

NORTHERN TERRITORY OF AUSTRALIA

As in force at 22 November 2017

SUPREME COURT REGULATIONS 1985

Regulations under the *Supreme Court Act 1979*

1 Citation

These Regulations may be cited as the *Supreme Court Regulations 1985*.

2 Definition

In these Regulations:

Taxing Master means the officer of the Court whose duty it is to tax costs in the Court.

3 Prescribed fee for 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 for 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 for a completed taxation of a bill of costs is 7.5% of the amount of costs allowed for the whole bill, exclusive of costs allowed under rule 63.75 of the *Supreme Court Rules 1987* for GST paid or payable on other taxed costs in the 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 for 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.

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- (5) In an order stating the amount of costs allowed for 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 1987*:
 - (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;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 for proceeding etc.

- (1) A fee specified in the Schedule is payable to the Court for the item specified opposite the fee.
- (2) Despite subregulation (1), no fee is payable to the Court:
 - (a) for an adoption matter; or
 - (b) for a case stated procedure; or
 - (c) for a reference to the Full Court; or
 - (d) for 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.

5 Waiver or deferral of fee, or payment by instalment, in case of financial hardship

- (1) If a Registrar is of the opinion that the payment of a fee specified in the Schedule would cause financial hardship to the party who must pay the fee, the Registrar may do one or more of the following:
 - (a) waive payment of the whole or part of the fee;
 - (b) defer payment of the whole or part of the fee;
 - (c) permit the party to pay the fee in instalments.
- (2) The Registrar may grant a waiver or deferral or permission under subregulation (1) on conditions the Registrar considers appropriate, and may change those conditions at any time by notice to the party.
- (3) The Registrar may cancel a deferral or permission at any time by notice to the party, in which case any part of the fee that remains outstanding becomes immediately payable.
- (4) A party to whom a deferral or permission has been granted cannot, without leave of the Court, lodge either of the following if any part of the fee remains unpaid:
 - (a) an application for leave to discontinue the proceeding;
 - (b) if leave is not required – a notice of discontinuance of the proceeding.
- (5) If an amount is not paid when it becomes due under this regulation:
 - (a) the party liable to pay the amount cannot take any further step in the proceeding without the leave of the Court until the amount is paid; and
 - (b) the amount may be recovered as a debt due to the Territory.

Schedule

regulation 4

**PART 1 – FEES PAYABLE FOR PROCEEDINGS IN THE
COURT OF APPEAL**

Item No.		Fee (revenue units unless otherwise stated)
1	Filing of originating process:	
	– corporation	3 264
	– otherwise	1 941
2	Notice of cross appeal:	
	– corporation	2 308
	– otherwise	1 268
3	Searches	\$31 per search
4	Photocopying by Supreme Court staff	\$2 per page

Note:

Fees payable for service of documents by the sheriff or an officer of the sheriff are set out in the Schedule to the Sheriff Regulations 1967.

**PART 2 – FEES PAYABLE FOR ALL OTHER PROCEEDINGS IN THE
SUPREME COURT**

Item No.		Fee (revenue units unless otherwise stated)
1	Filing of originating process for which no other fee is specifically provided:	
	– corporation	2 018
	– otherwise	1 039
2	Application to be admitted as a local lawyer under section 25(1) of the <i>Legal Profession</i>	353

Act 2006

3	Setting down for hearing:	
	– corporation	2 320
	– otherwise	1 280
4	Daily hearing fee	
	– corporation	2 208
	– otherwise	1 176
5	Appeal from Associate Judge's decision	244
6	Filing of writs for enforcement of judgment debts	120
7	Searches	\$31 per search
8	Photocopying by Supreme Court staff	\$2 per page

Note:

Fees payable for service of documents by the sheriff or an officer of the sheriff are set out in the Schedule to the Sheriff Regulations 1967.