

Queensland



Subordinate Legislation 1992 No. 444

*Supreme Court Act 1921*

**SUPREME COURT RULES AMENDMENT  
ORDER (No. 1) 1992**

**TABLE OF PROVISIONS**

Section	Page
1 Short title .....	2
2 Commencement .....	2
3 Amended rules .....	2
4 Replacement of Schedules 2 and 3 .....	2
SCHEDULE 2	
SCALE OF COSTS	
SCHEDULE 3	
SCALE OF FEES	
PART 1—REGISTRY FEES	
PART 2—REGISTRY FEES	

**Short title**

1. This order in council may be cited as the *Supreme Court Rules Amendment Order (No. 1) 1992*.

**Commencement**

2. This order in council commences on 1 January 1993.

**Amended rules**

3. The *Rules of the Supreme Court* are amended as set out in this order.

**Replacement of Schedules 2 and 3**

4. Schedules 2 and 3—

*omit, insert—*

**‘SCHEDULE 2****‘SCALE OF COSTS**

o.6, r.8, o.15, r.16,  
o.47, r.16, o.91, r.30

**General care and conduct**

1 In addition to an amount that is to be allowed under another item in this Schedule, the amount that is to be allowed for a solicitor’s care and conduct of a proceeding is the amount that the Taxing Officer considers reasonable having regard to the circumstances of the case including, for example—

- (a) the complexity of the matter; and
- (b) the difficulty and novelty of any question raised in the matter;  
and
- (c) the importance of the matter to the party; and

- (d) the amount involved; and
- (e) the skill, labour, specialised knowledge and responsibility involved in the matter on the part of the solicitor; and
- (f) the number and importance of the documents prepared or perused (without regard to length); and
- (g) the time spent by the solicitor; and
- (h) research and consideration of questions of law and fact.

**Drawing**

\$

- 2 Drawing an originating process, interlocutory application, brief to counsel, or other document—each folio . . . . . 4.50

**Engrossing or typing**

- 3 Engrossing an originating process, interlocutory application, brief to counsel or other necessary document—each folio . . 1.40
- 4 Preparing an exhibit marking—each exhibit . . . . . 1.20

**Copies**

- 5 Copy, including carbon or photographic copy—each page . 1.40

**Perusals**

- 6 Perusal of a document when necessary—each folio . . . . . 1.40
- 7 If it is not necessary to peruse a document—for examining or comparing a document—
  - (a) if by a solicitor—for each quarter hour . . . . . 28.50
  - (b) if by a clerk—for each quarter hour . . . . . 8.50

**Service**

- 8 (1) Personal service, by a solicitor or an employee, of a document of which personal service is required . . . . . 24.50

(2) If the Taxing Officer considers that another amount is reasonable (having regard, for example, to the distance travelled, the time involved, and the number of attendances necessary to effect service)—the amount that the Taxing Officer considers reasonable.

(3) If more than 1 document is served, only 1 fee for service is allowable.

- 9 (1) Service of a document at the office of the solicitor on the record, the address for service of a party or, by arrangement, through a document exchange ..... 16.50
- (2) Service of a document by post ..... 10.00
- (3) If more than 1 document is served, only 1 fee for service is allowable.

### **Attendances**

- 10 Attendance—
- (a) to file or deliver a document, obtain an appointment, insert an advertisement, or settle a rule of court, order or judgment; or
- (b) to search; or
- (c) to do something of a similar nature;
- if capable of being performed by a clerk ..... 16.50
- 11 Attendance by telephone that does not involve the exercise of skill or legal knowledge ..... 10.50
- 12 Attendance in Court, at a compulsory conference or before the Registrar by a solicitor who appears without counsel—each quarter hour ..... 28.50
- 13 Attendance in Court, at a compulsory conference or before the Registrar by—
- (a) a solicitor who appears with counsel—each quarter hour ..... 28.50
- (b) a clerk who appears with counsel—each quarter hour 8.50
- 14 (1) If a hearing or trial is not—
- (a) in Brisbane, Rockhampton or Townsville; or
- (b) in the town where the solicitor resides or carries on business;

