

**Reprint  
as at 1 July 2013**



**Supreme Court Fees Regulations  
2003  
(SR 2003/359)**

Silvia Cartwright, Governor-General

**Order in Council**

At Wellington this 8th day of December 2003

Present:  
Her Excellency the Governor-General in Council

Pursuant to section 39(1) of the Supreme Court Act 2003, 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 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 Supreme Court Fees Regulations 2003.

**2 Commencement**

These regulations come into force on 1 January 2004.

**3 Interpretation**

In these regulations, unless the context otherwise requires,—

**Act** means the Supreme Court Act 2003

**appeal** includes, except in items 1, 3, and 4 of the Schedule, an application for leave to appeal

**court** means the Supreme Court of New Zealand

**Registrar** means the Registrar of the court, and includes a Deputy Registrar of the court.

Regulation 3 **appeal**: amended, on 1 July 2013, by regulation 4 of the Supreme Court Fees Amendment Regulations 2013 (SR 2013/223).

**4 Fees of court**

- (1) The fees specified in the Schedule are payable, and must be taken by the Registrar, in appeals to the court in respect of the matters specified in that schedule.
- (2) All fees must be prepaid.
- (3) Subclause (2) is subject to regulations 5 and 6.

**5 Power to waive fees**

- (1) A person (the **applicant**) otherwise responsible for the payment of a fee required in connection with an appeal or an intended appeal may apply to the Registrar for a waiver of the fee.
- (2) The Registrar may waive the fee payable by the applicant if satisfied,—
  - (a) on the basis of one of the criteria specified in subclause (3), that the applicant is unable to pay the fee; or
  - (b) that the appeal,—
    - (i) on the basis of one of the criteria specified in subclause (4), concerns a matter of genuine public interest; and
    - (ii) is unlikely to be commenced or continued unless the fee is waived.
- (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 and Retirement Income 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.
- (4) For the purposes of these regulations, an appeal that concerns a matter of genuine public interest is—
  - (a) an appeal that has been or is intended to be commenced to determine a question of law that is of significant inter-

est to the public or to a substantial section of the public;  
or

- (b) an appeal that—
- (i) raises issues of significant interest to the public or to a substantial section of the public; and
  - (ii) is against a judgment, decree, or order given or made in a proceeding commenced by an organisation that, by its governing enactment, constitution, or rules, is expressly or by necessary implication required to promote matters in the public interest.

- (5) An application under subclause (1) must be made in a form approved for the purpose by the Secretary for Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

Regulation 5(3): substituted, on 1 July 2004, by regulation 3 of the Supreme Court Fees Amendment Regulations 2004 (SR 2004/170).

Regulation 5(3)(b)(ii): amended, on 21 April 2005, by section 9(2) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

## **6 Payment of fee may be postponed pending determination of application for waiver or review**

- (1) The Registrar may, on application by a person who is awaiting the determination of an application under regulation 5(1) or section 40 of the Act, postpone the payment of the fee to which the application relates until the date on which the person is notified of the determination.
- (2) The Registrar may exercise the power under subclause (1) if satisfied that the person awaiting the determination of his or her application would be prejudiced if the matter to which the fee relates did not proceed before the determination.
- (3) An application under subclause (1) must be made in a form approved for the purpose by the Secretary for Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

**7 Recovery of postponed fee**

- (1) This regulation applies to a fee (the **fee**) that has been postponed under regulation 6.
- (2) If the effect of a determination under regulation 5 or section 40 of the Act is that the fee is not to be waived, the fee—
  - (a) must be paid, without delay, to the Registrar; and
  - (b) is recoverable as a debt due to the Crown in any court of competent jurisdiction.
- (3) Following a determination that has the effect referred to in subclause (2), the person responsible for paying the fee may not take a step in the appeal to which the fee relates unless the fee is paid.
- (4) This regulation has effect subject to regulation 6 during any period that the question of the waiver of the fee is the subject of a pending application under section 40 of the Act.

**8 Power to refund fees**

- (1) The Registrar may, on application made to him or her, refund a fee that has already been paid if satisfied that—
  - (a) no application, under regulation 5, for a waiver of the fee was made; and
  - (b) the fee would have been waived, in accordance with regulation 5, had that application been made; and
  - (c) the criteria that would have justified that waiver still apply at the date of the application for the refund.
- (2) An application under subclause (1) must be made in a form approved for the purpose by the Secretary for Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

**9 GST included**

The fees prescribed by these regulations include goods and services tax.

**10 Appeals to which regulations do not apply**

These regulations do not apply to—

- (a) criminal appeals; or

- (b) civil appeals under the Criminal Proceeds (Recovery) Act 2009; or
- (c) appeals under the Bail Act 2000.

Regulation 10: replaced, on 1 July 2013, by regulation 5 of the Supreme Court Fees Amendment Regulations 2013 (SR 2013/223).

## 11 Transitional provision

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.

Regulation 11: inserted, on 1 July 2013, by regulation 5 of the Supreme Court Fees Amendment Regulations 2013 (SR 2013/223).

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## Schedule

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### Fees payable in respect of appeals to court

Schedule: replaced, on 1 July 2013, by regulation 6 of the Supreme Court Fees Amendment Regulations 2013 (SR 2013/223).

Category	Item	Matter for which fee is payable	Fee (\$)
<i>Filing fees</i>	1	Filing an application for leave to appeal	1,100
	2	Filing an interlocutory application,—	
		(a)	in the case of an application for a review of a Registrar's decision
	(b)	in any other case	400
<i>Scheduling</i>	3	Scheduling the hearing date for an appeal and hearing an appeal for the first day	1,000
<i>Hearings</i>	4	Hearing an appeal, for each half-day or part of a half-day after the first day	500

<b>Category</b>	<b>Item</b>	<b>Matter for which fee is payable</b>	<b>Fee (\$)</b>
<i>Administrative fees</i>	5	Sealing an order or a judgment and providing, at the same time, any duplicate or certified copy of that order or judgment	50
	6	Copying a judgment,—	
		(a) for the first copy that is provided to a party to the proceeding or that party's counsel	no fee
		(b) where paragraph (a) does not apply	30
	7	Copying any document (other than a judgment),—	
		(a) for the first copy of any part or parts of the court file, or any document relating to the appeal, that is provided to a party to the proceeding or that party's counsel	no fee
		(b) where paragraph (a) does not apply,—	
		(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

Diane Morcom,  
Clerk of the Executive Council.

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**Notes****1 *General***

This is a reprint of the Supreme Court Fees Regulations 2003. 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)***

Supreme Court Fees Amendment Regulations 2013 (SR 2013/223)

New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42): section 9(2)

Supreme Court Fees Amendment Regulations 2004 (SR 2004/170)

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