

Version
as at 17 October 2025



Family Court (Fees) Regulations 2009 (SR 2009/88)

Regulation title: amended, on 17 October 2025, by regulation 4 of the Family Court (Fees) Amendment Regulations 2025 (SL 2025/206).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 6th day of April 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 16B(1) of the Family Court Act 1980 and section 187 of the Family Proceedings Act 1980, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Enacting statement: amended, on 17 October 2025, by regulation 5 of the Family Court (Fees) Amendment Regulations 2025 (SL 2025/206).

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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 Family Court (Fees) Regulations 2009.

Regulation 1: amended, on 17 October 2025, by regulation 4 of the Family Court (Fees) Amendment Regulations 2025 (SL 2025/206).

2 Commencement

These regulations come into force on 18 May 2009.

3 Application

These regulations apply to proceedings in a Family Court.

4 Interpretation

In these regulations, unless the context otherwise requires,—

court means a Family Court

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

Regulation 4 **court fee** or **fee**: revoked, on 1 July 2012, by regulation 4 of the Family Courts Fees Amendment Regulations 2012 (SR 2012/101).

5 Court fees for proceedings under Family Proceedings Act 1980

The court fees, if any, payable in respect of a proceeding or an intended proceeding under the Family Proceedings Act 1980 are specified in Schedule 1.

Regulation 5: replaced, on 2 November 2012, by regulation 4 of the Family Courts Fees Amendment Regulations (No 2) 2012 (SR 2012/308).

5A Court fees for proceedings under Care of Children Act 2004

- (1) The court fees, if any, payable in respect of a proceeding or an intended proceeding under the Care of Children Act 2004 are specified in Schedule 2.
- (2) Despite subclause (1), the fees in items 1 and 2 of Schedule 2 are not payable by an applicant if the child in respect of whom the application under section 48 or 56(1)(a) or 56(1)(b) of the Care of Children Act 2004 is made is subject to—
 - (a) an order under section 101(1)(a) of the Oranga Tamariki Act 1989 and is living with the applicant pursuant to—
 - (i) a direction under section 104(2)(a) of that Act; or
 - (ii) an arrangement under section 105(1)(c) or (d) of that Act; or
 - (iii) a placement under section 362 of that Act:
 - (b) an order under section 101(1)(b) or (c) of the Oranga Tamariki Act 1989 and is living with the applicant pursuant to—
 - (i) a direction under section 104(2)(b) of that Act; or
 - (ii) a direction under section 106(1)(a) of that Act; or
 - (iii) a placement under section 362 of that Act:
 - (c) an order under section 101(1)(d) of the Oranga Tamariki Act 1989 and is living with the applicant pursuant to—
 - (i) a direction under section 104(2)(c) of that Act; or
 - (ii) a direction under section 106(1)(a) of that Act; or
 - (iii) a placement under section 362 of that Act:
 - (d) an order under section 101(1)(e) of the Oranga Tamariki Act 1989 and is living with the applicant pursuant to that order:
 - (e) a sole guardianship order under section 110(1)(a) of the Oranga Tamariki Act 1989 (but not an order under section 101 of that Act) and is living with the applicant pursuant to—
 - (i) a direction under section 104(2)(a) of that Act; or
 - (ii) an arrangement under section 105(1)(c) or (d) of that Act; or
 - (iii) a placement under section 362 of that Act:
 - (f) a sole guardianship order under section 110(1)(b) or (c) of the Oranga Tamariki Act 1989 (but not an order under section 101 of that Act) and is living with the applicant pursuant to—
 - (i) a direction under section 104(2)(b) of that Act; or

- (ii) a direction under section 106(1)(a) of that Act; or
- (iii) a placement under section 362 of that Act:
- (g) a sole guardianship order under section 110(1)(e) of the Oranga Tamariki Act 1989 (but not an order under section 101 of that Act) and is living with the applicant pursuant to that order.

Regulation 5A: inserted, on 2 November 2012, by regulation 4 of the Family Courts Fees Amendment Regulations (No 2) 2012 (SR 2012/308).

Regulation 5A(2)(a): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Regulation 5A(2)(b): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Regulation 5A(2)(c): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Regulation 5A(2)(d): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Regulation 5A(2)(e): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Regulation 5A(2)(f): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Regulation 5A(2)(g): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

5B Court fees for proceedings under Property (Relationships) Act 1976

The court fees, if any, payable in respect of a proceeding or an intended proceeding under the Property (Relationships) Act 1976 are specified in Schedule 3.

Regulation 5B: inserted, on 2 November 2012, by regulation 4 of the Family Courts Fees Amendment Regulations (No 2) 2012 (SR 2012/308).

6 GST included

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

7 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 a 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) has been or is intended to be 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 7(3)(b)(i): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

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

8 Payment of fee may be postponed pending determination of application for waiver or review

- (1) This regulation applies where an application is made under regulation 7 or section 16C of the Family Courts Act 1980.

- (2) Where this regulation applies, the Registrar may, on the application of a person who is awaiting the determination of an application referred to in subclause (1), postpone the payment of the fee to which the application relates until the date on which the person is notified of the determination.
- (3) A Registrar may exercise the power under subclause (2) 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.
- (4) An application under subclause (2) 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.

