



Family Courts Fees Amendment Regulations (No 2) 2012

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 1st day of October 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 16B of the Family Courts Act 1980 and section 187 of the Family Proceedings Act 1980, 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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Regulations

- 1 Title**
These regulations are the Family Courts Fees Amendment Regulations (No 2) 2012.
- 2 Commencement**
These regulations come into force on 2 November 2012.
- 3 Principal regulations**
These regulations amend the Family Courts Fees Regulations 2009 (the **principal regulations**).
- 4 Regulation 5 replaced (Court fees)**
Replace regulation 5 with:
- “5 Court fees for proceedings under Family Proceedings Act 1980**
The court fees, if any, payable in respect of a proceeding or an intended proceeding under the Family Proceedings Act 1980 are specified in Schedule 1.
- “5A Court fees for proceedings under Care of Children Act 2004**
- “(1)** The court fees, if any, payable in respect of a proceeding or an intended proceeding under the Care of Children Act 2004 are specified in Schedule 2.
- “(2)** Despite subclause (1), the fees in items 1 and 2 of Schedule 2 are not payable by an applicant if the child in respect of whom the application under section 48 or 56(1)(a) or 56(1)(b) of the Care of Children Act 2004 is made is subject to—
- “(a)** an order under section 101(1)(a) of the Children, Young Persons, and Their Families Act 1989 and is living with the applicant pursuant to—
- “(i)** a direction under section 104(2)(a) of that Act; or

- “(ii) an arrangement under section 105(1)(c) or (d) of that Act; or
- “(iii) a placement under section 362 of that Act:
- “(b) an order under section 101(1)(b) or (c) of the Children, Young Persons, and Their Families Act 1989 and is living with the applicant pursuant to—
 - “(i) a direction under section 104(2)(b) of that Act; or
 - “(ii) a direction under section 106(1)(a) of that Act; or
 - “(iii) a placement under section 362 of that Act:
- “(c) an order under section 101(1)(d) of the Children, Young Persons, and Their Families Act 1989 and is living with the applicant pursuant to—
 - “(i) a direction under section 104(2)(c) of that Act; or
 - “(ii) a direction under section 106(1)(a) of that Act; or
 - “(iii) a placement under section 362 of that Act:
- “(d) an order under section 101(1)(e) of the Children, Young Persons, and Their Families Act 1989 and is living with the applicant pursuant to that order:
- “(e) a sole guardianship order under section 110(1)(a) of the Children, Young Persons, and Their Families Act 1989 (but not an order under section 101 of that Act) and is living with the applicant pursuant to—
 - “(i) a direction under section 104(2)(a) of that Act; or
 - “(ii) an arrangement under section 105(1)(c) or (d) of that Act; or
 - “(iii) a placement under section 362 of that Act:
- “(f) a sole guardianship order under section 110(1)(b) or (c) of the Children, Young Persons, and Their Families Act 1989 (but not an order under section 101 of that Act) and is living with the applicant pursuant to—
 - “(i) a direction under section 104(2)(b) of that Act; or
 - “(ii) a direction under section 106(1)(a) of that Act; or
 - “(iii) a placement under section 362 of that Act:
- “(g) a sole guardianship order under section 110(1)(e) of the Children, Young Persons, and Their Families Act 1989 (but not an order under section 101 of that Act) and is living with the applicant pursuant to that order.

“5B Court fees for proceedings under Property (Relationships) Act 1976

The court fees, if any, payable in respect of a proceeding or an intended proceeding under the Property (Relationships) Act 1976 are specified in Schedule 3.”

5 Schedule 1 heading amended

In the Schedule 1 heading, replace “r 5(1)” with “r 5”.

6 Schedule 2 heading amended

In the Schedule 2 heading, replace “r 5(2)” with “r 5A”.

7 Schedule 3 heading amended

In the Schedule 3 heading, replace “r 5(3)” with “r 5B”.

Michael Webster,
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 2 November 2012, amend the Family Courts Fees Regulations 2009 (the **principal regulations**).

The principal regulations are amended to exempt the payment of court fees in respect of applications made under section 48 or 56(1)(a) or (b) of the Care of Children Act 2004 if the child in respect of whom the application is made is living with the applicant as a result of an order under section 101 or 110 of the Children, Young Persons, and Their Families Act 1989.

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**Family Courts Fees Amendment
Regulations (No 2) 2012**

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.
