

Summary Proceedings Amendment Regulations 1997

PURSUANT to section 212 of the Summary Proceedings Act 1957, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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1 Title and commencement

- (1) These regulations may be cited as the Summary Proceedings Amendment Regulations 1997, and are part of the Summary Proceedings Regulations 1958¹ (“the principal regulations”).
- (2) These regulations come into force on 1 January 1998.

2 Fees, allowances, and expenses

Regulation 4 of the principal regulations is amended by inserting, after subclause (1), the following subclause:

- “(1A) The fees prescribed by these regulations are inclusive of goods and services tax.”

¹ SR 1958/38 (Reprinted with Amendments Nos 1 to 9: SR 1980/84)

Amendment No 10: *(Revoked by SR 1987/311)*

Amendment No 11: *(Revoked by SR 1987/311)*

Amendment No 12: *(Revoked by SR 1987/311)*

Amendment No 13: SR 1985/231

Amendment No 14: *(Revoked by SR 1988/37)*

Amendment No 15: SR 1987/211

Amendment No 16: SR 1987/311

Amendment No 17: *(Revoked by SR 1991/189)*

Amendment No 18: SR 1989/12

Amendment No 19: SR 1991/189

Amendment No 20: SR 1992/70

Amendment No 20: SR 1992/141

Amendment No 21: SR 1993/81

Amendment No 22: SR 1993/150

Amendment No 23: SR 1993/252

Amendment No 24: SR 1993/314

Amendment No 25: SR 1996/26

Amendment No 26: SR 1996/154

3 Default in payment of sum adjudged to be paid on conviction

Regulation 15K(1) of the principal regulations (as inserted by regulation 2 of the Summary Proceedings Regulations 1958, Amendment No 16) is amended by omitting the expression “\$90” (as substituted by regulation 2 of the Summary Proceedings Regulations 1958, Amendment No 20), and substituting the expression “\$100”.

4 Court fees

The principal regulations are amended by revoking Schedule 2, and substituting the Second Schedule set out in the Schedule.

5 Revocations

- (1) The following regulations are consequentially revoked:
 - (a) The Summary Proceedings Regulations 1958, Amendment No 19²;
 - (b) The Summary Proceedings Regulations 1958, Amendment No 20³.
- (2) In respect of proceedings commenced before the date on which these regulations come into force, no further fee specified in Schedule 2 of the principal regulations as in force before that date is payable, and the appropriate fees, if any, set out in that schedule, as substituted by these regulations, are payable in respect of any step taken on or after that date.

² SR 1991/189

³ SR 1992/141

Reg 3

Schedule
New Second Schedule of principal
regulations
Second Schedule

Court Fees		\$
(1)	Filing any information or any notice of prosecution	30
(2)	Filing any copy of a reminder notice in respect of an infringement offence	25
(3)	Hearing any information or charge	100
(4)	Copy of proceedings or judgment (other than a copy supplied to a party to the proceedings)—	
	(a) Not exceeding 5 pages	15
	(b) Exceeding 5 pages but not exceeding 50 pages	30
	(c) Exceeding 50 pages but not exceeding 75 pages	40
	(d) Exceeding 75 pages	50
(5)	Certified copy of entry in criminal records	30
(6)	Application for removal of disqualification or for partial exemption from disqualification under the Transport Act 1962	140
(7)	For faxing documents at the request of a party (except where documents have to be faxed for operational reasons), \$2.00 plus, per page faxed, \$1.00	

Second Schedule—*continued*Court Fees \$

Note—(1) Where under an enactment several offences are charged in 1 information (not being offences charged in the alternative), the fees to be taken are to be assessed as if a separate information had been laid in respect of each offence charged.

(2) The fees prescribed by these regulations are not to be taken in proceedings under the Family Proceedings Act 1980, or in proceedings by way of complaint or in proceedings under Part V of the Summary Proceedings Act 1957.

DIANE WILDERSPIN,
Acting for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 January 1998, amend the Summary Proceedings Regulations 1958 by prescribing increased Court fees payable in relation to criminal proceedings in District Courts. The matters for which fees are charged have not been changed.

Examples of increases of commonly charged fees are—

- The fee for filing an information or a notice of prosecution is increased from \$25 to \$30:
- The fee for hearing an information or charge is increased from \$70 to \$100:
- The fee for a certified copy of entry in the Court's criminal records is increased from \$25 to \$30.

The fees prescribed by these regulations are inclusive of goods and services tax.

**Summary Proceedings Amendment
Regulations 1997**

1997/322

Date of notification in *Gazette*: 4 December 1997.
