

**Reprint
as at 14 April 2014**



**District Courts Fees Amendment
Regulations 2013**
(SR 2013/213)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 20th day of May 2013

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.

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Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Justice.

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Regulations

- 1 Title**
These regulations are the District Courts Fees Amendment Regulations 2013.

- 2 Commencement**
 - (1) These regulations, except regulation 11, come into force on 1 July 2013.

- (2) Regulation 11(1) comes into force on the later of 1 July 2013 and the date appointed for the coming into force of section 11(2) of the Act.
- (3) Regulation 11(2) comes into force on the later of 1 July 2013 and the date appointed for the coming into force of section 14 of the Act.
- (4) Regulation 11(3) comes into force on the later of 1 July 2013 and the date appointed for the coming into force of section 16 of the Act.
- (5) Regulation 11(4) comes into force on the later of 1 July 2013 and the date appointed for the coming into force of section 23 of the Act.
- (6) Regulation 11(5) comes into force on the later of 1 July 2013 and the date appointed for the coming into force of section 26 of the Act.
- (7) Regulation 11(6) comes into force on the later of 1 July 2013 and the date appointed for the coming into force of section 37 of the Act.
- (8) Regulation 11(7) comes into force on the later of 1 July 2013 and the date appointed for the coming into force of section 38 of the Act.
- (9) In this regulation,—

Act means the District Courts Amendment Act 2011

date appointed means the date appointed under section 2(2) of the Act.

Regulation 2(2)–(8): regulation 11 brought into force, on 14 April 2014, pursuant to clause 2(b) of the District Courts Amendment Act 2011 Commencement Order 2013 (SR 2013/410).

3 Principal regulations

These regulations amend the District Courts Fees Regulations 2009 (the **principal regulations**).

4 Regulation 3 replaced (Application)

Replace regulation 3 with:

“3 Application

- “(1) These regulations apply to civil proceedings in a District Court.

- “(2) Nothing in these regulations applies to—
- “(a) applications under the following:
 - “(i) the Harassment Act 1997;
 - “(ii) the Accident Compensation Act 2001;
 - “(iii) the Criminal Proceeds (Recovery) Act 2009;
 - “(iv) the Immigration Act 2009;
 - “(v) the Search and Surveillance Act 2012; or
 - “(b) matters under Part 6 of the Criminal Procedure Rules 2012 (access to court documents).”

5 New regulation 3A inserted (Interpretation)

After regulation 3, insert:

“3A Interpretation

In these regulations, unless the context otherwise requires,—

“**actual hearing fee** means the fee payable under item 11 of the fees table in respect of the actual hearing time

“**DCR** means District Courts rule

“**District Courts Rules** means the District Courts Rules 2009

“**document** has the meaning given in DCR 1.8

“**estimated hearing fee** means the fee payable under item 11 of the fees table in respect of the estimated hearing time

“**estimated hearing time** means the time allocated for a hearing and notified to the parties by the Registrar when written confirmation of the hearing date is given

“**fees table** means the table in the Schedule

“**initiating document** means,—

“(a) in the case of a proceeding commenced by notice of claim, the notice of claim in form 2 filed under DCR 2.10; and

“(b) in the case of an appeal or a 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 of other relief sought by the plaintiff

“**item** means a matter described in the third column, and with the reference number given in the second column, of the fees table

“**scheduling fee** means the fee (if any) payable under item 10 of the fees table in respect of an application or proceeding

“**working day** has the meaning given in DCR 1.8.”

6 Regulation 4 amended (Fees of court)

In regulation 4(2), replace “5 and 6” with “5, 6, and 10(1)”.

7 New regulation 4A inserted (Application of fee for item 11 (hearings))

After regulation 4, insert:

“4A Application of fee for item 11 (hearings)

“(1) The fee for item 11 applies in respect of the hearing of every application or proceeding, including—

“(a) the hearing of every claim, counterclaim, cross-claim, and claim against a third or subsequent party; and

“(b) the hearing of every appeal and cross-appeal; and

“(c) the hearing of every interlocutory application; and

“(d) the hearing of land valuation proceedings.

“(2) However, the fee for item 11 does not apply to a short trial (as allocated under DCR 2.40) following the filing of a notice of pursuit of claim or counterclaim.”

