2002/263

Family Proceedings (Court Fee) Amendment Regulations 2002

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 16th day of September 2002

Present:
Her Excellency the Governor-General in Council

Pursuant to sections 186(1) and 187 of the Family Proceedings Act 1980, 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 Family Proceedings (Court Fee) Amendment Regulations 2002.

(2) In these regulations, the Family Proceedings (Court Fee) Regulations 1998[1] are called "the principal regulations".

[1] SR 1998/132

2 Commencement

These regulations come into force on 21 October 2002.

3 Court fee

(1) Regulation 2 of the principal regulations is amended by inserting, after subclause (2), the following subclause:

"(2A) However, if it appears to the Registrar of a District Court that the payment of the fee, or of the fee in full, would cause undue hardship to the person liable to pay it, the Registrar may, under section 186(2) of the Family Proceedings Act 1980, remit—

"(a) the whole of the fee; or

"(b) any part of the fee that the Registrar thinks fit."

(2) Regulation 2(3) of the principal regulations is amended by omitting the words "or a Family Court".

(3) Regulation 2 of the principal regulations is amended by inserting, after subclause (3), the following subclause:

"(3A) The fee payable in respect of proceedings in a Family Court under the Family Proceedings Act 1980 is that prescribed by rule 421 of the Family Courts Rules 2002 (which is a fee of the same amount, and a fee payable for the same classes of applications, as the fee prescribed by these regulations)."

(4) Regulation 2(4) of the principal regulations is amended by omitting the expression "1997" in both places where it appears, and substituting in each case the expression "2001".

Marie Shroff,
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 21 October 2002, amend the Family Proceedings (Court Fee) Regulations 1998,—

- to ensure that they refer to Registrars' powers, under the Family Proceedings Act 1980 section 186(2), to remit fees on the grounds of hardship; and
- to make it clear that, after that date, it is the Family Courts Rules 2002 that prescribe the fee payable for proceedings in Family Courts under the Family Proceedings Act 1980; and
- to update some references to other regulations.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 19 September 2002.
These regulations are administered in the Ministry of Justice and the Department for Courts.