



# Supreme Court Fees Regulations 2003

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 8th day of December 2003

Present:

Her Excellency the Governor-General in Council

Pursuant to section 39(1) of the Supreme Court Act 2003, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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**Schedule**  
**Fees payable in respect of appeals to Court**

## Regulations

- 1 Title**

These regulations are the Supreme Court Fees Regulations 2003.
- 2 Commencement**

These regulations come into force on 1 January 2004.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—  
**Act** means the Supreme Court Act 2003

**appeal** includes, except in items 2 to 4 of the Schedule, an application for leave to appeal

**Court** means the Supreme Court of New Zealand

**Registrar** means the Registrar of the Court, and includes a Deputy Registrar of the Court.

### 4 Fees of Court

- (1) The fees specified in the Schedule are payable, and must be taken by the Registrar, in appeals to the Court in respect of the matters specified in that schedule.
- (2) All fees must be prepaid.
- (3) Subclause (2) is subject to regulations 5 and 6.

### 5 Power to waive fees

- (1) A person (the **applicant**) otherwise responsible for the payment of a fee required in connection with an appeal or an intended appeal may apply to the Registrar for a waiver of the fee.
- (2) The Registrar may waive the fee payable by the applicant if satisfied,—
  - (a) on the basis of one of the criteria specified in subclause (3), that the applicant is unable to pay the fee; or
  - (b) that the appeal,—
    - (i) on the basis of one of the criteria specified in subclause (4), concerns a matter of genuine public interest; and
    - (ii) is unlikely to be commenced or continued unless the fee is waived.
- (3) For the purposes of these regulations, the applicant is unable to pay the fee sought to be waived if—
  - (a) the applicant has not been granted legal aid in respect of the matter for which the fee is payable; and
  - (b) the applicant—
    - (i) is dependent for the payment of his or her living expenses on a benefit of the kind specified in any of paragraphs (a) to (e) and (h) and (j) of the

- definition of **income-tested benefit** in section 3(1) of the Social Security Act 1964; or
- (ii) is wholly dependent for the payment of his or her living expenses on New Zealand superannuation under the New Zealand Superannuation Act 2001 or a veteran's pension under the War Pensions Act 1954; or
  - (iii) would otherwise suffer undue financial hardship if he or she paid the fee.
- (4) For the purposes of these regulations, an appeal that concerns a matter of genuine public interest is—
- (a) an appeal that has been or is intended to be commenced to determine a question of law that is of significant interest to the public or to a substantial section of the public; or
  - (b) an appeal that—
    - (i) raises issues of significant interest to the public or to a substantial section of the public; and
    - (ii) is against a judgment, decree, or order given or made in a proceeding commenced by an organisation that, by its governing enactment, constitution, or rules, is expressly or by necessary implication required to promote matters in the public interest.
- (5) An application under subclause (1) must be made in a form approved for the purpose by the Secretary for Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

## **6 Payment of fee may be postponed pending determination of application for waiver or review**

- (1) The Registrar may, on application by a person who is awaiting the determination of an application under regulation 5(1) or section 40 of the Act, postpone the payment of the fee to which the application relates until the date on which the person is notified of the determination.
- (2) The Registrar may exercise the power under subclause (1) if satisfied that the person awaiting the determination of his or her application would be prejudiced if the matter to which the fee relates did not proceed before the determination.

- (3) An application under subclause (1) must be made in a form approved for the purpose by the Secretary for Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

## **7 Recovery of postponed fee**

- (1) This regulation applies to a fee (the **fee**) that has been postponed under regulation 6.
- (2) If the effect of a determination under regulation 5 or section 40 of the Act is that the fee is not to be waived, the fee—
  - (a) must be paid, without delay, to the Registrar; and
  - (b) is recoverable as a debt due to the Crown in any court of competent jurisdiction.
- (3) Following a determination that has the effect referred to in subclause (2), the person responsible for paying the fee may not take a step in the appeal to which the fee relates unless the fee is paid.
- (4) This regulation has effect subject to regulation 6 during any period that the question of the waiver of the fee is the subject of a pending application under section 40 of the Act.

## **8 Power to refund fees**

- (1) The Registrar may, on application made to him or her, refund a fee that has already been paid if satisfied that—
  - (a) no application, under regulation 5, for a waiver of the fee was made; and
  - (b) the fee would have been waived, in accordance with regulation 5, had that application been made; and
  - (c) the criteria that would have justified that waiver still apply at the date of the application for the refund.
- (2) An application under subclause (1) must be made in a form approved for the purpose by the Secretary for Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

## **9 GST included**

The fees prescribed by these regulations include goods and services tax.

**10 Criminal appeals excluded**

These regulations do not apply to criminal appeals.

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**Schedule  
Fees payable in respect of appeals to Court**

		\$
1	Application for leave to appeal	900
2	Filing a notice of appeal	900
3	Determination of hearing date for appeal	800
4	Hearing any appeal for each half-day or part of a half-day after the first day	400
5	Sealing any order or judgment (including every duplicate or certified copy of any order or judgment)	25
6	Copy of judgment (other than a copy supplied to a party to the proceedings)—	
	(a) not exceeding 5 pages	15
	(b) exceeding 5 pages, but not exceeding 50 pages	30
	(c) exceeding 50 pages, but not exceeding 75 pages	40
	(d) exceeding 75 pages	50
7	For faxing documents at the request of a party (except where documents have to be faxed for operational reasons), \$2 plus \$1 per page faxed	
8	For copying any document (other than a judgment), Actual and reasonable costs.	

Diane Morcom,  
Clerk of the Executive Council.

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**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 January 2004, set the fees that are payable for appeals to the Supreme Court. The fee for—

- applying for leave to appeal is \$900:
- filing a notice of appeal is \$900:
- determining the hearing date for an appeal is \$800:
- each half-day of hearing time after the first day is \$400.

The fees include goods and services tax.

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

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These regulations are administered in the Ministry of Justice.

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