- a solicitor is to be allowed, for each day (other than a Saturday or Sunday or a day of the hearing or trial) that the solicitor is necessarily absent from his or her place of business, for time employed in travelling (to and from the hearing or trial) and in waiting ..... 575.00
- (2) If the period of absence is less than a full day, the amount is to be determined on a pro rata basis, but is not to be less than one half of the amount specified in subitem (1).
- (3) A solicitor to whom subitem (1) applies is also to be allowed reasonable expenses (beside actual reasonable fares or payments for transport) for each day of necessary absence including Saturdays and Sundays.
- (4) If the solicitor has to attend more than 1 hearing or trial at the same time and place, the allowances are to be rateably divided.
- (5) If a clerk attends instead of a solicitor, the amount allowed is to be the amount that the Taxing Officer considers reasonable.
- 15 Attendance on callover of matters to be heard at the sittings of the Court ..... 28.50
- 16 Other attendances—
- (a) if by a solicitor, involving skill or legal knowledge—  
for each quarter hour ..... 28.50
- (b) if by a clerk—for each quarter hour ..... 8.50

### Correspondence

- 17 (1) Short letter of a formal nature, written or received, forwarding documents without comment or to the like effect 8.00
- (2) An ordinary letter, written or received, including a letter between principal and agent ..... 16.50
- (3) A special letter ..... 22.00
- (4) If the Taxing Officer considers that a higher amount than that mentioned in subitem (3) is reasonable—the amount that the Taxing Officer considers reasonable.

(5) In addition to the charges mentioned in this item, allowance is to be made for the necessary expense of postage, carriage and transmission of documents.

(6) For facsimile transmissions, the allowance is—

for the first page . . . . . 5.00

for each additional page . . . . . 1.00

(7) The allowance for correspondence between offices of the same firm of solicitors is the allowance that would have been allowable if an agent had been engaged and the engagement was normal and reasonable in the circumstances.

### **Disbursements**

- 18 Court fees and other fees and payments, to the extent that they have been reasonably incurred and paid, are to be allowed.

### **General**

- 19 (1) In a case—
- (a) not otherwise provided for in this Schedule; or
  - (b) if the Taxing Officer considers that the relevant fee is inappropriate in the circumstances;
- the Taxing Officer may allow the fees for attendances and instructions, drawing and copying documents (including cases for the opinion of counsel) and perusals that the Taxing Officer considers reasonable.
- (2) If, in an item, a charge is determined on a per quarter hour basis, the Taxing Officer is to allow the charge for the first quarter hour and after that is to apportion the charge on a pro rata basis.

### Witnesses

- 20 (1) Subject to item 23, attendance by a medical practitioner, or another professional witness, to give evidence of a professional nature, if necessarily absent from his or her place of residence or practice—for each day's absence . . . . 133.00
- (2) If the period of absence on any day is less than 7 hours, the amount to be paid is—
- (a) for the first 3 hours or part of 3 hours . . . . . 50.00
  - (b) for more than 3 but not more than 4 hours . . . . . 67.00
  - (c) for more than 4 but not more than 5 hours . . . . . 83.00
  - (d) for more than 5 but not more than 6 hours . . . . . 98.00
  - (e) for more than 6 but not more than 7 hours . . . . . 115.00
- (3) If the witness is required to travel, actual travelling time is to be taken into account in determining the total period of absence.
- 21 (1) Subject to item 23, attendance by an interpreter to give skilled evidence or to act as an interpreter—for each day . . . 132.00
- (2) If the interpreter attends on any day for 8 hours or less, the interpreter is to be paid—
- (a) for the first 2 hours or part of 2 hours . . . . . 33.00
  - (b) for each hour or part of an hour after the first 2 hours 16.50
- 22 Subject to item 23, the amount that is to be paid to other witnesses is—
- (a) if the witness is 16 or older—for each day or part of a day . . . . . 43.00
  - (b) if the witness is less than 16—for each day or part of a day . . . . . 21.50
- 23 (1) If the Taxing Officer considers that, in addition to an amount payable to a witness under item 20, 21 or 22, it is reasonable for a further amount to be paid to the witness because of special circumstances—that further amount.
- (2) It is a special circumstance that a medical practitioner is a specialist under the *Medical Act 1939*.
- (3) If a witness attends 2 or more causes, the witness is only entitled to a proportionate payment in each cause.
- (4) Travelling expenses are to be allowed at a reasonable rate.

