



## **Costs in Criminal Cases Amendment Regulations 2013**

Jerry Mateparae, Governor-General

### **Order in Council**

At Wellington this 20th day of May 2013

Present:

His Excellency the Governor-General in Council

Pursuant to section 13(1) of the Costs in Criminal Cases Act 1967, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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	<b>Schedule replaced</b>	

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## **Regulations**

- 1 Title**  
These regulations are the Costs in Criminal Cases Amendment Regulations 2013.
- 2 Commencement**  
These regulations come into force on 1 July 2013.
- 3 Principal regulations**  
These regulations amend the Costs in Criminal Cases Regulations 1987 (the **principal regulations**).
- 4 Regulation 2 amended (Interpretation)**  
In regulation 2, insert in its appropriate alphabetical order:  
“**working day** has the same meaning as in section 5 of the Criminal Procedure Act 2011.”
- 5 New regulation 2A inserted (Application of these regulations)**  
After regulation 2, insert:  
“**2A Application of these regulations**  
Schedule 2 contains application, savings, and transitional provisions that affect these regulations’ other provisions as from time to time amended, revoked, or revoked and replaced.”
- 6 Regulation 3 amended (Heads of costs and maximum scales of costs)**  
In regulation 3, replace “the Schedule” with “Schedule 1”.

- 7 Regulation 4 replaced (Delegation to Registrar)**  
Replace regulation 4 with:
- “4 Delegation to Registrar**  
Where a court makes an order for the payment of costs under the Act, the court may delegate to a Registrar the power to determine the amount of the costs to be allowed under any particular head.”
- 8 Regulation 5 amended (Determination by Registrar)**  
In regulation 5(3), replace “10 days” with “10 working days”.
- 9 Regulation 9 revoked (Transitional provision)**  
Revoke regulation 9.
- 10 Schedule replaced**  
Replace the Schedule with Schedules 1 and 2 as set out in the Schedule of these regulations.

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**Schedule**

r 10

**Schedule replaced****Schedule 1**

r 3

**Fees payable to barristers and solicitors  
in respect of proceedings under Criminal  
Procedure Act 2011**

## Part 1

## Trials, sentences, and appeals

*Subpart A—Trials*

<b>Particulars</b>	<b>Maximum fee (\$)</b>
1 For conducting a prosecution or defence in a case, including all matters and proceedings con-	226

Schedule 1—*continued*  
Part 1—*continued*  
Subpart A—*continued*

		<b>Maximum fee (\$)</b>
<b>Particulars</b>		
	nected with or incidental to the case—for each half day or part half day occupied in court	
2	Where for any reason the charge is withdrawn or is dismissed without a trial, or where the defendant pleads guilty—for each half day or part half day occupied in court	113

*Subpart B—Sentences*

		<b>Maximum fee (\$)</b>
<b>Particulars</b>		
	For appearance upon sentence, irrespective of the number of charges or the number of appearances, provided that no fee is payable in respect of appearance upon the sentencing of an offender where the sentence is pronounced on the same day as the verdict, unless the appearance alone necessitates a separate attendance of the defendant’s lawyer, when a fee not exceeding \$56 may be paid	56

*Subpart C—Appeals*

		<b>Maximum fee (\$)</b>
<b>Particulars</b>		
1	In respect of an appeal (except an appeal against sentence only) or an application for leave to appeal or an ancillary application or matter—for each half day or part half day occupied in court	226

Schedule 1—*continued*Part 1—*continued*Subpart C—*continued*

<b>Particulars</b>	<b>Maximum fee (\$)</b>
2 In respect of an appeal against sentence only—for each half day or part half day in court	130
3 In respect of an appeal that is dismissed for non-prosecution	130

## Part 2

## Provisions of general application

*Subpart A—Second counsel*

Fees may be paid in respect of second counsel if second counsel is employed and if the court so directs, but the fees paid must not exceed the maximum fees prescribed in Part 1, reduced by half.

*Subpart B—Costs of convicted defendant*

<b>Particulars</b>	<b>Maximum fee (\$)</b>
Where costs are awarded to a convicted defendant under section 6 of the Act	212

*Subpart C—Travelling expenses and costs incidental to proceedings*

Expenses that may be ordered to be paid under the Act are—

- (a) the reasonable travelling expenses and allowances of the parties to the proceedings and those of their lawyers:
- (b) all other disbursements reasonably and properly incurred, including—
  - (i) fees, allowances, and expenses paid to witnesses and interpreters, which must not exceed the fees, allowances,

Schedule 1—*continued*

Part 2—*continued*

Subpart C—*continued*

- and travelling expenses prescribed by the Witnesses and Interpreters Fees Regulations 1974; and
- (ii) the costs of enquiries, scientific and other investigations, and tests.

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## Schedule 2

r 2A

### Application, savings, and transitional provisions

#### 1 Costs in Criminal Cases Amendment Regulations 2013

On the commencement of the Costs in Criminal Cases Amendment Regulations 2013 (the **2013 regulations**), these regulations continue to apply, as if they had not been amended by the 2013 regulations, to a proceeding conducted under the Summary Proceedings Act 1957 or the Crimes Act 1961.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### Explanatory note

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

These regulations amend the Costs in Criminal Cases Regulations 1987 (the **principal regulations**). They come into force on 1 July 2013. The purpose of the amendments is to update the principal regulations in the light of the procedural changes made by the Criminal Procedure Act 2011 (the **Act**). There is no change in the amounts payable as fees. Rather, since criminal proceedings will uniformly fall under the Act rather than the Summary Proceedings Act 1957 or the Crimes Act 1961 as before, it has been possible to compress the Schedule of the principal regulations to reflect the new procedure.

For ease of drafting and for the purpose of modernisation of drafting style, the Schedule has been replaced in whole and appears as *new Schedule 1*. *New Schedule 2* has been added as the repository of application, savings, and transitional provisions affecting the principal regulations.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
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These regulations are administered by the Ministry of Justice.

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