

**Reprint
as at 1 July 2013**



High Court Fees Amendment Regulations 2011

(SR 2011/163)

High Court Fees Amendment Regulations 2011: revoked, on 1 July 2013, pursuant to regulation 28(c) of the High Court Fees Regulations 2013 (SR 2013/226).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 23rd day of May 2011

Present:
His Excellency the Governor-General in Council

Pursuant to section 100A of the Judicature Act 1908, His 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 reprint.

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

These regulations are administered by the Ministry of Justice.

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Regulations

- 1 Title**

These regulations are the High Court Fees Amendment Regulations 2011.
 - 2 Commencement**

These regulations come into force on 1 July 2011.
 - 3 Principal regulations amended**

These regulations amend the High Court Fees Regulations 2001.
 - 4 New Schedule substituted**

The Schedule is revoked and the Schedule set out in the Schedule of these regulations substituted.
 - 5 Revocations**

The following regulations are consequentially revoked:

 - (a) regulation 6 of the High Court Fees Amendment Regulations 2003;
 - (b) regulation 9 and the Schedule of the High Court Fees Amendment Regulations 2004;
 - (c) regulation 5 and the Schedule of the High Court Fees Amendment Regulations 2009.
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		r 4
		r 5(1)
		Fee (\$)
1	Filing (including sealing where necessary) the original document commencing any proceeding (other than an interlocutory proceeding) to which these regulations apply, unless otherwise provided for,—	
	(a) in the case of a concession rate proceeding	483.40
	(b) in the case of any other proceeding	1,329.20
	For the purposes of this item, the original document commencing any proceeding is—	
	(c) in the case of a proceeding commenced by statement of claim, including an application to put a company into liquidation, the statement of claim; and	
	(d) 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	
	(e) in every other case (including a proceeding to which Part 18 or 19 of the High Court Rules applies), 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 of the order or other relief sought, by the plaintiff.	
2	Filing an interlocutory application (other than an application for summary judgment)—	
	(a) if made in a concession rate proceeding	241.70
	(b) if made under rule 5.41(1) of the High Court Rules	no fee
	(c) if made in relation to an application for, or grant of, probate or letters of administration or if made under the Wills Act 2007	78.00
	(d) if made in any other proceeding	725.00

Schedule—*continued*

		Fee (\$)
3	Filing—	108.80
	(a) a statement of defence; or	
	(b) an amended statement of defence; or	
	(c) an amended statement of claim; or	
	(d) an appearance; or	
	(e) a third party notice; or	
	(f) a statement of claim between defendants; or	
	(g) a statement of defence between defendants	
4	Filing a counterclaim, or statement of defence and counterclaim where both are included in the 1 document,—	
	(a) in the case of a concession rate proceeding	483.40
	(b) in the case of any other proceeding	1,329.20
5	Filing, under rule 12.9 of the High Court Rules, the first affidavit filed by a party in answer to an affidavit filed in support of an interlocutory application for summary judgment	108.80
6	Determination of setting down date for a proceeding on the standard track (other than an undefended demand for an unliquidated amount)—	
	(a) in the case of a concession rate proceeding	1,208.40
	(b) in the case of any other proceeding on the standard track	3,141.80
7	Determination of hearing date for an appeal	1,208.40
8	Hearing fee for each half-day or part half-day after the first day—	
	(a) if required for a concession rate proceeding	604.20
	(b) if required for any other proceeding	1,570.90
	This item applies, unless otherwise provided, in respect of the hearing of every proceeding, including—	
	(c) the hearing of every appeal and every cross-appeal; and	

Schedule—*continued*

	Fee (\$)
(d) the hearing of every interlocutory application (other than an interlocutory application for summary judgment in respect of which an affidavit in answer has been filed).	
9 Hearing an interlocutory application for summary judgment in respect of which an affidavit in answer has been filed (fee for each half-day or part of a half-day after the first half-day)	1,570.90
10 Sealing the original copy of any judgment, order, rule, memorial, certificate, commission, letters of request, or judgment not otherwise provided for	48.30
However, no sealing fee is 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 and solicitor.	
11 Issuing a certified copy of any document or any Registrar's certificate	42.30
12 Filing an application for admission as a barrister and solicitor	120.80
13 Filing an application for probate or letters of administration	90.60
If a fee is paid under this item, no fee is payable in respect of any application for leave to swear death in respect of the testator or other person in respect of whom the grant of administration is sought.	
14 Sealing exemplifications or duplicates (probate or letters of administration) or resealing under section 71 of the Administration Act 1969	24.20
15 Attendance before a Registrar in an inquiry or reference, or an examination of witnesses by a Registrar under an order of the court	441.10
16 Supplying a copy of a judgment (other than a copy supplied to a party to the proceeding)—	
(a) not exceeding 5 pages	18.10

Schedule—*continued*

		Fee (\$)
	(b) exceeding 5 pages but not exceeding 50 pages	36.30
	(c) exceeding 50 pages but not exceeding 75 pages	48.30
	(d) exceeding 75 pages	60.40
17	Faxing documents at the request of a party (except if documents have to be faxed for operational reasons) plus per page faxed	2.40 1.20
18	Supplying a copy of any document, other than a judgment	actual and reasonable costs
19	Searching or inspecting the formal court record kept in a registry of the court (rule 3.7(1) of the High Court Rules)— for each search and inspection	 25.56
20	Searching or inspecting a document or court file that relates to an application or action for a grant of administration under the Administration Act 1969 or to a proceeding for the recall of any such grant (rule 3.7(2) of the High Court Rules)— for each file searched or inspected On payment of the fee under this item in respect of any file, no fee is payable for obtaining a copy of any document on that file or for searching or inspecting the formal court record.	40.89
21	Requesting access to a document under rule 3.9(4) of the High Court Rules or applying, under rule 3.13 of the High Court Rules, for permission to access documents, a court file, or the formal court record, but no fee is payable if a fee has been paid under item 19 in respect of the same matter	25.56
22	Appointing a Commissioner to take affidavits	320.20

Michael Webster,
for 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 1 July 2011, amend the High Court Fees Regulations 2001. The amendment adjusts the fees payable in respect of civil proceedings in the High Court to reflect the movement in the New Zealand Consumers Price Index (All Groups) since 1 July 2004, but in cases where fees have been set after that date, for example, fees for requests and applications to access court documents, the starting date for the adjustment is the date on which those fees were set.

The fees replaced are inclusive of goods and services tax (**GST**), but were not amended directly to reflect the 1 October 2010 GST increase, and so differed from those actually charged. The new fees are also GST inclusive.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 26 May 2011.

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 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
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Notes**1 General**

This is a reprint of the High Court Fees Amendment Regulations 2011. The reprint incorporates all the amendments to the regulations as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

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