**Prescribed costs**

24	Costs on issuing a writ of summons (order 6 rule 8) . . . . .	370.00
25	Costs of obtaining judgment in default of appearance (order 6 rule 8) . . . . .	170.00
26	Costs of execution (order 47 rule 16) . . . . .	159.00
27	Costs of order for leave to proceed (order 15 rule 16) . . . . .	319.00

**‘SCHEDULE 3****‘SCALE OF FEES**

o.94, r.2

**Application**

**A.** This Schedule does not apply to or affect fees or percentages directed to be taken or paid by an Act for which no fee or percentage is specified in this Schedule.

**B.** Part 1 applies to continuing actions or matters started before 1 October 1982.

**C.** Part 2 applies to all actions or matters started on or after 1 October 1982.

**D.** Items 6 to 22, 25 to 29 and 32 to 69 of Part 2, also apply to continuing actions or matters started before 1 October 1982.

**E.** The Sheriff or Marshal is not required to pay a fee mentioned in this Schedule.

**F.** The fee payable on application for admission as a barrister or solicitor, includes the filing of all certificates, affidavits and other documents that relate to the application, administering the oaths of allegiance and of office, and sealing the certificate of admission.



## **‘PART 1—REGISTRY FEES**

	<b>Sealing documents</b>	<b>\$</b>
1	Sealing a concurrent, renewed or amended writ of summons, third party notice or writ of subpoena . . . . .	20.50
2	Sealing a writ other than a writ of summons . . . . .	52.50
3	Sealing a summons (other than an originating summons)	11.50
4	Sealing a commission authorised by the Court or a Judge under an Act or a rule of court, or exemplification of a proceeding in the Court . . . . .	34.00
5	Sealing another document (other than a writ or other document for service on a party to a cause of matter) issued from the Court . . . . .	23.50
6	(1) Sealing a grant of probate or letters of administration, with or without the will . . . . .	74.00
	(2) Resealing probate or letters of administration under the <i>British Probates Act 1898</i> . . . . .	74.00
	(3) Checking fee for each folio of 72 words . . . . .	2.00
7	The fees mentioned in items 1 to 6 include the filing of all copies, praecipes or other documents required to be filed on the sealing or resealing of the documents concerned.	

### **Appearances**

8	For each person empowered by law to sue or to be sued	11.50
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### **Filing documents**

9	Filing a special case . . . . .	45.50
10	Filing a notice of motion (other than a notice of motion originating a cause or matter or instituting an appeal) . . .	20.50
11	Filing a supplementary request for probate or letters of administration, with or without the will . . . . .	28.50
12	Filing a renunciation, consent, authority or power of attorney . . . . .	11.50

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13	Filing an affidavit verifying a renunciation, consent, authority or power of attorney . . . . .	8.50
14	Filing an affidavit (other than an originating affidavit) . . .	8.50
15	If an affidavit or deposition is taken by an officer of the Court as a justice—additional fee . . . . .	4.00
16	Filing an exhibit mentioned in an affidavit or deposition, and required to be filed—	
	for each exhibit . . . . .	2.00
	maximum fee . . . . .	16.00
17	Filing a submission to arbitration or an award . . . . .	23.50
18	Filing a writ of execution with return . . . . .	11.50
19	Filing an original will or copy of a will on an application to have the will proved, whether exhibited to an affidavit or not . . . . .	11.50
20	Filing an answer to interrogatories . . . . .	11.50
21	Filing an affidavit of scripts in a probate action . . . . .	20.50
22	Preliminary act in an action for damages by collision . . .	20.50
23	Depositing, in a cause or matter, any documents ordered to be deposited for safe custody or to be impounded—each document . . . . .	11.50
24	Receipt for a document mentioned in item 23 when delivered out . . . . .	11.50
25	Filing a caveat . . . . .	23.50
26	Withdrawing a caveat . . . . .	11.50
27	Filing an entry of appeal or entry of another matter for hearing before the Court of Appeal . . . . .	11.50
28	(1) Filing an entry of trial including—	
	(a) an admiralty action for trial before a Judge with or without a jury, or assessors; or	
	(b) an election petition for trial before a Judge with or without a jury, or assessors; or	
	(c) an inquiry before a special referee . . . . .	11.50
	(2) The fee is in addition to any fee payable under the <i>Jury Act 1929</i> .	
29	Filing a document (other than an originating document) for which no other fee is provided . . . . .	11.50

