



# Family Proceedings (Court Fee) Regulations 2004

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 1st day of March 2004

Present:

Her Excellency the Governor-General in Council

Pursuant to section 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**  
These regulations are the Family Proceedings (Court Fee) Regulations 2004.
- 2 **Commencement**  
These regulations come into force on 1 April 2004.

### 3 Court fee

- (1) A fee of \$175 is payable for filing any of the following applications under the Family Proceedings Act 1980 in a District Court:
  - (a) an application under section 27 (for a declaration whether according to the law of New Zealand a marriage is valid or a marriage has been validly dissolved):
  - (b) an application under section 29 (for an order declaring a marriage to be void *ab initio*):
  - (c) an application under section 32 (for an order declaring that the other party to a marriage is presumed to be dead and that the marriage is dissolved):
  - (d) an application under section 37 (for an order dissolving a marriage).
- (2) The fee must be prepaid.
- (3) 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.
- (4) No other fees are payable in respect of proceedings in a District Court under the Family Proceedings Act 1980 or the Family Proceedings Rules 1981.

### 4 Fees in respect of proceedings in other courts

- (1) 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 regulation 3 of these regulations).
- (2) The fees payable in respect of proceedings in the High Court or the Court of Appeal under the Family Proceedings Act 1980 are those prescribed by the High Court Fees Regulations 2001 and the Court of Appeal Fees Regulations 2001 respectively.
- (3) The fees payable in connection with appeals or intended appeals to the Supreme Court under the Family Proceedings

Act 1980 are those prescribed by the Supreme Court Fees Regulations 2003.

**5 Goods and services tax included**

The fee prescribed by regulation 3 of these regulations is inclusive of goods and services tax.

**6 Revocation**

The Family Proceedings (Court Fee) Regulations 1998 (SR 1998/132) are consequentially revoked.

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 April 2004, prescribe the fee payable for filing in a District Court applications relating to the status of a marriage (such as an application for an order dissolving a marriage).

The fee prescribed, which remains at \$175, is inclusive of goods and services tax.

No other fees are payable in respect of proceedings in a District Court under the Family Proceedings Act 1980 or the Family Proceedings Rules 1981.

However, the fee payable in respect of proceedings in a Family Court 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).

If proceedings are taken under the Family Proceedings Act 1980 in the High Court or the Court of Appeal or the Supreme Court, the general scales of fees applicable to proceedings in those Courts apply.

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**Family Proceedings (Court Fee)  
Regulations 2004**

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

Date of notification in *Gazette*: 4 March 2004.

These regulations are administered in the Ministry of Justice.

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