



District Courts Fees Amendment Regulations 2014

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 26th day of May 2014

Present:

His Excellency the Governor-General in Council

Pursuant to section 123 of the District Courts Act 1947, His 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 District Courts Fees Amendment Regulations 2014.
- 2 Commencement**

These regulations come into force on 1 July 2014.
- 3 Principal regulations**

These regulations amend the District Courts Fees Regulations 2009 (the **principal regulations**).
- 4 Regulation 3 amended (Application)**

After regulation 3(2)(a)(iii), insert:
“(iiia) the Policing Act 2008:”.
- 5 Regulation 3A amended (Interpretation)**
 - (1) In regulation 3A, definition of **District Courts Rules**, replace “2009” with “2014”.
 - (2) In regulation 3A, definition of **document**, replace “DCR 1.8” with “DCR 1.4(1)”.
 - (3) In regulation 3A, definition of **working day**, replace “DCR 1.8” with “DCR 1.4(1)”.

- (4) In regulation 3A, definition of **initiating document**, revoke paragraph (a).

6 New regulation 3B inserted (Transitional provisions)

After regulation 3A, insert:

“3B Transitional provisions

Transitional provisions relating to the amendments made by the District Courts Fees Amendment Regulations 2014 are set out in Schedule 2.”

7 Regulation 4A amended (Application of fee for item 11 (hearings))

Revoke regulation 4A(2).

8 New regulations 10E to 10G inserted

After regulation 10D, insert:

“10E Prepayment of judicial settlement conference fee

The plaintiff, applicant, or appellant (as applicable) must pay the fee for a judicial settlement conference no later than—

- “(a) 15 working days after the Registrar confirms the date of the judicial settlement conference to all parties to the proceeding; or
“(b) if the Registrar confirms the date less than 15 working days before the judicial settlement conference, the date specified by the Registrar.

“10F Failure to prepay judicial settlement conference fee

- “(1) If the fee for the judicial settlement conference is not paid in accordance with regulation 10E, the Registrar may vacate the scheduled judicial settlement conference.
“(2) If the Registrar vacates a judicial settlement conference under subclause (1), the Registrar must promptly notify the parties.

“10G Refund of prepaid fee for judicial settlement conference that does not take place

If a judicial settlement conference does not take place, the Registrar must refund any prepaid judicial settlement conference fee.”

9 Schedule amended

- (1) In the Schedule, in the category “Interlocutory applications”, item (3)(a), replace “rule 5.41 of the High Court Rules (as applied by DCR 3.37.6)” with “DCR 5.44”.
- (2) In the Schedule, in the category “Interlocutory applications”, item 4, replace “DCR 3.24” with “DCR 9.17”.
- (3) In the Schedule, in the category “Statements of defence and other documents in response”, revoke item 5(d).
- (4) In the Schedule, in the category “Other filing fees”, revoke item 8.
- (5) In the Schedule, in the category “Enforcing judgments”, item 14, replace “DCR 15.3” with “DCR 19.3”.
- (6) In the Schedule, in the category “Searching and accessing court records”, item 24, replace “DCR 3.13” with “DCR 3.3”.
- (7) In the Schedule, in the category “Searching and accessing court records”, item 25, replace—
 - (a) “DCR 3.15.4” with “DCR 3.5(4)”; and
 - (b) “DCR 3.19” with “DCR 3.9”.

10 Schedule further amended

Further amend the Schedule in the manner indicated in Schedule 1 of these regulations.

11 New Schedule 2 inserted

After the Schedule, insert as Schedule 2 the schedule set out in Schedule 2 of these regulations.

Schedule 1

r 10

Amendments to Schedule of principal regulations

In the Schedule, in the category “Other filing fees”, replace item 9 with:

- | | | |
|---|--|----|
| 9 | Filing an application for— | |
| | (a) default judgment (the fee for this item also covers sealing of the judgment) | 90 |

- | | |
|---|----|
| (b) judgment as admission of facts (the fee for this item also covers sealing of the judgment) | 90 |
| (c) judgment for costs following a discontinuance of a statement of claim or counterclaim (the fee for this item also covers sealing of the judgment) | 90 |

In the Schedule, in the category “Scheduling”, after item 10, insert:

- | | | |
|-----|--------------------------------|-----|
| 10A | Judicial settlement conference | 900 |
|-----|--------------------------------|-----|

Schedule 2	r 11
New Schedule 2 inserted	

Schedule 2	r 3B
Transitional provisions relating to District Courts Rules 2014	

- (1) If, under Schedule 1 of the District Courts Rules 2014, the District Courts Rules 2009 (the **2009 rules**) continue to apply to a proceeding, the District Courts Fees Regulations 2009 (as in force immediately before 1 July 2014) continue to apply to that proceeding, but only while the 2009 rules continue to apply to that proceeding.
- (2) However,—
 - (a) if a notice of pursuit of claim or a notice of pursuit of counterclaim is filed on or after 1 July 2014, no filing fee is payable under the 2009 rules:
 - (b) if a notice of pursuit of claim or a notice of pursuit of counterclaim was filed before 1 July 2014 but as at 1 July 2014 a judicial settlement conference or a short trial has not taken place, then no fee is payable for whichever of the following is the first to occur on or after 1 July 2014:
 - (i) a judicial settlement conference:
 - (ii) a short trial:
 - (c) no filing fee is payable in respect of any of the items listed in clause 5(3) of Schedule 1 of the District Courts Rules 2014.

Michael Webster,
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 1 July 2014, amend the District Courts Fees Regulations 2009 (the **principal regulations**). The majority of amendments made by these regulations are consequential on changes made by the District Courts Rules 2014, which also come into force on 1 July 2014. One substantive change is the introduction (in *Schedule 1* of these regulations) of a fee of \$900 for scheduling a judicial settlement conference. This fee replaces the current fee of \$900 covering the filing of a pursuit of claim (now abolished by the District Courts Rules 2014), the claim allocation process, and the short trial or judicial settlement conference. Another change involves the exemption by *regulation 4* of applications under the Policing Act 2008 from the requirement to pay fees under these regulations. *Regulation 8* inserts *new regulations 10E to 10G* into the principal regulations (dealing with the prepayment and refund of the judicial settlement conference fee, and the effect of failing to pay the fee). There are also detailed transitional provisions (in *new Schedule 2* of the principal regulations) dealing with the application of the new fees regime to proceedings already underway on 1 July 2014.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 29 May 2014.

These regulations are administered by the Ministry of Justice.
