



District Courts Amendment Act 2001

Public Act 2001 No 82
Date of assent 8 October 2001
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the District Courts Amendment Act 2001.
- (2) In this Act, the District Courts Act 1947 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Payment and recovery of fees

Section 113 of the principal Act is amended by repealing subsection (2), and substituting the following subsections:

- “(2) No Registrar or Deputy Registrar may do any act for which a fee is payable unless the amount of the fee prescribed or determined under any enactment is paid or unless payment of that amount is waived or postponed.
- “(2A) An act for which a fee is payable is not invalid simply because the fee has not been paid.”

4 Regulations

(1) Section 123 of the principal Act is amended by inserting, after paragraph (b), the following paragraphs:

“(ba) in order to promote access to justice, empowering Registrars or Deputy Registrars to waive, reduce, or postpone the payment of a fee required in connection with a proceeding or an intended proceeding (including a proceeding in a Disputes Tribunal), or to refund, in whole or in part, such a fee that has already been paid, if satisfied on the basis of criteria specified under paragraph (bb) that—

“(i) the person otherwise responsible for payment of the fee is unable to pay or absorb the fee in whole or in part; or

“(ii) unless 1 or more of those powers are exercised in respect of a proceeding that concerns a matter of genuine public interest, the proceeding is unlikely to be commenced or continued:

“(bb) prescribing, for the purposes of the exercise of a power under paragraph (ba), the criteria—

“(i) for assessing a person’s ability to pay a fee; and

“(ii) for identifying proceedings that concern matters of genuine public interest:

“(bc) empowering Registrars or Deputy Registrars to postpone the payment of a fee pending the determination of—

“(i) an application for the exercise of a power specified in paragraph (ba); or

“(ii) an application for review under section 123A:

“(bd) making provision in relation to the postponement, under the regulations, of the payment of any fee, which provision may (without limitation) include provision—

“(i) for the recovery of the fee after the expiry of the period of postponement; and

“(ii) for restrictions to apply (after the expiry of the period of postponement and so long as the fee remains unpaid) on the steps that may be taken in the proceedings in respect of which the fee is payable:

“(be) providing for the manner in which an application for the exercise of a power specified in paragraph (ba) or paragraph (bc) is to be made, including, without limitation,

requiring such an application to be in a form approved for the purpose by the chief executive of the Department for Courts:”.

- (2) Section 123 of the principal Act is amended by adding, as subsection (2), the following subsection:
- “(2) No fee is payable for an application for the exercise of a power specified in subsection (1)(ba) or (bc).”

5 New section 123A inserted

The principal Act is amended by inserting, after section 123, the following section:

“123A Reviews of decisions of Registrars concerning fees

- “(1) Any person who is aggrieved by a decision of a Registrar or Deputy Registrar under regulations made under section 123(1)(ba) may apply to a Judge for a review of that decision.
- “(2) An application under subsection (1) may be made within 20 working days after the date on which the applicant is notified of the decision of the Registrar or Deputy Registrar, or within any further time that the Judge allows on application made for that purpose either before or after the expiration of those 20 working days.
- “(3) Applications under this section may be made on an informal basis.
- “(4) Reviews under this section are—
- “(a) conducted by way of rehearing of the matter in respect of which the Registrar or Deputy Registrar made the decision; and
- “(b) dealt with on the papers, unless the Judge directs otherwise.
- “(5) On dealing with an application for a review of a decision of a Registrar or Deputy Registrar, the Judge may confirm, modify, or reverse the decision of the Registrar or the Deputy Registrar.
- “(6) No fee is payable for an application under this section.

Compare: 1991 No 71 s 16”.

Legislative history

2 October 2001	Divided from Court Fees (Waiver) Bill (Bill 146-2) as Bill 146-3A
4 October 2001	Third reading
8 October 2001	Royal assent

This Act is administered in the Department for Courts.
