



Court of Appeal Fees Amendment Regulations 2004

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 26th day of May 2004

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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Regulations

1 Title

- (1) These regulations are the Court of Appeal Fees Amendment Regulations 2004.
- (2) In these regulations, the Court of Appeal Fees Regulations 2001¹ are called the “principal regulations”.

¹ SR 2001/309

2 Commencement

These regulations come into force on 1 July 2004.

3 Power to waive fees

Regulation 5 of the principal regulations is amended by revoking subclause (3), and substituting the following subclause:

- “(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 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 Schedule amended

The Schedule of the principal regulations is amended by omitting from the second column of item 8 the expression “5”, and substituting the words “actual and reasonable costs”.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 2004, amend the Court of Appeal Fees Regulations 2001.

Regulation 3 amends regulation 5 of the principal regulations, which relates to the Registrar's power to waive fees. The criteria by which a Registrar determines a fee waiver application are amended so that a person who has been granted legal aid is eligible for a fee waiver. Previously, a grant of legal aid was not in itself a ground for a fee waiver.

Regulation 4 amends item 8 of the existing Schedule of fees. The fee for photocopying documents other than judgments, per page, is now actual and reasonable costs.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 3 June 2004.

These regulations are administered in the Ministry of Justice.