8 Regulations 9 and 10 replaced

Replace regulations 9 and 10 with:

“9 Prepayment of scheduling fees and estimated hearing fees

“(1) An applicant must pay a scheduling fee no later than—

“(a) 15 working days after the date on which the Registrar gives to the parties written confirmation of the date on which the hearing is scheduled to begin (the **scheduled hearing date**); or

“(b) if the Registrar gives less than 15 working days’ notice of the scheduled hearing date, a date specified by the Registrar.

“(2) The applicant must pay an estimated hearing fee,—

- “(a) if the estimated hearing time is 10 days or less, no later than—
 - “(i) 30 working days before the scheduled hearing date; or
 - “(ii) if the Registrar gives less than 30 working days’ notice of the scheduled hearing date, the date specified by the Registrar; or
- “(b) if the estimated hearing time is more than 10 days, no later than—
 - “(i) 45 working days before the scheduled hearing date; or
 - “(ii) if the Registrar gives less than 45 working days’ notice of the scheduled hearing date, the date specified by the Registrar.
- “(3) If 2 or more proceedings are to be heard together, scheduling fees (if any) and hearing fees must be paid in respect of each proceeding unless the court otherwise directs.
- “(4) For the purpose of subclause (3), a proceeding does not constitute 2 or more proceedings by reason only that it involves—
 - “(a) a claim and 1 or more counterclaims, cross-claims, or claims against a third or subsequent party; or
 - “(b) an appeal and 1 or more cross-appeals.
- “**10 Failure to prepay scheduling fees or estimated hearing fees**
- “(1) If a scheduling fee or an estimated hearing fee is not paid in accordance with regulation 9, the Registrar may vacate the hearing.
- “(2) If the Registrar vacates a hearing under subclause (1), the Registrar must promptly notify the parties.
- “**10A Payment of balance of hearing fees if hearing exceeds estimated hearing time**
- “(1) If the actual hearing time exceeds the estimated hearing time, the applicant must pay, on the final day of the hearing, the balance of the hearing fee (being the actual hearing fee less any amount that has been prepaid).

“(2) Subclause (1) is subject to any order made under regulation 10D(2)(b)(ii).

“**10B Refund of prepaid hearing fees if hearing shorter than estimated hearing time**

If the actual hearing time is less than the estimated hearing time, the Registrar must refund to the applicant the portion of any prepaid hearing fee that relates to the period of hearing time not used.

“**10C Refund of prepaid hearing fees if proceeding settled, discontinued, abandoned, or determined before hearing date**

“(1) If a proceeding is settled, discontinued, abandoned, or determined before the hearing date, the Registrar must refund any prepaid hearing fee to the applicant.

“(2) However, subclause (1) does not apply if a counterclaim, cross-claim, claim against a third or subsequent party, or cross-appeal remains to be heard (*see* regulation 10D).

“**10D Hearing fees in proceedings involving counterclaims, cross-claims, claims against third or subsequent parties, or cross-appeals**

“(1) This regulation applies if a hearing involves 1 or more counterclaims, cross-claims, claims against a third or subsequent party, or cross-appeals.

“(2) At the end of the hearing, the court—

“(a) may give a direction as to what portion of the scheduling fee and actual hearing fee each party is liable to pay; and

“(b) may, in order to give effect to a direction under paragraph (a), make 1 or both of the following orders:

“(i) an order that a party other than the applicant pay an amount to the applicant:

“(ii) an order that a portion of the balance of the hearing fee payable under regulation 10A (if applicable) be paid by a party other than the applicant.”

9 Regulation 12 replaced (Revocation)

Replace regulation 12 with:

“12 Transitional and savings provision

- “(1) In respect of proceedings commenced before 1 July 2013,—
- “(a) these regulations as in force immediately before 1 July 2013 apply in respect of any step taken before that date; and
 - “(b) these regulations as in force on and from 1 July 2013 apply in respect of any step taken on or after that date.
- “(2) However,—
- “(a) item 12 of the fees table as in force immediately before 1 July 2013 continues to apply until immediately before the date on which regulation 11(3) of the District Courts Fees Amendment Regulations 2013 (the **amendment regulations**) comes into force; and
 - “(b) item 13 of the fees table as in force immediately before 1 July 2013 continues to apply until immediately before the date on which regulation 11(2) of the amendment regulations comes into force; and
 - “(c) item 14 of the fees table as in force immediately before 1 July 2013 continues to apply until immediately before the date on which regulation 11(5) of the amendment regulations comes into force.”

