



DISTRICT COURTS FEES RULES 1997

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 1st day of December 1997

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 122 of the District Courts Act 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following rules.

RULES

1. Title and commencement—(1) These rules may be cited as the District Courts Fees Rules 1997.

(2) These rules come into force on 1 January 1998.

2. Application—(1) These rules apply to—

(a) Any civil proceedings taken in a District Court under the District Courts Act 1947; and

(b) Any proceedings under section 152 of the Property Law Act 1952 (which relates to the service of notices).

(2) Subject to subclause (1), these rules do not apply to proceedings under an enactment other than the District Courts Act 1947 unless the enactment otherwise provides.

3. Fees of court—The fees to be taken in respect of proceedings to which these rules apply are those specified in the Schedule; and all such fees must be prepaid.

4. Fee where Court directs that proceeding be set down for hearing—Where any District Court makes an order under rule 432 of the District Courts Rules 1992 in respect of any proceeding (other than a proceeding in respect of which the fee specified in item 5 of the Schedule has been paid), the fee specified in that item is payable in respect of that proceeding not later than the earlier of—

- (a) The commencement of the hearing; or
- (b) The expiration of the period of 7 days beginning with the day after the day on which the order is made.

5. Manner in which hearing fees to be prepaid—(1) The hearing fees specified in item 7 of the Schedule must be prepaid not later than the beginning of the hearing on the day or half day to which they relate.

(2) The party in the proceeding who files an application for a fixture under rule 426 of the District Courts Rules 1992 or who makes an application under rule 432 of the District Courts Rules 1992 is responsible for the payment of the hearing fee or fees.

(3) Where a claim in any proceeding is discontinued but a counterclaim remains to be heard, the party still requiring the hearing is responsible for the payment of the hearing fee or fees in respect of that hearing.

(4) If 2 or more proceedings are to be heard together, hearing fees must be paid in respect of each proceeding unless the Court otherwise directs.

6. Goods and services tax included—The fees fixed by these rules are inclusive of goods and services tax.

7. Revocations—(1) The following rules are consequentially revoked:

- (a) The District Courts Fees Rules 1992*;
- (b) The District Courts Fees Rules 1992, Amendment No. 1†.

(2) In respect of proceedings commenced before the date on which these rules come into force, no further fee is payable under the District Courts Fees Rules 1992, and the appropriate fees, if any, set out in the Schedule are payable in respect of any step taken on or after that date.

*S.R. 1992/124
†S.R. 1992/165

Rule 3 (1)

SCHEDULE

FEES PAYABLE IN RESPECT OF PROCEEDINGS IN DISTRICT COURTS

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1. Filing of the original document commencing any proceeding (other than an interlocutory proceeding) to which these rules apply, unless otherwise provided for	45.00
For the purposes of this item, the original document commencing any proceeding is,—	
(a) In the case of a proceeding commenced by statement of claim, the statement of claim; and	
(b) In the case of an appeal or cross-appeal, the notice of appeal or other document by which the appeal or cross-appeal is instituted; and	
(c) In every other case, the first document (other than a caveat or an application for directions as to service) filed in the proceeding by the plaintiff which gives to the Court and to the opposite party (if any) particulars of the claim made or of the order or other relief sought by the plaintiff.	
2. Filing an interlocutory application—	
(a) In the case of an interlocutory application for an interim injunction	155.00
(b) In every other case (including an interlocutory application for summary judgment)	90.00
3. Filing—	
(a) Statement of defence; or	
(b) Amended statement of defence; or	
(c) Counterclaim; or	
(d) Statement of defence and counterclaim where both are included in the 1 document; or	
(e) Amended statement of claim; or	
(f) Appearance	55.00
4. Filing the first affidavit filed by a party in answer to an affidavit filed in support of an interlocutory application for summary judgment	70.00
5. Filing an application for a fixture for the hearing of any proceeding (other than for an interlocutory proceeding or an appeal or cross-appeal or a hearing referred to in item 8)	145.00
6. Setting down appeal or cross-appeal for hearing ...	145.00
7. Hearing fee for each half day or part of a half day, after the first half day	255.00
This item applies, unless otherwise provided, in respect of the hearing of every proceeding, including—	
(a) The hearing of every appeal and every cross-appeal; and	
(b) The hearing of every interlocutory application.	
8. Setting down for hearing an undefended demand for an unliquidated amount	45.00
9. Sealing the original copy of any document	35.00
However no sealing fee is payable in respect of any order made in an interlocutory proceeding, other than an order made on a summary judgment application.	

SCHEDULE—*continued*FEES PAYABLE IN RESPECT OF PROCEEDINGS IN DISTRICT COURTS—*continued*

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10. Attendance before Registrar in inquiry or reference or examination of witnesses by Registrar under an order of the Court	335.00
11. Filing application for an attachment order	80.00
12. Filing application under section 84B of the District Courts Act 1947 for an examination of judgment debtor	80.00
13. Filing application for warrant of distress or warrant for recovery of specific chattels or warrant for recovery of land	55.00
14. Filing application under rule 378 of the District Courts Rules 1992 for an order that a witness be examined otherwise than at the time and place appointed for the hearing of the proceeding	145.00
15. Filing application under rule 566 of the District Courts Rules 1992 for an order that any party be examined, for each party	135.00
16. Application for charging order <i>nisi</i> or charging order absolute	80.00
17. Filing affidavit in support of garnishee summons	105.00
18. Issue of certificate of judgment or order	30.00
19. For search in any Court book or of any documents	20.00
20. Copy of any document, other than a document specified in item 21, per page	5.00
21. Copy of notes of District Court Judge or Registrar, or of any judgment or order (other than a copy supplied to a party to the proceeding)—	
(a) Not exceeding 5 pages	15.00
(b) Exceeding 5 pages but not exceeding 50 pages	30.00
(c) Exceeding 50 pages but not exceeding 75 pages	40.00
(d) Exceeding 75 pages	50.00
22. 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.	
23. For expenses of execution of any warrant of committal or writ of arrest: The actual expenses incurred by the bailiff or constable, including the costs of conveyance and lodging in prison of the person arrested.	
24. For storage, cartage, and removal of goods, or advertising of goods for sale: Actual and reasonable disbursements.	
25. For each person left in possession of any premises: Fees, allowances, and expenses as allowed to a witness in accordance with the Witnesses and Interpreters Fees Regulations 1974.	

DIANE WILDERSPIN,
Acting for Clerk of the Executive Council.

EXPLANATORY NOTE

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

These rules, which come into effect on 1 January 1998, prescribe a new and increased scale of Court fees payable in respect of civil proceedings in District Courts.

The matters for which fees are payable have not been changed. All fees (apart from the fee for faxing documents) have been increased. Examples of increases of commonly charged fees are:

- The fee for filing a statement of claim is increased from \$40 to \$45:
- The fee for filing a statement of defence is increased from \$50 to \$55:
- The fee for filing an interlocutory application is increased from \$80 to \$90:
- The fee for a fixture (other than for interlocutory proceedings) is increased from \$130 to \$145:
- The hearing fee for a hearing that takes longer than a half day is increased from \$230 to \$255 on the start of each half day after the first half day.

The fees are inclusive of goods and services tax.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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

These rules are administered in the Department for Courts.