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(Official Use Only)

Refer to Proceedings File No: CIV \_\_\_\_\_  
(Official Use Only)

## APPLICATION FOR WAIVER (OR REFUND) OF FEES - INDIVIDUAL

PLEASE COMPLETE ALL PARTS OF THIS FORM THAT RELATE TO YOUR APPLICATION.  
PLEASE PRINT CLEARLY.

### IN THE

Supreme Court    Court of Appeal    High Court    District Court

at \_\_\_\_\_

(Place)

I, \_\_\_\_\_  
(Full Name)

of \_\_\_\_\_  
(Contact address)

\_\_\_\_\_  
(Occupation)

\_\_\_\_\_  
(Daytime contact phone number)

**solemnly and sincerely declare that I intend to undertake / have already undertaken the following step:** *(please tick the appropriate box and complete where necessary)*

File a new proceeding in this Court

File a document in proceedings \_\_\_\_\_  
(Name of case)

**Document type:** \_\_\_\_\_  
(Type of document)

Comply with a direction as to setting down fees / determination of hearing date

Comply with a direction as to hearing fees

Obtain a copy of a judgment

Search Court records

Other: *(set out detail in space below)*

I have been advised that a fee of \$ \_\_\_\_\_ is payable.  
(Amount of fee)

I have not previously made an application for this fee to be waived or refunded.

OR

I applied for this fee to be waived or refunded on..... (date).  
That application was refused, but my circumstances have now changed and I wish to make a new application.

I now apply to the Court to: (please tick the appropriate box)

Waive this fee

OR

Refund the fee I paid in this matter on .....  
(date)

on the grounds that:

I am unable to pay this fee



**GO TO SECTION "A"**

and/or

this fee relates to a proceeding that concerns a matter of genuine public interest, and the proceeding will not be commenced or continued unless this fee is waived or refunded



**GO TO SECTION "B"**

**(Note: If applying under both grounds, complete BOTH Section "A" AND "B")**

## INSTRUCTIONS

The rest of this form contains 4 sections. These are:

**Section A: Inability to Pay this Fee**

Complete this section if you are unable to pay the fee. Please ensure that you complete all parts of this section that relate to you. If you are currently waiting for a decision about legal aid, but need to commence or take steps in a proceeding, then complete both sections "A" and "C".

**Section B: Matter of Genuine Public Interest**

Complete this section if the proceeding involves a matter of genuine public interest and, unless the fee is waived or refunded, would be unlikely to be commenced or continued.

**Section C: Request that Documents are Accepted while Decision is Pending**

Complete this section if you need to file documents or take steps to commence or continue a proceeding immediately or within a prescribed time limit.

**Section D: Declaration**

You must complete this section, and make the declaration in front of someone who is able to take and receive statutory declarations, such as: the Registrar of a Court, a Solicitor, a Justice of the Peace or a Member of Parliament.

## SECTION A: INABILITY TO PAY THIS FEE

Complete this section if you are unable to pay the fee.

### 1. Have you applied for and been granted legal aid?

- Yes. I have been granted legal aid for the matter related to this fee.

➡ Show the Registrar/Deputy Registrar evidence of your legal aid grant, or of your grant continuing. You do not have to provide any other information in this section. **GO** to SECTION "B" or "C" if relevant to your application, or else straight to SECTION "D".

- No. I have applied for legal aid, but do not know whether it has been granted.

➡ **WAIT!** If you are granted legal aid, then you are eligible for a waiver. Please wait until you receive advice about your grant. If it is urgent that you file the document(s) in this matter, please complete **SECTION "C"**.

- No. I have not been granted legal aid for the matter related to this fee.

➡ **GO** to Question 2.

### 2. Are you wholly dependent on a benefit for your living expenses?

- Yes. I am wholly dependent for the payment of my living expenses on the following benefit(s):

Unemployment Benefit

Sickness Benefit

Domestic Purposes Benefit

Invalid's Benefit

New Zealand Superannuation

Veteran's Pension

Emergency Benefit

Independent Youth Benefit

Widow's Benefit

Transitional Retirement Benefit

Other (please specify) \_\_\_\_\_

➡ Show the Registrar/Deputy Registrar evidence of your entitlement to the benefit(s) you depend on (for example, a letter from Work and Income New Zealand stating your benefit payments for the past 12 months). You do not have to provide any other information in this section. **GO** to SECTION "B" or "C" if relevant to your application, or else straight to SECTION "D".

- No. Although I receive a benefit, I also receive other income.

➡ **GO** to Question 3.

- No. I do not receive a benefit.

➡ **GO** to Question 3.

3. **Would you suffer undue financial hardship if you paid the fee? (Or have you suffered undue financial hardship because you have already paid the fee?)**

- (Waiver)  **Yes. I would suffer undue financial hardship if I paid the fee.**  
(Refund)  **Yes. I have suffered undue financial hardship because I have paid the fee.**

➡ Provide details of your income and expenses in the “**Personal Financial Circumstances**” section on the next two pages.

- (Waiver)  **No. I would not suffer undue financial hardship if I paid the fee.**  
(Refund)  **No. I have not suffered undue financial hardship because I have paid the fee.**

➡ **STOP!** You are not eligible for a waiver or refund of the fee, unless you meet the criteria under **SECTION “B”**. ➡ **Proceed to section “B”**

**PERSONAL FINANCIAL CIRCUMSTANCES**

**Income:**

\$ ..... Total weekly income (after payment of taxes)

from:

Wages/salary working as .....

