

1975/141



THE SUPREME COURT FEES REGULATIONS 1975

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 9th day of June 1975

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 Supreme Court Fees Regulations 1975.

(2) These regulations shall come into force on the 16th day of June 1975.

2. Application—These regulations apply to civil proceedings in the Supreme 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 Supreme 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 to 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 it or he 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 Supreme 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 1975*.

4. Revocations—(1) The following enactments are hereby consequentially revoked—

- (a) Rule 581 (as substituted by rule 3 (1) of the Supreme Court Amendment Rules (No. 2) 1952†) and rule 582 (as amended by rule 2 (1) of the Supreme Court Amendment Rules (No. 2) 1954‡) of the Code of Civil Procedure set out in the Second Schedule to the Judicature Act 1908, and Table D (as substituted by rule 3 (1) of the Supreme Court Amendment Rules 1967§ and amended by rule 2 of the Supreme Court Fees Regulations 1970||) in the Third Schedule to that Code;
- (b) Rule 3 (1) of the Supreme Court Amendment Rules (No. 2) 1952;
- (c) So much of the First Schedule to the Supreme Court Amendment Rules (No. 2) 1954 as relates to rule 582 of the Code;
- (d) Rule 3 of the Supreme Court Amendment Rules 1967, and the Schedule to those rules;
- (e) The Supreme Court Fees Regulations 1970.

(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 said Table D in the Third Schedule to the Code of Civil Procedure, 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. 1975/129
 †S.R. 1952/123
 ‡S.R. 1954/155
 §S.R. 1967/287
 ||S.R. 1970/145

SCHEDULE

FEES PAYABLE IN RESPECT OF PROCEEDINGS IN THE SUPREME COURT

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1. Filing (including sealing where necessary) the original document commencing any proceedings (other than interlocutory proceedings) to which these regulations apply (whether that document is a writ of summons, an originating summons, an originating application, a notice of motion, petition, or other document) unless otherwise provided for 50.00

For the purposes of this paragraph the original document commencing any proceedings is—

- (a) In the case of an action commenced by writ of summons, the writ of summons; and
- (b) In the case of proceedings commenced by originating summons, originating application, notice of motion, or petition, the originating summons, originating application, notice of motion, or petition; and

SCHEDULE—*continued*

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(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 or petitioner 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 or the petitioner.

2. Setting down any such proceedings (other than interlocutory proceedings) for hearing	50.00
3. 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 or as a solicitor or as both.	
4. Filing statement of defence or counterclaim or statement of defence and counterclaim	30.00
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.	
5. Hearing fee payable by appellant on any appeal	20.00
6. Filing any notice of motion for admission as a barrister or as a solicitor or as both	30.00
7. Filing any notice of motion for probate or letters of administration (other than one to which paragraph 8 of this Schedule refers)	20.00
8. Filing any motion for regrant of probate or letters of administration	10.00
9. Sealing exemplifications (probate or letters of administration) or resealing pursuant to section 71 of the Administration Act 1969	10.00
10. Appointment for taxation, taxation, and sealing allocatur including copies of each bill of costs	20.00
11. Attendance before Registrar in inquiry or reference, or examination of witnesses by Registrar under order of the Court	30.00
12. Office copy—per page of double spaced type—	
When typed	1.00
When reproduced by photographic or other copying process	0.50

Provided that the Registrar may reduce either of these fees if in special circumstances he considers it reasonable to do so.

SCHEDULE—*continued*

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13. Search in each Court book or of one or more documents in the same matter: for every search	2.00
14. Appointment of Commissioner to take affidavits	20.00

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 16 June 1975, prescribe a new and increased scale of Court fees payable in respect of civil proceedings in the Supreme Court. The scale has been substantially rearranged.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 12 June 1975.
These regulations are administered in the Department of Justice.