Version
as at 1 July 2026

Court of Appeal Fees Regulations 2001

(SR 2001/309)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 9th day of October 2001

Present:
Her Excellency the Governor-General in Council

Pursuant to section 100A of the Judicature Act 1908, 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

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Justice.

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Regulations

1 Title

These regulations are the Court of Appeal Fees Regulations 2001.

2 Commencement

These regulations come into force on 15 October 2001.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Senior Courts Act 2016

actual hearing fee means any fee payable under item 4 or 5 (as applicable) of the fees table in respect of the actual hearing time

court means the Court of Appeal

estimated hearing fee means any fee payable under item 4 or 5 (as applicable) of the fees table in respect of the estimated hearing time

estimated hearing time means the time allocated for a hearing by the Registrar and notified to the parties

fees table means the table in the Schedule

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

Registrar means the Registrar of the court; and includes a Deputy Registrar of the court

scheduling fee means the fee (if any) payable under item 3 of the fees table in respect of an application or proceeding

working day has the meaning given in rule 3(1) of the Court of Appeal (Civil) Rules 2005.

Regulation 3 **Act**: replaced, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Regulation 3 **actual hearing fee**: inserted, on 1 July 2013, by regulation 4 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

Regulation 3 **estimated hearing fee**: inserted, on 1 July 2013, by regulation 4 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

Regulation 3 **estimated hearing time**: inserted, on 1 July 2013, by regulation 4 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

Regulation 3 **fees table**: inserted, on 1 July 2013, by regulation 4 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

Regulation 3 **item**: inserted, on 1 July 2013, by regulation 4 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

Regulation 3 **scheduling fee**: inserted, on 1 July 2013, by regulation 4 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

Regulation 3 **working day**: inserted, on 1 July 2013, by regulation 4 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

4 Fees of court

(1) The fees specified in the Schedule are payable, and must be taken by the Registrar, in proceedings in the court in respect of the matters so specified if no other fee is prescribed in respect of those proceedings by any Act, regulations, Order in Council, or notice.

(2) All such fees must be prepaid.

(3) Subclause (2) is subject to regulations 4B(1), 5, and 6.

Regulation 4(3): amended, on 1 July 2013, by regulation 5 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

4A Prepayment of scheduling fees and estimated hearing fees

(1) An applicant or appellant (as applicable) must pay a scheduling fee before a hearing is scheduled.

(2) An applicant or appellant (as applicable) must pay an estimated hearing fee no later than—

(a) 30 working days before the date on which a hearing is scheduled to begin (the **scheduled hearing date**); or

(b) if the Registrar gives less than 30 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 an appeal and 1 or more cross-appeals.

Regulation 4A: inserted, on 1 July 2013, by regulation 6 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

4B 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 4A, the Registrar may vacate the hearing.

(2) If the Registrar vacates a hearing under subclause (1), the Registrar must promptly notify the parties.

Regulation 4B: inserted, on 1 July 2013, by regulation 6 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

4C 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 or appellant (as applicable) 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 4F(2)(b)(ii).

Regulation 4C: inserted, on 1 July 2013, by regulation 6 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

4D 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 or appellant (as applicable) the portion of any prepaid hearing fee that relates to the period of hearing time not used.

Regulation 4D: inserted, on 1 July 2013, by regulation 6 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

4E 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 or appellant (as applicable).

(2) However, subclause (1) does not apply if a cross-appeal remains to be heard (*see* regulation 4F).

Regulation 4E: inserted, on 1 July 2013, by regulation 6 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

4F Hearing fees in proceedings involving cross-appeals

(1) This regulation applies if a hearing involves 1 or more 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 or appellant (as applicable) pay an amount to the applicant or appellant:

(ii) an order that a portion of the balance of the hearing fee payable under regulation 4C (if applicable) be paid by a party other than the applicant or appellant (as applicable).

Regulation 4F: inserted, on 1 July 2013, by regulation 6 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

5 Power to waive fees

(1) A person (the **applicant**) otherwise responsible for the payment of a fee required in connection with a proceeding or an intended proceeding 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 proceeding,—

(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 specified benefit (as defined in section 198(3) of the Social Security Act 2018) that is jobseeker support, sole parent support, a supported living payment, or an emergency benefit; 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 Veterans' Support Act 2014; or

(iii) would otherwise suffer undue financial hardship if he or she paid the fee.

(4) For the purposes of these regulations, a proceeding that concerns a matter of genuine public interest is—

(a) a proceeding that has been or is intended to be commenced to determine a question of law that is of significant interest to the public or to a substantial section of the public; or

(b) a proceeding that—

(i) raises issues of significant interest to the public or to a substantial section of the public; and

(ii) is an appeal 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 chief executive of the Ministry of 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 Court of Appeal Fees Amendment Regulations 2004 (SR 2004/162).

Regulation 5(3)(b)(i): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Regulation 5(3)(b)(ii): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

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

Regulation 5(5): amended, on 1 October 2003, pursuant to section 14(2) of the State Sector Amendment Act 2003 (2003 No 41).

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 160 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 chief executive of the Ministry of Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

Regulation 6(3): amended, on 1 October 2003, pursuant to section 14(2) of the State Sector Amendment Act 2003 (2003 No 41).

