



# 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 2001<sup>1</sup> are called the “principal regulations”.

<sup>1</sup> 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.

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### 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.

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

These regulations are administered in the Ministry of Justice.

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