



# High Court Fees Amendment Regulations 2003

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 20th day of October 2003

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.

### Contents

1	Title		11A	Payment of fees for determining hearing dates for appeals
2	Commencement			
3	Interpretation		5	Hearing fees to be prepaid
4	New regulations 11 and 11A substituted		6	Schedule amended
	11	Payment of fees for determining setting down dates		

### Regulations

- 1 Title**
- (1) These regulations are the High Court Fees Amendment Regulations 2003.
- (2) In these regulations, the High Court Fees Regulations 2001<sup>1</sup> are called “the principal regulations”.

<sup>1</sup> SR 2001/310

## 2 Commencement

These regulations come into force on 24 November 2003.

## 3 Interpretation

Regulation 3 of the principal regulations is amended by inserting, in their appropriate alphabetical order, the following definitions:

“**appeal** means an appeal under Part 10 or Part 17 of the High Court Rules; and **appellant** has a corresponding meaning

“**High Court Rules** means the rules from time to time set out in the Second Schedule of the Act

“**setting down date**, in relation to a proceeding on the standard track, means the setting down date determined for the proceeding under rule 434(3) or (5) of the High Court Rules

“**standard track** means the standard track within the meaning of rule 426 of the High Court Rules

“**working day** has the same meaning as in rule 3(1) of the High Court Rules.”

## 4 New regulations 11 and 11A substituted

The principal regulations are amended by revoking regulation 11, and substituting the following regulations:

### “11 Payment of fees for determining setting down dates

“(1) The plaintiff in a proceeding on the standard track must pay the appropriate fee specified in item 5 of the Schedule by the earlier of the following days:

“(a) the working day before the commencement of the substantive hearing;

“(b) the tenth working day after the setting down date for the proceeding.

“(2) Despite subclause (1), the fee ceases to be payable if the Registrar is, before the day by which the fee must be paid, notified that the proceeding has been settled or discontinued or abandoned.

“(3) This regulation is subject to regulations 6 and 7.

**“11A Payment of fees for determining hearing dates for appeals**

- “(1) The appellant in an appeal must pay the appropriate fee specified in item 6 of the Schedule by the earlier of the following days:
- “(a) the working day before the commencement of the hearing of the appeal:
  - “(b) the tenth working day after the day on which the hearing date for the appeal is determined by, or under, a direction of the Court.
- “(2) Despite subclause (1), the fee ceases to be payable if the Registrar is, before the day by which the fee must be paid, notified that the appeal has been settled or discontinued or abandoned.
- “(3) This regulation is subject to regulations 6 and 7.”

**5 Hearing fees to be prepaid**

Regulation 12 of the principal regulations is amended by revoking subclauses (1) to (3), and substituting the following subclauses:

- “(1) The plaintiff, applicant, or appellant (as the case requires) must prepay the appropriate hearing fee specified in item 7 or item 8 of the Schedule not later than the beginning of each half-day (or part of a half-day) of the hearing for which the fee is payable.
- “(2) If any fee that has been prepaid relates to 1 or more half-days of hearing time that is not in the end required, the Registrar must refund so much of the fee as relates to that hearing time.
- “(3) If the plaintiff’s claim in a proceeding is determined, settled, or discontinued but a counterclaim remains to be heard, the party still requiring the hearing or the continuation of the hearing is responsible for the fee from the time when the plaintiff’s claim is determined, settled, or discontinued.”

**6 Schedule amended**

The Schedule of the principal regulations is amended by revoking items 5 and 6, and substituting the following items:

- 5 Determination of setting down date for a proceeding on the standard track—
- (a) in the case of a public law proceeding 650

	(b) in the case of any other proceeding on the standard track	2,200
6	Determination of hearing date for appeal—	
	(a) if appeal arises out of a public law proceeding	470
	(b) if appeal arises out of any other proceeding	1,900.

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 24 November 2003, amend the High Court Fees Regulations 2001. The amendments do not change the amounts of the fees payable in the High Court, but align the principal regulations with the High Court Amendment Rules 2003, which come into force on the same date.

The High Court Amendment Rules 2003 discontinue the filing of a certain notice (a **praecipe**) by which a party sets a proceeding down for hearing. At present, the party who files a praecipe has to pay a setting down fee. On the commencement of these regulations, the existing setting down fee will be payable by reference to the determination of the hearing date in the case of an appeal, and by reference to the determination of the setting down date in the case of a proceeding on the standard track. The standard track covers all proceedings other than—

- applications for summary judgment; and
- originating applications; and
- applications concerning company liquidations; and
- bankruptcy petitions; and
- appeals under Part 10 or Part 17 of the High Court Rules.

The fee must be paid by the tenth working day after the setting down date or, in the case of appeals, by the tenth day after the hearing date is determined, and, in both cases, no later than the working day before the commencement of the hearing.

However, the fee is not payable if, before the due date, the Registrar is notified that the proceeding or the appeal has been settled, discontinued, or abandoned.

The party who files a praecipe is, under the existing regulations, also responsible for the payment of hearing fees. That responsibility is now expressly allocated to plaintiffs, applicants, or appellants.

---

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

Date of notification in *Gazette*: 23 October 2003.

These regulations are administered in the Ministry of Justice.

---