### Public searches and inspections

- 30 Search for appearance ..... 8.00

### Settling lists

- 31 Settling a list of shareholders entitled to a return, if there is an amount to be returned, or a list of contributories—for each person settled ..... 4.00
- 32 Settling under any legislation relating to corporations, the list of creditors of a limited company that proposes to reduce its capital ..... 117.00

### Hearing

- 33 Setting down a matter for hearing before the Court of Appeal ..... 96.00
- 34 (1) Entering an action, including—  
     (a) an admiralty action for trial before a Judge with or without a jury, or assessors; or  
     (b) election petition for trial before a Judge with or without a jury, or assessors; or  
     (c) an inquiry before a special referee ..... 69.00  
 (2) The fee is in addition to any fee payable under the *Jury Act 1929*.
- 35 Setting down a motion (other than an originating motion) for hearing before a Judge ..... 45.50

### Filing decree, order or judgment

- 36 Filing any decree, order or judgment ..... 81.00

### Miscellaneous

- 37 Fiat of a Judge or memorandum of the Registrar ..... 11.50
- 38 Signing, settling or approving an advertisement or notice ..... 23.50

39	Examining a record of proceedings on appeal for the purpose of certifying the record—each page . . . . .	8.50
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## **‘PART 2—REGISTRY FEES**

### **Initiating process** \$

1	Filing—	
	(a) a writ of summons beginning an action; or	
	(b) an originating summons; or	
	(c) a petition; or	
	(d) an affidavit originating an application or matter; or	
	(e) an originating notice of motion; or	
	(f) an originating application . . . . .	136.00

### **Administration**

2	Filing—	
	(a) a request for probate or letters of administration with or without the will . . . . .	212.00
	(b) an affidavit originating an application for resealing probate or letters of administration under the <i>British Probates Act 1898</i> . . . . .	165.00
	(c) a request for an order to administer under the <i>Public Trustee Act 1978</i> . . . . .	145.00
	(d) an election under the <i>Public Trustee Act 1978</i> or the <i>Trustee Companies Act 1968</i> . . . . .	48.00

### **Hearing**

3	(1) Entering an action, including—	
	(a) an admiralty action for trial before a Judge with or without a jury, or assessors; or	
	(b) an election petition for trial before a Judge with or without a jury, or assessors; or	

(c) an inquiry before a special referee . . . . .	212.00
(2) The fee is in addition to any fee payable under the <i>Jury Act 1929</i> .	
(3) If the action is entered on a commercial causes list the fee is payable on the allocation of trial dates by the Judge in charge of the list.	

### Appeals etc.

4 Filing—	
(a) a notice of entry of demurrer, notice of entry of special case, notice of motion or other document instituting an appeal to the Court of Appeal . . . . .	193.00
(b) a notice of entry of demurrer, notice of entry of special case or notice of motion or other document instituting an appeal to a Judge . . . . .	135.00

### Articles

5 Filing—	
(a) articles of clerkship . . . . .	135.00
(b) assignment of articles . . . . .	38.50

### Opening registry

6 For opening the registry, or keeping the registry open after hours—	
(a) on a Saturday, Sunday, public holiday or Court holiday . . . . .	193.00
(b) on another day—	
(i) before 8 am or after 6 pm . . . . .	193.00
(ii) between 8 am and 9 am . . . . .	96.50
(iii) between 4 pm and 6 pm . . . . .	96.50

### Copies

- |   |   |       |
|---|---|-------|
| 7 | Office copy of a record of the Court or a document or exhibit filed in the registry—                          |       |
|   | (a) for each page .....   | 8.00  |
|   | (b) maximum fee .....   | 40.00 |
| 8 | (1) Sealing and certifying copy of a record of the Court or a document or exhibit filed in the registry ..... | 35.00 |
|   | (2) This fee is in addition to the fee mentioned in item 7.   |       |
| 9 | Reasons for judgment—for each page of a copy issued out of the registry .....                                 | 1.50  |

### Certificates

- |    |   |       |
|----|---|-------|
| 10 | Certificate of the Registrar, including a certificate under the <i>Companies (Queensland) Rule 1985</i> ..... | 31.00 |
|----|---|-------|

