

**Reprint**  
**as at 1 July 2011**

**Court of Appeal Fees Amendment  
Regulations 2004**  
(SR 2004/162)

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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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

**These regulations are administered in the Ministry of Justice.**

4 Schedule amended [*Revoked*] 3

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## 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”.

## 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.”

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<sup>1</sup> SR 2001/309

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**4 Schedule amended**

*[Revoked]*

Regulation 4: revoked, on 1 July 2011, by regulation 5(a) of the Court of Appeal Fees Amendment Regulations 2011 (SR 2011/158).

Diane Morcom,  
Clerk of the Executive Council.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 3 June 2004.

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**Notes****1 General**

This is an eprint of the Court of Appeal Fees Amendment Regulations 2004. The eprint incorporates all the amendments to the order as at 1 July 2011. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

**2 About this eprint**

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

**3 List of amendments incorporated in this eprint  
(most recent first)**

Court of Appeal Fees Amendment Regulations 2011 (SR 2011/158): regulation 5(a)

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