10 Schedule replaced

Replace the Schedule with the Schedule set out in the Schedule of these regulations.

11 New Schedule amended

- (1) In the Schedule (as replaced by regulation 10 of these regulations), in the category “*Enforcing judgments*”, insert in its appropriate numerical order:
- | | | |
|-----|---|----|
| 13A | Filing a judgment or an order for the payment of money under section 79(5C) of the District Courts Act 1947 | 30 |
|-----|---|----|
- (2) In the Schedule (as replaced by regulation 10 of these regulations), in the category “*Enforcing judgments*”, insert in their appropriate numerical order:

13B	Filing a financial statement under section 84A of the District Courts Act 1947	65
13C	Filing an application for a financial assessment under section 84C of the District Courts Act 1947	80
13D	Filing an application for a financial assessment hearing under section 84E of the District Courts Act 1947	130
13E	Requesting service by an authorised process server of a summons to attend a financial assessment hearing issued under section 84E of the District Courts Act 1947	50
(3)	In the Schedule (as replaced by regulation 10 of these regulations), in the category “ <i>Enforcing judgments</i> ”, insert in its appropriate numerical order:	
13F	Filing an application for an attachment order under section 84G(1)(c) of the District Courts Act 1947	50
(4)	In the Schedule (as replaced by regulation 10 of these regulations), in the category “ <i>Enforcing judgments</i> ”, insert in their appropriate numerical order:	
13G	Filing an application for an order for contempt of enforcement proceedings under section 84O(3) of the District Courts Act 1947	200
13H	Requesting service by an authorised process server of a copy of an application and notification of the time and place for the hearing of that application that is required to be served under section 84OA(5) of the District Courts Act 1947	50
(5)	In the Schedule (as replaced by regulation 10 of these regulations), in the category “ <i>Enforcing judgments</i> ”, insert in its appropriate numerical order:	
13I	Filing an application for 1 of the following, or more than 1 if applied for at the same time and in respect of the same execution address:	200
	(a) a warrant to seize property:	
	(b) a warrant for recovery of chattels:	
	(c) a warrant for recovery of land (including filing a possession order under section 106 of the Residential Tenancies Act 1986)	

-
- (6) In the Schedule (as replaced by regulation 10 of these regulations), in the category “*Enforcing judgments*”, insert in its appropriate numerical order:
- 13J Obtaining a warrant to seize property for the value of chattels under section 104(2) of the District Courts Act 1947 no fee
- (7) In the Schedule (as replaced by regulation 10 of these regulations), in the category “*Enforcing judgments*”, insert in its appropriate numerical order:
- 16A Filing a new address for service where service is by an authorised process server, or where execution of a warrant pursuant to Part 6 of the District Courts Act 1947 is by a bailiff or constable (provided that a maximum of 1 fee only may be added to the judgment debt) 50
-

Schedule

r 10

Schedule replaced

Schedule

r 4(1)

**Fees payable in respect of proceedings in
District Courts**

Category	Item	Matter for which fee is payable	Fee (\$)
<i>Documents initiating proceedings</i>	1	Filing an initiating document (as defined in regulation 3A), unless a different filing fee is prescribed for that document elsewhere in the fees table	200
	2	Filing a claim, an objection, an application, or other proceedings under section 21 of the Land Valuation Proceedings Act 1948	50
<i>Interlocutory applications</i>	3	Filing an interlocutory application (including an application for summary judgment and a review of a Registrar's decision),—	
		(a) in the case of an application made under rule 5.41 of the High Court Rules (as applied by DCR 3.37.6)	no fee
		(b) in the case of an application to vary, discharge, or suspend an attachment order made under section 84M of the District Courts Act 1947	no fee
	(c) in any other case	250	
4	Filing an application under DCR 3.24 for an order that a witness be examined otherwise than at the time and place appointed for the hearing of the proceeding	180	
<i>Statements of defence and other documents in response</i>	5	Filing—	
		(a) a statement of defence	75
		(b) an amended statement of defence	75
		(c) an amended statement of claim	75
		(d) an amended notice of claim	75
	(e) an appearance	75	
6	Filing a counterclaim (which may include in the same document, for no additional fee, a statement of defence)	200	