### Attendance

- |    |  |       |
|----|--|-------|
| 11 | (1) For an officer to attend with a record or document at a court or place out of the Court building—for each day or part of a day the officer is necessarily absent from the registry ..... | 96.50 |
|    | (2) The reasonable travelling and other expenses of the officer are also payable.  |       |

### Public searches and inspections

- |    |   |       |
|----|---|-------|
| 12 | Searching in a register, index, file or calendar, and inspecting documents—               |       |
|    | (a) for each hour or part of an hour .....  | 8.00  |
|    | (b) maximum fee for each day .....  | 32.00 |
| 13 | Inspecting a document or file so as to obtain a precedent—for each document or file ..... | 8.00  |

**Examination of witnesses and judgment debtors**

- 14 For each witness or judgment debtor sworn and examined by an officer of the Court in the officer's office—
- (a) first hour ..... 48.00
  - (b) each subsequent hour or part of an hour ..... 24.00
- 15 (1) Examination of witness or judgment debtor by an officer of the Court away from the officer's office ..... 96.50
- (2) The reasonable travelling and other expenses of the officer are also payable.

**Other references, inquiries and accounts**

- 16 Taking an account before the Registrar or the Taxing Officer—the amount that the Registrar or Taxing Officer considers reasonable, but not more than the higher of the fees mentioned in paragraph (a) or (b).
- (a) for each \$300 or part of \$300 of the amount or value found to have been received without deducting any payment in the cause or matter .... 3.00
  - (b) for each hour or part of an hour ..... 52.50
- 17 (1) On taking an account of a receiver, guardian, consignee, bailee, manager, liquidator, sequestrator or execution creditor, the fees are, on payment, to be allowed in the account, unless the Court or a Judge otherwise directs.
- (2) On taking an account of an accounting party other than an accounting party mentioned in subitem (1), the fees—
- (a) are to be paid by the party having the conduct of the order under which the account is taken as part of that party's costs of the cause or matter (unless the Court or a Judge otherwise directs); and
  - (b) if a certificate of the result of the account is required—are to be taken upon the certificate; and
  - (c) if such a certificate is not required—are due and payable on the account, or part of the account, taken.

- 18 (1) The officer who is to take the account may require a deposit on account of fees.  
 (2) The deposit required must not be more than the fees payable on the amount that, from the account, appears to have been received.  
 (3) The officer or the officer's clerk must make a memorandum of the deposit in the account.  
 (4) Fees are not payable twice on the same amount in the same cause or matter, but only upon amounts received or collected for the first time by the party accounting.
- 19 (1) The amount of the fees payable for taking an account is to be fixed by the officer taking the account.  
 (2) The solicitor for the party liable to pay the fees must cause the fees to be paid.  
 (3) If the party is not represented by a solicitor, the party must pay the fees.

### **Taxation of costs**

- |    |  |       |
|----|--|-------|
| 20 | Making an appointment for taxation of a bill of costs . . .  | 23.50 |
| 21 | (1) Taxing a bill of costs—for each \$100 or part of \$100 allowed . . . . .<br>(2) Subject to subitem (3), the fee mentioned in subitem (1) is—<br>(a) to be taken on signing the certificate or on the allowance of the bill of costs as taxed; and<br>(b) if no certificate is required, due and payable on the amount of the bill as taxed, or on the amount of such part of the bill as may be taxed; and<br>(c) to be fixed by the Taxing Officer; and<br>(d) to be paid by the solicitor or party suing in person.<br>(3) The Taxing Officer may require a deposit on account of fees before taxation.<br>(4) The deposit must not be more than the fees payable on the full amount of the costs as submitted for taxation.<br>(5) The Taxing Officer must make a memorandum of the deposit on the bill of costs. | 7.50  |



22	Certificate of Taxing Officer . . . . .	31.00
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### **Miscellaneous**

