



District Courts Fees Amendment Regulations 2011

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 123 of the District Courts Act 1947, His 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 Principal regulations amended	2
4 New Schedule substituted	2
Schedule	2
New Schedule substituted	

Regulations

- 1 Title**
These regulations are the District Courts Fees Amendment Regulations 2011.
- 2 Commencement**
These regulations come into force on 1 July 2011.
- 3 Principal regulations amended**
These regulations amend the District Courts Fees Regulations 2009.
- 4 New Schedule substituted**
The Schedule is revoked and the Schedule set out in the Schedule of these regulations substituted.

Schedule

r 4

New Schedule substituted

Schedule

r 4(1)

Fees payable in respect of proceedings in District Courts

\$

- | | | |
|---|---|--------|
| 1 | <p>Filing of the original document commencing any proceeding (other than an interlocutory proceeding) to which these regulations apply, unless otherwise provided for</p> <p>For the purposes of this item, the original document commencing any proceeding is,—</p> <p>(a) in the case of a proceeding commenced by notice of claim, the notice of claim in form 2 filed under rule 2.10 of the District Courts Rules 2009; and</p> <p>(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</p> | 169.20 |
|---|---|--------|

Schedule—*continued*

	\$
(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) However, no fee is payable for an application made under High Court Rule 5.41 (as applied by rule 3.37.6 of the District Courts Rules 2009).	223.50
3 Filing—	72.50
(a) a statement of defence; or	
(b) an amended statement of defence; or	
(c) an amended statement of claim; or	
(d) an appearance	
4 Filing a counterclaim, or statement of defence and counterclaim if both are included in 1 document	169.20
5 Filing the first affidavit filed by a party in answer to an affidavit filed in support of an interlocutory application for summary judgment	84.60
6 Filing—	906.30
(a) a notice of pursuit of claim in form 6 under rule 2.17 of the District Courts Rules 2009; or	
(b) a notice of pursuit of counterclaim in form 6CC under rule 2.27 of the District Courts Rules 2009	
This fee includes the claim allocation process, and the Short Trial or the Judicial Settlement Conference.	
7 Determination of setting down date for a proceeding (other than for an interlocutory proceeding or an appeal or cross-appeal or a hearing for an undefended demand for an unliquidated amount)	906.30
8 Setting down appeal or cross-appeal for hearing	906.30
9 Hearing fee for each half-day or part of a half-day, after the first half-day This item applies, unless otherwise provided, in respect of the hearing of every proceeding, including—	906.30
(a) the hearing of every appeal and every cross-appeal; and	

Schedule—*continued*

		\$
	(b) the hearing of every interlocutory application.	
10	Sealing the original copy of any document (this includes filing application for judgment in form 6A, and application for judgment (for counterclaim) in form 6CCA) However, no sealing fee is payable in respect of any order made in an interlocutory proceeding, other than an order made on a summary judgment application.	48.30
11	Attendance before Registrar in inquiry or reference or examination of witnesses by Registrar under an order of the court	404.80
12	Filing application for an attachment order	96.70
13	Filing application under section 84B of the District Courts Act 1947 for an examination of judgment debtor	108.80
14	Filing application for distress warrant or warrant for recovery of specific chattels or warrant for recovery of land	66.50
15	Filing application under rule 3.24 of the District Courts Rules 2009 for an order that a witness be examined otherwise than at the time and place appointed for the hearing of the proceeding	175.20
16	Filing application under rule 15.3 of the District Courts Rules 2009 for an order that any party be examined, for each party	163.10
17	Application for an interim charging order or a final charging order	96.70
18	Filing affidavit in support of garnishee summons	126.90
19	Issue of certificate of judgment or order	36.30
20	Searching or inspecting the formal court record kept in an office of a court (rule 3.13 of the District Courts Rules 2009)	25.56
21	Request for access to a document under rule 3.15.4 of the District Courts Rules 2009, or application under rule 3.19 of the District Courts Rules 2009 for permission to access documents, court files, or formal court record, but no fee is payable if a fee has been paid under item 20 in respect of the same matter	25.56
22	Copy of any document, other than a document specified in item 23, per page	actual and reasonable costs

Schedule—*continued*

		\$
23	Copy of notes of District Court Judge or Registrar, or of any judgment or order (other than a copy supplied to a party to the proceeding),—	
	(a) not exceeding 5 pages	18.10
	(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
24	For faxing documents at the request of a party (except where documents have to be faxed for operational reasons)	\$2.40 plus, per page faxed, \$1.20
25	For expenses of execution of any warrant of committal or writ of arrest: the actual expenses incurred by the bailiff or constable, including the costs of conveyance and lodging in prison of the person arrested	
26	For storage, cartage, and removal of goods, or advertising of goods for sale: actual and reasonable disbursements	
27	For each person left in possession of any premises: fees, allowances, and expenses as allowed to a witness in accordance with the Witnesses and Interpreters Fees Regulations 1974	

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 District Courts Fees Regulations 2009. The amendments change the fees payable in respect of proceedings in District Courts. The changes reflect the movement in the Consumers Price Index (All Groups) since 1 July 2004 but, in cases where fees have been set after that date, 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.
These regulations are administered by the Ministry of Justice.
