



THE HIGH COURT FEES REGULATIONS 1987

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 16th day of March 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 100A of the Judicature Act 1908, 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 High Court Fees Regulations 1987.

(2) These regulations shall come into force on the 1st day of April 1987.

2. Application—These regulations apply to civil proceedings in the High Court (being any proceedings in that Court other than criminal proceedings and proceedings in the Court of Appeal).

3. Fees of Court—(1) The fees specified in the Schedule hereto shall be payable, and shall be taken by the proper officer of the High Court, in proceedings in that Court to which these regulations apply in respect of the matters so specified in those cases where no other fee is prescribed in respect of the proceedings by any Act, regulations, Order in Council, or notice:

Provided that where it appears to the satisfaction of the Court or a Judge that any party is unable or ought not be called upon to pay any of the fees mentioned in that Schedule, or any part thereof, the Court or a Judge may dispense with the payment thereof, or any part thereof, subject to such terms as the Court or the Judge thinks fit.

(2) Subject to subclause (3) of this regulation and except as expressly provided in any Act, regulations, Order in Council, or notice, no other fees (except sheriff's fees) shall be payable in the High Court in respect of—

- (a) Any proceedings in that Court to which these regulations apply; or
- (b) Any caveat.

(3) Except as expressly provided in any Act, regulations, Order in Council, or notice, the fees to be taken in respect of proceedings in the Court of Appeal shall be those prescribed by the Court of Appeal Fees Regulations 1987*.

4. Revocation—(1) The High Court Fees Regulations 1984† are hereby consequentially revoked.

(2) In respect of proceedings commenced before the date of the coming into force of these regulations, no further fee shall be payable under the regulations hereby revoked, and the appropriate fees, if any, set out in the Schedule to these regulations shall be payable in respect of any step in the proceedings taken on or after that date.

*S.R. 1987/36
†S.R. 1984/295

SCHEDULE

FEES PAYABLE IN RESPECT OF PROCEEDINGS
IN THE HIGH COURT

| | \$ |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 1. Filing (including sealing where necessary) the original document commencing any proceedings (other than interlocutory proceedings) to which these regulations apply, unless otherwise provided for | 75.00 |
| For the purposes of this paragraph the original document commencing any proceedings 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 a notice of motion for directions as to service) filed in the proceedings 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. Setting down any such proceedings (other than interlocutory proceedings or an appeal or cross appeal) for hearing | 300.00 |
| 3. Setting down appeal or cross appeal for hearing | 250.00 |
| 4. Hearing fee on any proceedings, unless otherwise provided for, for each half day or part thereof after the first day | 150.00 |
| 5. Filing statement of defence or counterclaim or statement of defence and counterclaim or appearance | 20.00 |
| Provided that where a defendant or third-party in any proceedings has paid a fee under this paragraph, no fee shall be payable in respect of any statement of defence, or counterclaim or statement of defence and counterclaim subsequently filed by or on behalf of that defendant or third-party in those proceedings: | |
| Provided also that no fee shall be payable in respect of the filing of a statement of defence to a counterclaim. | |
| 6. Sealing the original copy of any judgment, order, rule, memorial, certificate, commission, letters of request, or judgment not otherwise provided for | 20.00 |
| Provided that no sealing fee shall be payable in respect of— | |
| (a) Any order made in interlocutory proceedings; or | |
| (b) Any probate or letters of administration; or | |
| (c) Any order for admission as a barrister and solicitor. | |

SCHEDULE—*continued*

Reg. 3

FEES PAYABLE IN RESPECT OF PROCEEDINGS
IN THE HIGH COURT —*continued*

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 7. Filing any application for admission as a barrister and solicitor | 100.00 |
| 8. Filing any application for probate or letters of administration | 50.00 |
| 9. Sealing exemplifications or duplicates (probate or letters of administration) or resealing pursuant to section 71 of the Administration Act 1969 | 20.00 |
| 10. Filing any notice of appeal against a decision of a Land Valuation Tribunal | 200.00 |
| 11. Filing any notice of appeal under section 148 of the Law Practitioners Act 1982 | 100.00 |
| 12. Attendance before Registrar in inquiry or reference, or examination of witnesses by Registrar under order of the Court | 250.00 |
| 13. Copy of judgment (other than copy supplied to a party to the proceedings),— | |
| (a) Not exceeding 5 pages | 5.00 |
| (b) Exceeding 5 pages | 15.00 |
| 14. Search in each Court book or of one or more documents in the same matter: for every search | 20.00 |
| 15. Appointment of Commissioner to take affidavits | 120.00 |

P. G. MILLEN,
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 1 April 1987, prescribe a new and increased scale of Court fees payable in respect of civil proceedings in the High Court.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 March 1987.

These regulations are administered in the Department of Justice.