23	Enrolling a deed poll . . . . .	42.50
24	Entering a solicitor's name and other appropriate details in the Register of Solicitors' Addresses . . . . .	11.50
25	Settling and executing a deed of transfer . . . . .	73.50
26	Postal dealing fee . . . . .	9.50
27	(1) Postal dealing fee for documents lodged for filing under order 87A—each document . . . . .	16.00
	(2) Only 1 fee is payable under subitem (1) if several documents in the same cause or matter are lodged for filing at the same time.	
28	Obtaining a copy of a callover list . . . . .	7.50
29	Preparation and photocopying of documents for inclusion in an appeal record book—	
	(a) first copy—each page . . . . .	1.30
	(b) additional copies to same party—each page . . . . .	0.50
	(c) binding of appeal record books—each book . . . . .	6.00
30	Issuing a writ of execution founded on a certificate of judgment entered in the Australian Register of Judgments . . . . .	66.00
31	(1) Filing a document not connected with a matter already on record and not otherwise provided for in this Part . . . . .	21.50
	(2) If a fee is paid under subitem (1) in relation to a document, a further fee is not payable under the subitem for filing any subsequent document related to the first document.	

## **SHERIFF'S AND MARSHAL'S FEES**

### **Application**

32	(1) The Sheriff or Marshal may require a deposit on account of fees applicable to a proceeding—
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- (a) before the proceeding is commenced; or
  - (b) at any time during the course of the proceeding.
- (2) The person taking the deposit is to make a memorandum of the amount deposited and deliver the memorandum to the party making the deposit.

### **Fees payable in the Sheriff's office**

33	Taking a defendant under a writ of <i>capias ad respondendum</i> .....	45.50
34	Lodging or assignment of bail bond .....	23.50
35	Receiving and entering any writ of execution .....	23.50
36	Search or inspection of a document—in each action ....	8.00
37	Drawing an advertisement .....	45.50
38	Receiving and entering a writ of citation, order summons, summons or other document issued outside the jurisdiction of the Court but for service within the jurisdiction .....	20.50
39	Office copy of a writ or other document—	
	(a) for each page .....	8.00
	(b) maximum fee for each office copy .....	40.00
40	Executing writ of attachment or <i>capias ad satisfaciendum</i> .....	45.50
41	Attending a view not more than 8 km from the Sheriff's office .....	58.50
42	Attending a view more than 8 km from the Sheriff's office .....	117.00
43	The actual and necessary payments made by the Sheriff for hire of transport in attending a view are also payable.	
44	Each copy of a jury panel .....	8.50
45	Settling and executing a deed of transfer .....	73.50
46	Opening the office, or keeping the office open after hours—	
	(a) on a Saturday, Sunday, public holiday or Court holiday .....	193.00

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	(b) on another day—	
	(i) before 8 am or after 6 pm . . . . .	193.00
	(ii) between 8 am and 9 am . . . . .	96.50
	(iii) between 4 pm and 6 pm . . . . .	96.50
47	*(1) Executing or attempting to execute a warrant—for each person executing or attempting to execute the warrant	50.00
	(2) The fee is additional to any travelling fees.	
48	*(1) Travelling fees on service of a warrant, process or document for each kilometre or part of a kilometre after the first 12 km necessarily travelled from the Court House to the place of service 1 way . . . . .	1.60
	(2) Only 1 travelling fee may be charged if—	
	(a) 2 or more processes lodged at the same time against the same person are served at the same time; or	
	(b) 2 or more persons are served with the same process at the same time and at the same address.	
49	(1) For each person left in possession, the amount actually paid, but not more than—for each day . . . . .	50.00
	*(2) If board and lodging is not supplied—the expenses that the Sheriff considers were actually and reasonably incurred.	
	*(3) Other actual and necessary payments made by the Sheriff to secure the safe custody of property under seizure are also payable.	
	(4) No fee is payable to the Sheriff or the Sheriff's Bailiff for the custody and possession of property under seizure if the property is not kept in the actual possession of the Sheriff or the Sheriff's Bailiff.	
	*(5) In relation to matters arising out of the execution of a warrant, for—	
	(a) travelling expenses incurred for each person; or	
	(b) necessary clerical assistance at sales; or	
	(c) advertising; or	