Other source (specify)

.....  
.....

**Other funds:**

Current balance(s)

in account(s)

\$ .....

.....

\$ .....

.....

\$ .....

.....

\$ .....

.....

**List assets (e.g. house, other property, car, boat, shares) and other persons' interests in those:**

.....  
.....  
.....  
.....  
.....  
.....  
.....

**List current liabilities (e.g. mortgage, hire purchase, repayment of loans, etc) and other debts:**

.....  
.....  
.....  
.....  
.....  
.....

**Number of dependants:** .....

**Regular weekly living expenses:**

\$

**Mortgage/Rent/Board** .....

**Food/groceries** .....

**Power/heating** .....

**Phone** .....

**Petrol/travel** .....

**Rates** .....

**Insurance(s)** .....

**Hire purchase** .....

**Loan payments** .....

**Other payments**  
(e.g. medical) .....

**TOTAL WEEKLY EXPENSES: \$** .....

- **To what extent does the income of other members of your household contribute to meeting these expenses?**

.....

.....

.....

.....

- **How would you be affected if your application for waiver or refund was declined?**

.....

.....

.....

.....

- **What other matters could be raised in support of your application?**

.....

.....

.....

.....

.....

## SECTION B: MATTER OF GENUINE PUBLIC INTEREST

Complete this section if the proceeding involves a matter of genuine public interest.

- The proceeding seeks to determine or clarify a question of law that is of significant interest to the public or to a substantial section of the public.

**What is the question of law or issue of significant interest to the public or to a substantial section of the public that is raised by or that is to be determined by the proceeding? *[Give details of each issue or question of law, and explain why this is of significant interest to the public or to a substantial section of the public. Attach an affidavit in support, if necessary.]***

.....

.....

.....

.....

.....

**If your application for the fee to be waived or refunded on these grounds is refused, would this affect your decision to commence or continue with the proceeding to which this fee relates?**

- No. I would commence or continue with the proceeding anyway.
- Yes. If this application is refused, this would affect my decision as to whether to commence or continue with this proceeding.  
If “yes”, how? *[Give reasons. Attach an affidavit in support, if necessary.]*

.....

.....

.....

.....

### SECTION C: REQUEST THAT PROCESSES CONTINUE WHILE WAIVER DECISION IS PENDING

Complete this section if you need to file documents or take steps to commence or continue a proceeding immediately or within a prescribed time.

I request:

the document(s) to which this application relates is/are accepted for filing,

or

the step(s) to which this application relates is/are allowed to proceed,

AND that payment of the fee is postponed until the date on which I am notified of the determination of my application for the fee to be waived,

AND

I would be prejudiced if the matter did not proceed, or the document was not accepted, before a determination is made on my application for waiver on the following grounds: *[Please state reasons. Attach affidavit in support if necessary.]*

.....  
.....  
.....  
.....  
.....  
.....  
.....

I understand that, if my application for waiver is declined by a Registrar or Deputy Registrar, then, unless I apply for a review of the Registrar's or Deputy Registrar's decision:

- (a) I must pay the fee to which this application relates, without delay, to the Registrar or Deputy Registrar;
- (b) the fee is recoverable as a debt due to the Crown in any Court of competent jurisdiction; and
- (c) I cannot take any further step in the proceeding to which the fee relates unless I first pay the fee.

## SECTION D: DECLARATION

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

.....  
(Signature of person making application)

Declared at ..... this ..... day of ..... 20.....  
(Place) (date) (month) (year)

before me:

.....  
(Signature of Registrar/Deputy Registrar or Solicitor,  
Justice of the Peace, Judge, or other person authorised  
to take and receive statutory declarations)

### RIGHT TO SEEK REVIEW OF DECISION OF REGISTRAR / DEPUTY REGISTRAR

If you are not satisfied with any decision by a Registrar/Deputy Registrar relating to your application for waiver or refund of a fee, you have the right to apply for a review of that decision.

A form for that purpose is available from your nearest Court, or you can download it from the Ministry of Justice's website at: <http://www.justice.govt.nz/fees/index.html#waiver>

Your application should be made within 20 working days of the date on which you are notified of the Registrar's decision. You can apply to a Judge for an extension of that time.

Your review will be considered by a Judge on the basis of the written application you make, unless the Judge otherwise directs.

#### NOTE

The information on this form is collected in accordance with:

- a) the Supreme Court Act 2003 and Supreme Court Fees Regulations 2003, in the case of applications lodged in the Supreme Court;
- b) the Judicature Act 1908 and Court of Appeal Fees Regulations 2001, in the case of applications lodged in the Court of Appeal;
- c) the Judicature Act 1908 and High Court Fees Regulations 2001 or Sheriffs' Fees Regulations 1988, in the case of applications lodged in the High Court;
- d) the District Courts Act 1947 and District Courts Fees Regulations 2001 or Summary Instalment (District Courts) Rules 1970, in the case of applications lodged in a District Court.

**No fee is payable to lodge this form or to seek a review of a Registrar's decision.**

- The information on this form is used by a Registrar or a Deputy Registrar of the relevant Court to make a decision about whether to waive or refund the fee to which this application relates.
- It may also be used in further applications for the waiver or refund of fees concerning the same matter.
- It will also be used by a Supreme Court, Court of Appeal, High Court or District Court Judge, in the event that an application is made to review the decision of the Registrar or Deputy Registrar.

The original of this form is held by the Registrar of the Court where this form is lodged.