Schedule—*continued*

Category	Item	Matter for which fee is payable	Fee (\$)
	7	Filing the first affidavit filed by a party in answer to an affidavit filed in support of an interlocutory application for summary judgment	90
<i>Other filing fees</i>	8	Filing—	
		(a) a notice of pursuit of claim in form 6 of the District Courts Rules under DCR 2.17	900
		(b) a notice of pursuit of counterclaim in form 6CC of the District Courts Rules under DCR 2.27	900
		Note: The fee for item 8 includes the claim allocation process and the short trial (DCR 2.40) or the judicial settlement conference (DCR 2.47)	
	9	Filing—	
		(a) an application for judgment in form 6A of the District Courts Rules (the fee for this item also covers sealing of the judgment)	90
		(b) an application for judgment (for counterclaim) in form 6CCA of the District Courts Rules (the fee for this item also covers sealing of the judgment)	90
<i>Scheduling</i>	10	For scheduling the hearing date for an application or a proceeding,—	
		(a) in the case of an interlocutory application	no fee
		(b) in any other case	900
<i>Hearings (see regulation 4A)</i>	11	Hearing fee for each half-day or part of a half-day after the first half-day	900

Schedule—*continued*

Category	Item	Matter for which fee is payable	Fee (\$)
<i>Attendance before Registrar</i>	12	Attendance before a Registrar in an inquiry or a reference	400
	13	Examination of witnesses by Registrar under an order of the court	400
<i>Enforcing judgments</i>	14	Filing an application under DCR 15.3 for an order that any party be examined, for each party	180
	15	Filing an application for an interim charging order or a final charging order	250
	16	Filing an affidavit in support of garnishee summons	250
	17	For expenses of execution of any warrant of committal or writ of arrest Note: For the purposes of this item, actual expenses means the actual expenses incurred by the bailiff or constable, including the costs of conveyance and lodging in prison of the person arrested	actual expenses
	18	For storage, cartage, and removal of goods, advertising goods for sale, or auctioning or otherwise disposing of goods	actual and reasonable disbursements
	19	For each person left in possession of any premises Note: For the purposes of this item, fees, allowances, and expenses means fees, allowances, and expenses as allowed to a witness in accordance with the Witnesses and Interpreters Fees Regulations 1974	fees, allowances, and expenses
<i>Administrative fees</i>	20	Sealing the original copy of any document	50
	21	Issuing a certificate of judgment or order	50
	22	Copying any document (other than a document specified in item 23)—	
		(a) for the first copy of any part or parts of the court file or any document relating to the proceeding that is provided to a party to the proceeding or that party's counsel	no fee
	(b) where paragraph (a) does not apply,—		

Schedule—*continued*

Category	Item	Matter for which fee is payable	Fee (\$)
		(i) for each black and white page	0.20
		(ii) for each colour page	0.40
		(iii) for documents in electronic form	actual and reasonable costs
	23	Copying a judgment or order,—	
		(a) for the first copy provided to a party to the proceeding or that party's counsel	no fee
		(b) where paragraph (a) does not apply	10
<i>Searching and accessing court records</i>	24	Searching or inspecting the formal court record kept in an office of a court (DCR 3.13)—	
		(a) for the first name or case searched	30
		(b) for each additional name or case searched	5
	25	Requesting access to a document under DCR 3.15.4, or applying under DCR 3.19 for permission to access documents, a court file, or the formal court record,—	
		(a) if a fee has been paid under item 24 in respect of the document, court file, or formal court record	no fee
		(b) in any other case	30

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 23 May 2013.

Reprints notes

1 *General*

This is a reprint of the District Courts Fees Amendment Regulations 2013 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

District Courts Amendment Act 2011 Commencement Order 2013 (SR 2013/410): clause 2(b)