- 
- (d) if livestock is levied upon, cost of food or removal to place of safe keeping; or
- (e) necessary assistance to or expense incurred by an officer including the hire of transport, warehouses, yards and out-of-pocket expenses;
- the amount that the Sheriff considers was actually and reasonably incurred.
- 50 Poundage on executing each writ of *fi. fa.* or other process under, or because of, which an amount is received by the Sheriff or by the execution creditor—5% on the first \$200 and 2.5% on the remainder, but not less than . . . . . 73.50
- 51 Poundage on executing writ of possession—the same rate of fee as under item 50 determined on annual rent or value, but not less than . . . . . 73.50
- 52 (1) Conveying a person to gaol from the place of arrest—  
for each kilometre . . . . . 1.60
- (2) Other unavoidable expenses involved in conveying a person to gaol.
- 53 \*(1) Service or attempted service of a summons, subpoena or other process—
- (a) for each person served . . . . . 23.50
- (b) for each additional process served if—
- (i) 2 or more processes lodged at the same time against the same person are served at the same time; or
- (ii) 2 or more persons are served with the same process at the same time and at the same address . . . . . 8.50
- (2) Subitem (1) does not apply to a service to which item 54 applies.
- 54 \*Service or attempted service of an application and accompanying documents in a matrimonial proceeding—
- (a) for each person served . . . . . 24.50
- (b) for each additional person served, if—
- (i) 2 or more processes lodged at the same time against the same person are served at the same time; or

	(ii) 2 or more persons are served with the same process at the same time and at the same address . . . . .	9.50
55	*(1) Precept to Bailiff in replevin . . . . .	8.50
	*(2) Travelling fees to place of re-delivery, for each kilometre . . . . .	1.60
56	*(1) For time necessarily spent after the first hour on— (a) service of a plaint, summons, subpoena or other process or execution of a warrant; or (b) arranging or conducting an auction; each hour or part of an hour . . . . .	11.00
	(2) If the Bailiff is a full-time officer of the public service and performs a duty during ordinary working hours the allowance is to be paid to the Court.	
57	In case of dispute as to a fee (other than a fixed fee), the bill of costs is to be taxed by the Taxing Officer without fee. *Payable to the Bailiff.	

### **Fees payable in the Marshal's office**

58	†Execution of a warrant (other than a warrant of attachment) . . . . .	35.00
59	†Execution of a warrant of attachment, for every person attached . . . . .	45.50
60	Release of any ship, goods or person from arrest . . . . .	23.50
61	Receiving and entering a writ of summons, warrant, release, decree, order, commission or other instrument under the seal of the Court . . . . .	57.50
62	(1) Execution of a commission of appraisement or sale, or appraisement and sale . . . . . (2) This fee is in addition to any fee paid to the appraiser or auctioneer.	73.50
63	Execution of a decree, order or another commission or instrument under order 89, rule 5 . . . . .	73.50
64	Delivering up a ship or goods to the purchaser in accordance with an inventory . . . . .	45.50

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| 65 | <p>Attending the discharge of cargo, or sale or removal of a ship or goods, each day—the higher of the fees mentioned in paragraph (a) or (b)—</p> <p style="padding-left: 20px;">(a) the amount actually and necessarily spent; or</p> <p style="padding-left: 20px;">(b) ..... 93.50</p>   | 93.50  |
| 66 | <p>†(1) Retaining possession of a ship, with or without cargo, or of a ship's cargo without a ship—for each day . 8.50</p> <p>(2) In addition to the fee mentioned in subitem (1), the reasonable expenses incurred for a ship keeper in retaining possession of a ship are also payable.</p> <p>(3) No fee is payable for the custody and possession of property under arrest—</p> <p style="padding-left: 20px;">(a) if it consists of an amount in a bank, or goods stored in a bonded warehouse; or</p> <p style="padding-left: 20px;">(b) if it is in the custody of a custom house officer or other authorised person.</p> | 8.50   |
| 67 | <p>Sale of a ship or goods sold under a judgment or order of the Court—5% on first \$200 and 2.5% on the remainder, but not less than ..... 231.00</p>   | 231.00 |
| 68 | <p>†(1) Allowance for time necessarily spent after the first hour on execution of warrant—each hour or part of an hour ..... 11.00</p> <p>(2) If the Marshal's officer is a full-time officer of the public service and performs the execution during ordinary working hours, the allowance is to be paid to the Court.</p>  | 11.00  |
| 69 | <p>If the Marshal or Marshal's officer is required to go more than 8 km from that person's office to perform a duty, that person is entitled to reasonable expenses for travelling, board and maintenance, in addition to the above fees.</p> <p>†Payable to the Marshal's officer.'.</p>  |        |

## ENDNOTES

1. Made by the Governor in Council on 17 December 1992.
2. Notified in the Gazette on 18 December 1992.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Justice and Attorney-General.