

**Reprint**  
**as at 1 July 2013**

**High Court Fees Amendment  
Regulations 2004**

(SR 2004/166)

High Court Fees Amendment Regulations 2004: revoked, on 1 July 2013,  
pursuant to regulation 28(c) of the High Court Fees Regulations 2013 (SR  
2013/226).

Pursuant to section 100A of the Judicature Act 1908, 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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**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 by the Ministry of Justice.**

**Schedule**

4

**New Schedule substituted in principal regulations***[Revoked]***1 Title**

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

**2 Commencement**

These regulations come into force on 1 July 2004.

**3 Interpretation**

Regulation 3 of the principal regulations is amended by revoking the definition of **public law proceeding** and inserting, in its appropriate alphabetical order, the following definition:

“**concession rate proceeding** means any of the following proceedings:—

- “(a) an appeal to the Court under any enactment; or
- “(b) an application for review under Part 1 of the Judicature Amendment Act 1972; or
- “(c) a proceeding to which Part 4 of the High Court Rules applies; or
- “(d) an originating application to which Part 4A of the High Court Rules applies; or
- “(e) an application to which Part 7 of the High Court Rules applies; or
- “(f) an application to put a company into liquidation to which Part 9A of the High Court Rules applies.”

**4 New regulation 4 substituted**

The principal regulations are amended by revoking regulation 4, and substituting the following regulation:

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<sup>1</sup> SR 2001/310

**“4 Application**

- “(1) These regulations apply to civil proceedings in the Court.
- “(2) Nothing in these regulations applies to applications under the Proceeds of Crime Act 1991.”

**5 Power to waive fees**

Regulation 6 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.”

**6 Payment of fees for determining setting down dates**

Regulation 11(1) of the principal regulations is amended by omitting the expression “item 5”, and substituting the expression “item 6”.

**7 Payment of fees for determining hearing dates for appeals**

Regulation 11A(1) of the principal regulations is amended by omitting the expression “item 6”, and substituting the expression “item 7”.

**8 Hearing fees to be prepaid**

Regulation 12(1) of the principal regulations is amended by omitting the expression “item 7 or item 8”, and substituting the expression “item 8 or item 9”.

**9 New Schedule substituted**

*[Revoked]*

Regulation 9: revoked, on 1 July 2011, by regulation 5(b) of the High Court Fees Amendment Regulations 2011 (SR 2011/163).

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**Schedule**

r 9

**New Schedule substituted in principal  
regulations**

*[Revoked]*

Schedule: revoked, on 1 July 2011, by regulation 5(b) of the High Court Fees Amendment Regulations 2011 (SR 2011/163).

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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## **Notes**

### **1 *General***

This is an eprint of the High Court Fees Amendment Regulations 2004. The eprint incorporates all the amendments to the regulations as at 1 July 2013. 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 that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

### **2 *About this eprint***

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

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

High Court Fees Regulations 2013 (SR 2013/226): regulation 28(c)

High Court Fees Amendment Regulations 2011 (SR 2011/163): regulation 5(b)

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