



Judicature Amendment Act 2001

Public Act 2001 No 83
Date of assent 8 October 2001
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Judicature Amendment Act 2001.
- (2) In this Act, the Judicature Act 1908 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 New section 53 substituted

The principal Act is amended by repealing section 53, and substituting the following section:

“53 Fees to be paid into Crown Bank Account

All fees received under this Act must be paid into a Crown Bank Account.”

4 Regulations

Section 100A of the principal Act is amended by repealing paragraph (d), and substituting the following paragraphs:

- “(d) in order to promote access to justice, empowering Registrars or Deputy Registrars of the High Court and the Court of Appeal to waive, reduce, or postpone the payment of a fee required in connection with a proceeding or an intended proceeding, or to refund, in whole or in part, such a fee that has already been paid, if satisfied on the basis of criteria specified under paragraph (da) that—
- “(i) the person otherwise responsible for payment of the fee is unable to pay or absorb the fee in whole or in part; or
 - “(ii) unless 1 or more of those powers are exercised in respect of a proceeding that concerns a matter of genuine public interest, the proceeding is unlikely to be commenced or continued:
- “(da) prescribing, for the purposes of the exercise of a power under paragraph (d), the criteria—
- “(i) for assessing a person’s ability to pay a fee; and
 - “(ii) for identifying proceedings that concern matters of genuine public interest:
- “(db) empowering Registrars or Deputy Registrars of the High Court and the Court of Appeal to postpone the payment of a fee pending the determination of—
- “(i) an application for the exercise of a power specified in paragraph (d); or
 - “(ii) an application for review under section 100B:
- “(dc) making provision in relation to the postponement, under the regulations, of the payment of any fee, which provision may (without limitation) include provision—
- “(i) for the recovery of the fee after the expiry of the period of postponement; and
 - “(ii) for restrictions to apply (after the expiry of the period of postponement and so long as the fee remains unpaid) on the steps that may be taken in the proceedings in respect of which the fee is payable:
- “(dd) providing for the manner in which an application for the exercise of a power specified in paragraph (d) or paragraph (db) is to be made, including, without limitation, requiring such an application to be in a form approved for the purpose by the chief executive of the Department for Courts:”.

- (2) Section 100A of the principal Act is amended by adding, as subsection (2), the following subsection:
- “(2) No fee is payable for an application for the exercise of a power specified in subsection (1)(d) or (db).”

5 New section 100B added

The principal Act is amended by adding the following section:

“100B Reviews of decisions of Registrars concerning fees

- “(1) Any person who is aggrieved by any decision of a Registrar or Deputy Registrar under regulations made under section 100A(d) may apply for a review,—
- “(a) in the case of a decision by the Registrar or a Deputy Registrar of the Court of Appeal, to a Judge of that Court:
- “(b) in the case of a decision by a Registrar or Deputy Registrar of the High Court, to a Judge or a Master of that Court.
- “(2) An application under subsection (1) may be made within 20 working days after the date on which the applicant is notified of the decision of the Registrar or Deputy Registrar, or within any further time that the Judge or Master allows on application made for that purpose either before or after the expiration of those 20 working days.
- “(3) Applications under this section may be made on an informal basis.
- “(4) Reviews under this section are—
- “(a) conducted by way of rehearing of the matter in respect of which the Registrar or Deputy Registrar made the decision; and
- “(b) dealt with on the papers, unless the Judge or Master directs otherwise.
- “(5) On dealing with an application for a review of a decision of a Registrar or Deputy Registrar, the Judge or Master may confirm, modify, or reverse the decision of the Registrar or the Deputy Registrar.
- “(6) No fee is payable for an application under this section.

Compare: 1991 No 71 s 16”.

Legislative history

2 October 2001	Divided from Court Fees (Waiver) Bill (Bill 146-2) as Bill 146-3B
4 October 2001	Third reading
8 October 2001	Royal assent

This Act is administered in the Department for Courts.
