

Definitions of some words used in this pamphlet

Applicant

A person who applies to a court for an order, direction or decision.

Declaration

An affirmation or oath that everything in your application is true. Usually signed in front of an authorised person. It is a criminal offence to sign a declaration that you know isn't true.

File

To take or send documents, such as an application to waive fees, to the court registrar.

Jurisdiction

The broad subject areas of law. Such as, the criminal, civil, family and youth jurisdictions.

Oath

A solemn declaration that something is true.

Parties

The people who bring a case and those against whom a case is brought.

Proceedings

A case being considered by a court.

Registrar

A court official who can exercise some of the court's powers, including making decisions, such as waiving a fee.

Waive

Cancel the requirement to pay a fee.

Waiver

The cancellation of the requirement to pay a fee.

Working day

Any normal weekday from Monday to Friday, between 16 January and 24 December, except national public holidays.

Where can I go for more information?

This pamphlet is only a general guide.

For more information

- check our website at justice.govt.nz/services/court-fees
- call the courts. Details can be found at justice.govt.nz/services/finding-your-local-court
- talk to a lawyer or your local community law centre.

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WAIVING OF FEES IN THE CIVIL AND FAMILY JURISDICTIONS

Do I have to **pay a fee?**



Many civil and family proceedings may need a fee to be paid before the case can begin and before some other parts of the case can go ahead. A list of fees payable is available at your local court and on the Ministry's website justice.govt.nz/services/court-fees

Do I have to pay the fee?

If you cannot afford to pay the fee (would experience undue financial hardship if you paid) or your case is in the public interest, you can apply to the court to waive the fee.

After you apply, a registrar will decide if your situation meets the legal requirements to waive your fee.

Note: the law does not allow the waiver of fees in the Disputes Tribunal, some other tribunals and some authorities. You will need to check with the tribunal or authority concerned.

What is 'financial hardship'?

If you've qualified for legal aid, then you are eligible to have your fees waived. You still need to apply to the court for the waiver (cancellation) of fees.

If you are on a benefit or living off your superannuation, you will usually qualify to have your fee waived.

If the registrar believes that paying the fee will cause you financial hardship, they can waive the fee.

What is 'in the public interest'?

If the outcome of your case would affect more people than just the parties involved, then it could be a matter of public interest that the case is heard. Examples include:

- a charitable organisation taking a case that is likely to benefit a group of people
- a case in a new area of law that is likely to clarify issues for the wider community.

What if I've already paid the fee?

You can still apply to have the fee waived. If the registrar approves your application, then the fee will be refunded to you.

I need to file documents urgently but can't pay the fee

You still need to make an application for a waiver on the same form. The registrar may let you file the documents, without paying the fee, while they decide your application for a waiver.

If the registrar does not approve your application, you will have to pay the fees. If you do not pay, your case will not be accepted or will be put on hold until you do.

How do I apply to have the fee waived?

You need to:

1. fill out the right form (available from the court or from the Ministry's website). There are different forms depending on whether:
 - your case is in the Family Court
 - your case is in the civil jurisdiction
 - you are taking the case as an individual
 - you are representing a company
2. include as much accurate information as possible to help the registrar make their decision
3. sign the declaration
4. file the form at your nearest court.

The registrar will advise you of their decision.

What can I do if I am unhappy with the registrar's decision?

You can apply to have a judge review the registrar's decision. You need to fill out the appropriate form (available at the court or on justice.govt.nz) and file it with the court.

You must file the application within 20 working days of when you were advised of the registrar's decision. You can apply to have the 20 working days extended, however it is up to the judge to decide whether to allow the extension.