



HIGH COURT FEES REGULATIONS 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 100A of the Judicature Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the High Court Fees Regulations 1997.

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

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 are payable, and must 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.

(2) A fee prescribed by subclause (1) in respect of a matter is not payable if another fee is payable in respect of that matter under any Act, regulation, Order in Council, or notice.

(3) No fees other than those specified in the Schedule are payable in the High Court in respect of—

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

(4) Subclause (3) is subject to the Sheriffs' Fees Regulations 1988 and any provision, contained in any Act, regulation, Order in Council, or notice, that prescribes fees payable in the High Court.

4. Dispensation of fees—(1) If it appears to the satisfaction of the Court or a Judge that any party is unable or ought not be required to pay a fee or any part of a fee specified in the Schedule, the Court or a Judge may dispense with the payment of that fee or any part of that fee, subject to such terms as the Court or the Judge thinks fit.

(2) If the liquidator of a company gives the Registrar a certificate stating that the company has no immediately available assets out of which to pay the full fees in respect of a proceeding or matter relating to the liquidation of the company, no fee (other than sheriffs' fees and the fee specified in item 1 (a) of the Schedule in respect of an application to put a company into liquidation) is payable in the High Court in respect of that proceeding or matter.

5. Setting down fees to be prepaid—(1) Where a praecipe is filed under rule 431 of the High Court Rules, the fee specified in item 5 of the Schedule is payable on the filing of that praecipe.

(2) Where an order for trial is made under rule 436 of the High Court Rules 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 trial; or
- (b) The expiration of the period of 7 days beginning with the day after the day on which the order is made.

6. Hearing fees to be prepaid—(1) The hearing fees specified in items 7 and 8 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 a praecipe under rule 426 of the High Court Rules or who makes an application under rule 436 of the High Court Rules 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 tried together, hearing fees must be paid in respect of each proceeding unless the Court otherwise directs.

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

8. Revocations—(1) The following regulations are consequentially revoked:

- (a) The High Court Fees Regulations 1992*;
- (b) The High Court Fees Regulations 1992, Amendment No. 1†.

(2) In respect of proceedings commenced before the date on which these regulations come into force, no further fee is payable under the High Court Fees Regulations 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.

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SCHEDULE

Reg. 3 (1)

FEES PAYABLE IN RESPECT OF PROCEEDINGS IN THE HIGH COURT

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| 1. Filing (including sealing where necessary) the original document commencing any proceeding (other than an interlocutory proceeding) to which these regulations apply, unless otherwise provided for | 110.00 |
| 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, including an application to put a company into liquidation, 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 (including a proceeding to which Part IV or Part IVA of the High Court Rules applies), the first document (other than a caveat or an application 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. 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 | 60.00 |
| 4. Filing, under rule 141 of the High Court Rules, the first affidavit filed by a party in answer to an affidavit filed in support of an interlocutory application for summary judgment | 90.00 |
| 5. Setting down proceedings (other than interlocutory proceedings or an appeal or cross-appeal) for hearing ... | 600.00 |
| 6. Setting down appeal or cross-appeal for hearing ... | 470.00 |
| 7. Hearing fee for each half day or part of a half day after the first day | 270.00 |
| This item applies, unless otherwise provided, in respect of the hearing of every proceeding, including— | |

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

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(a) The hearing of every appeal and every cross-appeal; and	
(b) The hearing of every interlocutory application (other than an interlocutory application for summary judgment in respect of which an affidavit in answer has been filed).	
8. Hearing an interlocutory application for summary judgment in respect of which an affidavit in answer has been filed (fee for each half day or part of a half day after the first half day)	270.00
9. Sealing the original copy of any judgment, order, rule, memorial, certificate, commission, letters of request, or judgment not otherwise provided for	35.00
However no sealing fee is 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.	
10. Issue of certified copy of any document or any Registrar's certificate	35.00
11. Filing any application for admission as a barrister and solicitor	300.00
12. Filing any application for probate or letters of administration	90.00
Where a fee is paid under this item, no fee is payable in respect of any application for leave to swear death in respect of the testator or other person in respect of whom the grant of administration is sought.	
13. Sealing exemplifications or duplicates (probate or letters of administration) or resealing under section 71 of the Administration Act 1969	30.00
14. Filing any notice of appeal against a decision of a Land Valuation Tribunal	350.00
15. Filing any notice of appeal under section 148 of the Law Practitioners Act 1982	365.00
16. Attendance before Registrar in inquiry or reference, or examination of witnesses by Registrar under order of the Court	365.00
17. Copy of judgment (other than copy supplied to a party to the proceedings)—	
(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
18. 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.	
19. Copy of any document, other than a judgment, per page	5.00
20. Search of Court records (including a search relating to 1 or more files)—for each search	25.00
21. Search of any register or file that relates to an application for a grant of administration under the Administration Act 1969 or any corresponding former Act or to proceedings for the recall of any such grant—for each file searched ...	40.00

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

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The fee payable under this item in respect of any file includes the cost of obtaining a copy of any document on that file.	
22. Appointment of Commissioner to take affidavits	... 265.00

DIANE WILDERSPIN,
Acting 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 effect on 1 January 1998, prescribe a new and increased scale of Court fees payable in respect of civil proceedings in the High Court.

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 \$100 to \$110:
- The fee for filing a statement of defence is increased from \$55 to \$60:
- The fee for filing an interlocutory application is increased from \$80 to \$90:
- The fee for setting down proceedings (other than interlocutory proceedings or appeals) is increased from \$530 to \$600:
- The hearing fee for a hearing that takes longer than a day is increased from \$245 to \$270 on the start of each half day after the first day (in the case of defended applications for summary judgment the hearing fee is payable after the first half day).

The fees prescribed by these regulations 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 regulations are administered in the Department for Courts.