



**THE COSTS IN CRIMINAL CASES REGULATIONS 1987,
AMENDMENT NO. 1**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of June 1988

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Costs in Criminal Cases Act 1967, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Costs in Criminal Cases Regulations 1987, Amendment No. 1, and shall be read together with and deemed part of the Costs in Criminal Cases Regulations 1987* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of August 1988.

2. New Schedule substituted—The principal regulations are hereby amended by revoking the Schedule, and substituting the Schedule set out in the Schedule to these regulations.

3. Goods and services tax not included—The scales of costs prescribed by these regulations do not include any goods and services tax that is payable under the Goods and Services Tax Act 1985.

4. Transitional provision—These regulations shall apply to proceedings commenced on or after the date of the commencement of these regulations and to proceedings commenced but not completed before that date.

Reg. 2

SCHEDULE

NEW SCHEDULE SUBSTITUTED IN PRINCIPAL REGULATIONS

Reg. 3

“SCHEDULE

PART I—FEES PAYABLE TO BARRISTERS AND SOLICITORS IN RESPECT OF PROCEEDINGS UNDER THE SUMMARY PROCEEDINGS ACT 1957

A. Hearings

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- (a) For conducting a prosecution or defence in cases that are dealt with before a Judge or before one or more Justices, including all matters and proceedings connected with or incidental thereto—For each half day or part half day occupied in Court, a maximum of 226.00
- (b) Where for any reason the information is withdrawn or is dismissed without a hearing, or where the defendant pleads guilty—For each half day or part half day occupied in Court, a maximum of 113.00
- (c) In respect of the preliminary hearing of an indictable offence, the maximum shall be the same as for a trial before the High Court.

B. Appeals

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- (a) In respect of an appeal (except an appeal against sentence only)—For each half day or part half day occupied in Court, a maximum of 226.00
- (b) In respect of an appeal against sentence only—For each half day or part half day occupied in Court, a maximum of 130.50
- (c) On dismissal for non-prosecution or on a certificate being given under section 107(8) of the Summary Proceedings Act 1957 that the appeal has not been prosecuted, a maximum of 130.50

SCHEDULE—*continued*PART II—FEES PAYABLE TO BARRISTERS AND SOLICITORS IN RESPECT OF
PROCEEDINGS UNDER THE CRIMES ACT 1961A. *Trials*

In proceedings in the High Court on trials of indictable offences—	\$
(a) For conducting a prosecution or defence (including interlocutory or ancillary proceedings or matters)—For each half day or part half day occupied in Court, a maximum of	226.00
(b) In respect of arraignment where for any reason the trial does not proceed further, a maximum of ..	113.00

B. *Sentences*

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For appearance upon sentence, irrespective of the number of charges or the number of appearances, a maximum of	56.00
Provided that no fee shall be payable in respect of appearance upon the sentencing of a prisoner where the sentence is pronounced on the same day as the verdict, unless the appearance alone necessitates a separate attendance of Counsel, when a fee not exceeding \$56 may be paid.	

C. *Appeals*

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(a) In respect of an appeal (except an appeal against sentence only) or an application for leave to appeal or a case stated or question of law reserved or an ancillary application or matter—For each half day or part half day occupied in Court, a maximum of	226.00
(b) In respect of an appeal against sentence only—For each half day or part half day occupied in Court, a maximum of	130.00
(c) In respect of an appeal which is dismissed for non-prosecution, a maximum of	130.00

SCHEDULE—*continued*

PART III—PROVISIONS OF GENERAL APPLICATION

A. *Second Counsel*

Fees may be paid in respect of second counsel if such counsel is employed and if the Court so directs, but the fees paid shall not exceed the maxima above prescribed, reduced by half.

B. *Costs of a Convicted Defendant*

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Where costs are awarded to a convicted defendant pursuant to section 6 of the Act they shall not exceed	212.00

C. *Travelling Expenses and Costs Incidental to the Proceedings*

Expenses which may be ordered to be paid under the Act shall be—

- (a) The reasonable travelling expenses and allowances of the parties to the proceedings and those of their counsel or solicitors:
- (b) All other disbursements reasonably and properly incurred; including—
 - (i) Fees, allowances, and expenses paid to witnesses and interpreters, which shall not exceed the fees, allowances, and travelling expenses prescribed by the Witnesses and Interpreters Fees Regulations 1974*; and
 - (ii) The costs of inquiries and scientific and other investigations and tests.”

MARIE SHROFF,
Clerk of the Executive Council.

*S.R. 1974/124

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 August 1988, increase the maximum scales of costs that may be ordered to be paid under the Costs in Criminal Cases Act 1967. The new scales do not include any goods and services tax that is payable under the Goods and Services Tax Act 1985.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 30 June 1988.
These regulations are administered in the Department of Justice.