9 Recovery of postponed fee

- (1) This regulation applies to a fee that has been postponed under regulation 8.
- (2) If the effect of a determination under regulation 7 or section 16C of the Family Courts Act 1980 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 8 during any period that the question of the waiver of the fee is the subject of a pending application under section 16C of the Family Courts Act 1980.

10 Power to refund fees

- (1) A 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 7, for a waiver of the fee was made; and
 - (b) the fee would have been waived, in accordance with regulation 7, had such an 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.

10A Fees to be prepaid

- (1) All fees must be prepaid.
- (2) The hearing fee specified in item 3 of Schedule 3 must be prepaid not later than the beginning of the hearing of the application to which that fee relates.

- (3) This regulation is subject to regulations 7 and 8.

Regulation 10A: inserted, on 1 July 2012, by regulation 6 of the Family Courts Fees Amendment Regulations 2012 (SR 2012/101).

11 Consequential revocations

- (1) Rules 421 to 423 (inclusive) of the Family Courts Rules 2002 are consequentially revoked.
- (2) The Family Proceedings (Court Fee) Regulations 2004 (SR 2004/32) are revoked.

Schedule 1
Fees payable in respect of applications under Family Proceedings
Act 1980

r 5

Schedule 1: replaced, on 1 July 2011, by regulation 4 of the Family Courts Fees Amendment Regulations 2011 (SR 2011/162).

Schedule 1 heading: amended, on 2 November 2012, by regulation 5 of the Family Courts Fees Amendment Regulations (No 2) 2012 (SR 2012/308).

		(\$)
1	Filing an application under section 27 (for a declaration whether, according to the law of New Zealand, a marriage or civil union is valid or a marriage or civil union has been validly dissolved)	242
2	Filing an application under section 29 (for an order declaring a marriage or civil union to be void <i>ab initio</i>)	242
3	Filing an application under section 32 (for an order declaring that the other party to a marriage or civil union is presumed to be dead and that the marriage or civil union is dissolved)	242
4	Filing an application under section 37 (for a dissolution order: irreconcilable breakdown)	242
5	Filing an application under section 39A (for a dissolution order: protected person under protection order)	242

Schedule 1 table: amended, on 17 October 2025, by regulation 6(1) of the Family Court (Fees) Amendment Regulations 2025 (SL 2025/206).

Schedule 1 table: amended, on 17 October 2025, by regulation 6(2) of the Family Court (Fees) Amendment Regulations 2025 (SL 2025/206).

Schedule 1 table: amended, on 1 July 2025, by regulation 4 of the Family Courts Fees Amendment Regulations 2025 (SL 2025/102).

Schedule 2
Fees payable in respect of applications under Care of Children Act
2004

r 5A

Schedule 2: inserted, on 1 July 2012, by regulation 7 of the Family Courts Fees Amendment Regulations 2012 (SR 2012/101).

Schedule 2 heading: amended, on 2 November 2012, by regulation 6 of the Family Courts Fees Amendment Regulations (No 2) 2012 (SR 2012/308).

	(\$)
1 Filing an application under section 48 (for a parenting order determining the time or times when specified persons have the role of providing day-to-day care for, or may have contact with, a child)	251
2 Filing an application under section 56(1)(a) or (b) (for an order varying or discharging a parenting order or other order about the role of providing day-to-day care for, or about contact with, a child)	251

Schedule 2 table: amended, on 1 July 2025, by regulation 5 of the Family Courts Fees Amendment Regulations 2025 (SL 2025/102).

Schedule 3
Fees payable in respect of applications under Property
(Relationships) Act 1976

r 5B

Schedule 3: inserted, on 1 July 2012, by regulation 7 of the Family Courts Fees Amendment Regulations 2012 (SR 2012/101).

Schedule 3 heading: amended, on 2 November 2012, by regulation 7 of the Family Courts Fees Amendment Regulations (No 2) 2012 (SR 2012/308).

		(\$)
1	Filing an application for an order or a declaration (for example, an application for an order under section 25(1)(a) determining the respective shares of each spouse or partner in relationship property)	798
2	Filing at the same time 2 or more applications for orders or declarations (for example, an application for an order under section 25(1)(a) determining the respective shares of each spouse or partner in relationship property and an application for an order under section 27 granting a spouse or partner the right to occupy the family home for a certain period)	798
3	Hearing of any application for each half-day, or part half-day	1,033

Schedule 3 table: amended, on 1 July 2025, by regulation 6(1) of the Family Courts Fees Amendment Regulations 2025 (SL 2025/102).

Schedule 3 table: amended, on 1 July 2025, by regulation 6(2) of the Family Courts Fees Amendment Regulations 2025 (SL 2025/102).

Michael Webster,
for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 9 April 2009.

Notes

1 *General*

This is a consolidation of the Family Courts Fees Regulations 2009 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*

Family Court (Fees) Amendment Regulations 2025 (SL 2025/206)

Family Courts Fees Amendment Regulations 2025 (SL 2025/102)

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

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31): section 149

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

Family Courts Fees Amendment Regulations (No 2) 2012 (SR 2012/308)

Family Courts Fees Amendment Regulations 2012 (SR 2012/101)

Family Courts Fees Amendment Regulations 2011 (SR 2011/162)