



New South Wales

Civil Procedure Further Amendment (Fees) Regulation 2010

under the

Civil Procedure Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Civil Procedure Act 2005*.

JOHN HATZISTERGOS, MLC
Attorney General

Explanatory note

The object of this Regulation is to amend the *Civil Procedure Regulation 2005* to adjust certain fees payable in respect of civil proceedings in the Supreme Court where jurisdiction is shared between New South Wales and the Commonwealth, to achieve parity with the fees payable in the Federal Court of Australia.

This Regulation is made under the *Civil Procedure Act 2005*, including section 18 (Fees).

2010 No 591

Clause 1 Civil Procedure Further Amendment (Fees) Regulation 2010

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Civil Procedure Act 2005

1 Name of Regulation

This Regulation is the *Civil Procedure Further Amendment (Fees) Regulation 2010*.

2 Commencement

This Regulation commences on 18 October 2010 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Civil Procedure Regulation 2005

Schedule 1 Court fees

Omit Part 1. Insert instead:

Part 1 Supreme Court

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee	Corporation fee
1	Filing an originating process (other than an originating process referred to in items 2–6) Note. The fees under this item include the fee for the furnishing of a sealed copy of the winding up or reinstatement order set out in item 6 of Part 5.	\$894	\$2,142
2	Filing an originating process by which an application for a grant or resealing of probate in respect of an estate the sworn gross value of which:		
	(a) is less than \$50,000	Nil	—
	(b) is \$50,000 or more but less than \$250,000	\$687	—
	(c) is \$250,000 or more but less than \$500,000	\$867	—
	(d) is \$500,000 or more but less than \$1,000,000	\$1,308	—
	(e) is \$1,000,000 or more	\$1,741	—
3	Filing in the Court of Appeal a notice of intention to appeal	\$256	\$512
4	Filing in the Court of Appeal a summons seeking leave to appeal or a cross-summons seeking leave to cross-appeal in respect of a matter where a notice of intention to appeal has been filed	\$947	\$1,622
5	Filing in the Court of Appeal a notice of appeal or notice of cross-appeal:		
	(a) in proceedings in which leave to appeal has been granted	\$1,804	\$3,200

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Schedule 1 Amendment of Civil Procedure Regulation 2005

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee	Corporation fee
	(b) in proceedings in which a notice of intention to appeal has been filed	\$2,751	\$4,722
	(c) in any other proceedings	\$3,007	\$5,334
6	Filing in the Court of Appeal a summons for leave to appeal in proceedings where a notice of intention to appeal has not been filed	\$1,203	\$2,134
7	Allocating a date for hearing of the proceedings by one or more judges, a judge and jury or an associate judge	\$1,786	\$3,569
8	Filing a requisition for trial by jury	\$945	\$1,890
9	Retaining a jury after the first day of trial Note. The fees under this item are to be paid by the party requesting a jury for the trial.	\$431 per day	\$862 per day
10	Referring proceedings for arbitration under Division 2 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$707	—
11	Filing an application for an order for the rehearing of proceedings under Division 3 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$539	\$1,078
12	Hearing of proceedings by one or more judges, for each day of hearing or part of a day of hearing:		
	(a) on the 2nd, 3rd or 4th day	\$712	\$1,428
	(b) on the 5th, 6th, 7th, 8th or 9th day	\$1,184	\$2,568
	(c) on or after the 10th day	\$2,384	\$5,068
13	Hearing of proceedings by an associate judge, for each day of hearing or part of a day of hearing on or after the 2nd day	\$641	\$1,282
14	Preparing appeal papers (for such number of copies as the registrar orders to be printed) in volumes of not more than 250 pages	\$619 per volume	\$1,238 per volume
15	Filing a notice of motion	\$328	\$657
16	Preparing a copy of a will	\$52	—

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee	Corporation fee
17	Conducting a genealogical search on a probate file (for each file searched)	\$99	—
18	Conducting a search for an application for a grant or resealing of probate (for each file searched)	\$52	—
19	Lodging a caveat against an application for a grant or resealing of probate	\$36	\$72
20	Conducting an adoption search (for each file searched)	\$52	—
21	Issuing a registrar's certificate as to the signature of a public notary	\$52	—
