decree, order, commission or instrument other than one specified in this Schedule	\$30.00
11. For delivery of a ship or goods to a purchaser	\$30.00
12. For attending the discharge of cargo or removal of a ship or goods - per day	\$30.00
13. Where process must be executed urgently resulting in office being open after hours - for each hour office is open after hours	\$50.00
14. On the gross proceeds of any ship or goods sold -	
for every \$200 or part of \$200 up to \$20,000	\$6.00
for each additional \$200 or part of \$200	\$3.00
15. For retaining possession of a ship (with or without cargo) or of a ship's cargo - per day	\$15.00

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Note           (1) No fee is payable for the custody and possession of property seized if it consists of money in a bank, or goods stored in a bonded warehouse, or if it is in the custody of a customs house officer or other authorized person.

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(2) In addition to the fees specified in this Schedule, the Marshall may recover all expenses reasonably incurred in the execution of the duties referred to in this Schedule, including -

- (a) sums expended in attending the discharge of a ship or goods;
- (b) sums paid to a shipkeeper;
- (c) sums paid for the safe custody of property;
- (d) travelling expenses;
- (e) necessary meals;
- (f) overtime penalties;
- (g) sums paid to engage assistants, agents, etc.;
- (h) postage, telephone calls, stationery.
- (j) fees paid to auctioneers or appraisers (at the nominated prescribed fee);
- (k) such fee (if any) as the Registrar may determine is payable for any procedure or service not specified in this Schedule.

(3) A deposit on account of fees applicable to any proceeding may be required before the proceeding is commenced, or at any time during the course of the proceeding and a memorandum of the amount deposited must be delivered to the party making the deposit. An undertaking in writing to pay any further fees or expenses incurred by the Marshall which may become payable beyond the amount deposited may be required.

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