



THE SUPREME COURT FEES REGULATIONS 1970

RICHARD WILD, Administrator of the Government

ORDER IN COUNCIL

At the Government House at Wellington this 13th day of July 1970

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL PURSUANT to the Judicature Act 1908, His Excellency the Administrator of the Government, 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 Supreme Court Fees Regulations 1970.

(2) These regulations shall come into force on the day after the date of their notification in the Gazette.

2. Scale of Court fees amended—(1) The Third Schedule to the Code of Civil Procedure set out in the Second Schedule to the Judicature Act 1908 is hereby amended by revoking paragraph 15 of Table D (as substituted by rule 3 (1) of the Supreme Court Amendment Rules 1967*), and substituting the following paragraph:

“15. Filing any notice of motion for probate or letters of administration (other than one to which paragraph 16 of this Table applies), including affidavits or other documents in support, and sealing probate or letters of administration 10.00

“Provided that one-half of this fee shall be the fee for sealing probate or letters of administration and shall be refunded by the Registrar if—

“(a) No grant is made; or

“(b) A grant is made but not sealed.”

(2) The said Third Schedule is hereby further amended by revoking paragraphs 17 and 18 of Table D (as so substituted), and substituting the following paragraph:

“17. Sealing any probate or letters of administration in respect of which a sealing fee has not been paid and retained under paragraph 15 of this Table or resealing pursuant to section 50 of the Administration Act 1952 5.00”

(3) The said Code is hereby further amended by revoking the proviso to rule 581 (as substituted by rule 3 of the Supreme Court Amendment Rules (No. 2) 1952* and amended by rule 4 of the Supreme Court Amendment Rules 1953†).

(4) Rule 4 of the Supreme Court Amendment Rules 1953 is hereby consequentially revoked.

3. Application of regulations and transitional provisions—(1) Table D as amended by subclauses (1) and (2) of regulation 2 of these regulations shall apply in respect of any proceedings commenced on or after the date of the coming into force of these regulations.

(2) Subject to subclause (3) of this regulation, fees payable but not taken under paragraph 17 or paragraph 18 of Table D in respect of any probate or letters of administration which has been sealed before the date of the coming into force of these regulations shall be taken and may be recovered as if these regulations had not been enacted.

(3) Fees paid in accordance with subclause (2) of this regulation or paid before the coming into force of these regulations under paragraph 17 or paragraph 18 of Table D and which are required to be calculated on the net value of the estate shall, once paid, be not increased, after the coming into force of these regulations, as a result of any subsequent increase in the net value of the estate.

(4) The fee for sealing probate or letters of administration sought or granted before the date of the coming into force of these regulations but not sealed until after that date shall be that set out in the new paragraph 17 of Table D.

P. J. BROOKS,
Clerk of the Executive Council.

*S.R. 1952/123
†S.R. 1953/121

EXPLANATORY NOTE

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

These rules prescribe new fees in respect of motions for probate or letters of administration and the sealing and resealing of grants of probate or letters of administration. In most cases the fee is reduced.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 16 July 1970.
These regulations are administered in the Department of Justice.