

## Reprint

as at 20 November 2009

# District Courts Fees Amendment Regulations 2004

(SR 2004/164)

District Courts Fees Amendment Regulations 2004: revoked, on 20 November 2009, pursuant to regulation 12(1) of the District Courts Fees Regulations 2009 (SR 2009/318).

Pursuant to section 123 of the District Courts Act 1947, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### Contents

	Page
1 Title	2
2 Commencement	2
3 Power to waive fees	2
4 Fee if court directs that proceeding be set down for hearing	3
5 Manner in which hearing fees to be prepaid	3
6 Schedule amended	3
<b>Schedule</b>	<b>3</b>
<b>New items 1 to 8 in Schedule of principal regulations</b>	

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#### Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

**These regulations are administered in the Ministry of Justice.**

**1 Title**

- (1) These regulations are the District Courts Fees Amendment Regulations 2004.
- (2) In these regulations, the District Courts Fees Regulations 2001<sup>1</sup> are called “the principal regulations”.

**2 Commencement**

These regulations come into force on 1 July 2004.

**3 Power to waive fees**

Regulation 4A of the principal regulations is amended by revoking subclause (3), and substituting the following subclause:

- “(3) For the purposes of these regulations, an applicant is unable to pay the fee sought to be waived if—
- “(a) the applicant has been granted legal aid in respect of the matter for which the fee is payable; or
  - “(b) the applicant has not been granted legal aid in respect of the matter for which the fee is payable and the applicant—
    - “(i) is dependent for the payment of his or her living expenses on a benefit of a kind specified in any of paragraphs (a) to (e), (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.”

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<sup>1</sup> SR 2001/106

- 4 Fee if court directs that proceeding be set down for hearing**  
Regulation 5 of the principal regulations is amended by omitting the expression “item 5”, and substituting the expression “item 6”.
- 5 Manner in which hearing fees to be prepaid**  
Regulation 6(1) of the principal regulations is amended by omitting the expression “item 7”, and substituting the expression “item 8”.
- 6 Schedule amended**  
The Schedule of the principal regulations is amended by—
- (a) omitting items 1 to 8, and substituting the items set out in the Schedule; and
  - (b) omitting from the second column of item 20, the expression “5.00”, and substituting the words “actual and reasonable costs”.

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**Schedule**  
**New items 1 to 8 in Schedule of principal regulations**

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1 Filing of the original document commencing any proceeding (other than an interlocutory proceeding) to which these regulations apply, unless otherwise provided for	140
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, 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 an application for directions as to service) filed in the proceeding by the plaintiff that gives to the Court and to the opposite party (if any) particulars of the claim made or other relief sought by the plaintiff	
2	Filing an interlocutory application (including an application for summary judgment)	185
3	Filing—	
	(a) a statement of defence; or	
	(b) an amended statement of defence; or	
	(c) an amended statement of claim; or	
	(d) an appearance	60
4	Filing a counterclaim, or statement of defence and counterclaim if both are included in the 1 document	90
5	Filing the first affidavit filed by a party in answer to an affidavit filed in support of an interlocutory application for summary judgment	70
6	Filing an application for a fixture for the hearing of any proceeding (other than for an interlocutory proceeding or an appeal or cross-appeal or a hearing for an undefended demand for an unliquidated amount)	750
7	Setting down appeal or cross-appeal for hearing	750
8	Hearing fee for each half-day or part of a half-day, after the first half-day	750

This item applies, unless otherwise provided,  
in respect of the hearing of every proceeding,  
including—

(a) the hearing of every appeal and every  
cross-appeal; and

(b) the hearing of every interlocutory  
application

Diane Morcom,  
Clerk of the Executive Council.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 3 June 2004.

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**Contents**

- 1 General
  - 2 About this eprint
  - 3 List of amendments incorporated in this eprint (most recent first)
- 

**Notes****1 General**

This is an eprint of the District Courts Fees Amendment Regulations 2004. It incorporates all the amendments to the regulations as at 20 November 2009. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

**2 About this eprint**

This eprint has not been officialised. For more information about officialisation, please *see* “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

**3 List of amendments incorporated in this eprint  
(most recent first)**

District Courts Fees Regulations 2009 (SR 2009/318): regulation 12(1)

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