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 160 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 proceeding 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 160 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 chief executive of the Ministry of Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

Regulation 8(2): amended, on 1 October 2003, pursuant to section 14(2) of the State Sector Amendment Act 2003 (2003 No 41).

9 GST included

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

10 Proceedings to which regulations do not apply

These regulations do not apply to—

(a) criminal appeals; or

(b) civil proceedings under the Criminal Proceeds (Recovery) Act 2009; or

(c) matters under the Court of Appeal (Access to Court Documents) Rules 2009 that relate to criminal appeals; or

(d) appeals under the Harmful Digital Communications Act 2015.

Regulation 10: replaced, on 1 July 2013, by regulation 7 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

Regulation 10(c): replaced, on 21 November 2016, by regulation 4 of the Court of Appeal Fees Amendment Regulations 2016 (LI 2016/230).

Regulation 10(d): inserted, on 21 November 2016, by regulation 4 of the Court of Appeal Fees Amendment Regulations 2016 (LI 2016/230).

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: replaced, on 1 July 2013, by regulation 7 of the Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210).

Schedule
Fees payable in respect of proceedings in court

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Schedule: replaced, on 1 July 2024, by regulation 4 of the Court of Appeal Fees Amendment Regulations 2024 (SL 2024/97).

Category	Item	Matter for which fee is payable	Fee ($)
Filing fees	1	Filing—	
		(a) an application for leave to appeal	1,515
		(b) an application for special leave to appeal	1,515
		(c) an application for leave to appeal out of time	1,515
		(d) a notice of appeal (unless a fee has been paid under paragraph (a), (b), or (c) in respect of the same matter)	1,515
		(e) an application for judicial review	1,515
		(f) an application for a review of a Registrar's decision	no fee
	2	Filing an interlocutory application not specified in item 1	551
Scheduling	3	For scheduling the hearing date for an application or proceeding,—	
		(a) in the case of an interlocutory application	no fee
		(b) in the case of an application specified in item 1(a), (b), or (c)	no fee
		(c) in any other case	3,720
Hearings	4	Hearing a proceeding relating to an application specified in item 1(a), (b), or (c) or 2	no fee
	5	Hearing any other proceeding, for each half-day or part of a half-day after the first day	1,860
Administrative fees	6	Sealing an order or a judgment and providing, at the same time, any duplicate or certified copy of that order or judgment	69
	7	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	41
	8	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	0.30
		(ii) for each colour page	0.50
		(iii) for documents in electronic form	actual and reasonable costs
Searching and accessing court records	9	Searching or inspecting the formal court record kept in the registry of the court under the Senior Courts (Access to Court Documents) Rules 2017,—	

Category	Item	Matter for which fee is payable	Fee ($)
		(a) for the first name or case searched	41
		(b) for each additional name or case searched	7
	10	Requesting access to a document under rule 11 of the Senior Courts (Access to Court Documents) Rules 2017 or applying under rule 8 or 9 of those rules for permission to access documents, a court file, or the formal court record,—	
		(a) if a fee has been paid under item 9 in respect of the document, court file, or formal court record	no fee
		(b) in any other case	41

Schedule item 1(a): amended, on 1 July 2026, by regulation 4(3) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Schedule item 1(b): amended, on 1 July 2026, by regulation 4(3) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Schedule item 1(c): amended, on 1 July 2026, by regulation 4(3) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Schedule item 1(d): amended, on 1 July 2026, by regulation 4(3) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Schedule item 1(e): amended, on 1 July 2026, by regulation 4(3) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Schedule item 2: amended, on 1 July 2026, by regulation 4(3) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Schedule item 3(c): amended, on 1 July 2026, by regulation 4(3) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Schedule item 5: amended, on 1 July 2026, by regulation 4(3) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Schedule item 6: amended, on 1 July 2026, by regulation 4(3) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Schedule item 7(b): amended, on 1 July 2026, by regulation 4(3) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Schedule item 9: amended, on 1 July 2026, by regulation 4(1) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Schedule item 9(a): amended, on 1 July 2026, by regulation 4(3) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Schedule item 10: amended, on 1 July 2026, by regulation 4(2)(a) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Schedule item 10: amended, on 1 July 2026, by regulation 4(2)(b) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Schedule item 10(b): amended, on 1 July 2026, by regulation 4(3) of the Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98).

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 11 October 2001.

Notes

1 General

This is a consolidation of the Court of Appeal Fees Regulations 2001 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Court of Appeal Fees Amendment Regulations 2026 (SL 2026/98)

Court of Appeal Fees Amendment Regulations 2024 (SL 2024/97)

Social Security Act 2018 (2018 No 32): section 459

Senior Courts Act 2016 (2016 No 48): section 183(b)

Court of Appeal Fees Amendment Regulations 2016 (LI 2016/230)

Veterans' Support Act 2014 (2014 No 56): section 278

Court of Appeal Fees Amendment Regulations 2013 (SR 2013/210)

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

Court of Appeal Fees Amendment Regulations 2004 (SR 2004/162)

State Sector Amendment Act 2003 (2003 No 41): section 14(2)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2026