

**Reprint  
as at 1 July 2013**



## **Criminal Proceedings (Search Fees) Regulations 2009**

(SR 2009/317)

Criminal Proceedings (Search Fees) Regulations 2009: revoked, on 1 July 2013, by regulation 8 of the District Courts and High Court (Criminal Fees) Regulations 2013 (SR 2013/180).

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 19th day of October 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 410 of the Crimes Act 1961 and section 212 of the Summary Proceedings Act 1957, 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 Criminal Proceedings (Search Fees) Regulations 2009.
- 2 Commencement**  
These regulations come into force on 20 November 2009.
- 3 Application**  
These regulations apply to any criminal proceeding (within the meaning of rule 3 of the Criminal Proceedings (Access to Court Documents) Rules 2009) in the High Court or a District Court.
- 4 Interpretation**  
Terms defined in the Criminal Proceedings (Access to Court Documents) Rules 2009 and used in these regulations have the same meanings as in those rules.
- 5 Fees**  
(1) The fees prescribed in the Schedule are payable, and must be taken by the proper officer of the High Court or (as the case may require) a District Court in respect of the matters specified in the Schedule.

- (2) The fees prescribed by subclause (1), other than in respect of the copying of any document, are not payable by any party to the proceedings or a solicitor acting for a party.
- (3) If it appears to the satisfaction of a Judge or Registrar of the High Court or a District Court that any person is unable, or ought not to be required, to pay a fee or part of a fee specified in the Schedule, the Judge or Registrar may dispense with payment of the whole or part of that fee, subject to any terms the Judge or Registrar thinks fit.

**6 GST included**

The fees prescribed by these regulations are inclusive of goods and services tax.

**7 Revocation**

The Criminal Proceedings (Search Fees) Regulations 1997 (SR 1997/334) are consequentially revoked.

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**Schedule  
Prescribed fees**

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<b>Matters specified</b>	<b>Fee (\$)</b>
For a search or inspection of the formal court record or any document or court file, whether with the permission of the court or otherwise, in accordance with the Criminal Proceedings (Access to Court Documents) Rules 2009	25.00
For a request for access to 1 or more documents under rule 8 or 9 of the Criminal Proceedings (Access to Court Documents) Rules 2009 or for an application under rule 13 of the Criminal Proceedings (Access to Court Documents) Rules 2009, but no fee is payable if a fee has been paid under the preceding item in respect of the same matter	25.00
For the issue of a certified copy of any document on any file	35.00
For the issue by the Registrar of a certificate as to any matter in the records of the court	30.00
For a copy of a judgment—	
(a) not exceeding 5 pages	15.00
(b) exceeding 5 pages but not exceeding 50 pages	30.00

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(c) exceeding 50 pages but not exceeding 75 pages		40.00
(d) exceeding 75 pages		50.00
For faxing documents at the request of a party (except where documents have to be faxed for operational reasons)		2.00
plus, per page faxed		1.00
For a copy of a page of any other document on any file		actual and reasonable costs

Rebecca Kitteridge,  
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 20 November 2009, revise the search fees currently payable under the Criminal Proceedings (Search Fees) Regulations 1997. The fees are revised in light of the Criminal Proceedings (Access to Court Documents) Rules 2009, which came into force on 12 June 2009.

The regulations extend the current fee structure to searches of the formal court record in District Courts and to deposition hearings and trials on indictment held in District Courts.

They prescribe new fees of \$25.00 for requests and applications under the Criminal Proceedings (Access to Court Documents) Rules 2009.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 22 October 2009.

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## **Notes**

### **1 *General***

This is a reprint of the Criminal Proceedings (Search Fees) Regulations 2009. 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)*

District Courts and High Court (Criminal Fees) Regulations 2013 (SR 2013/180): regulation 8

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