

_____/_____
(Official Use Only)

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

APPLICATION FOR WAIVER (OR REFUND) OF FEES - ORGANISATION

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)

on behalf of _____,
(organisation / business name)

for which I am duly authorised to make this application,

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)

No previous application has been made for this fee to be waived or refunded.

OR

A previous application for this fee to be waived or refunded was made on (date). That application was refused, but the organisation's/business' 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:

the organisation/business is 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 the organisation/business is unable to pay the fee.

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 the organisation/business is unable to pay the fee.

Would the organisation/business suffer undue financial hardship the fee was paid? (Or has the organisation/business suffered undue financial hardship because the fee has already been paid?)

(Waiver) **Yes. The organisation/business would suffer undue financial hardship if the fee was paid.**

(Refund) **Yes. The organisation/business has suffered undue financial hardship because the fee has already been paid.**

➡ Provide sufficient details of the organisation's/business' financial position, such as:

- The organisation's/business' previous 2 Financial Statements;
- An affidavit from the organisation's/business' accountant, disclosing the organisations'/business' income, expenditure, available assets, liabilities, capacity to borrow, means of shareholders (where applicable),
- any other relevant information to support the application on the ground that the organisation/business is unable to pay the fee.

(Waiver) **No. The organisation/business would not suffer undue financial hardship if the fee was paid.**

(Refund) **No. The organisation/business has not suffered undue financial hardship because the fee has already been paid.**

➡ **STOP!** The organisation/business is **not eligible** for a waiver or refund of the fee, unless you meet the criteria under **SECTION "B"**.

SECTION B: MATTER OF GENUINE PUBLIC INTEREST

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

- The proceeding is being/will be commenced by an organisation that is by its governing enactment, constitution, or rules required to promote matters in the public interest, and;
 - I attach a true copy of that constitution or those rules to this form
 - or
 - the governing enactment of that organisation is: *(Please state)*

.....

OR

- 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 the organisation's/business' application for the fee to be waived or refunded on these grounds is refused, would this affect the organisation's/business' decision to commence or continue with the proceeding to which this fee relates?

- No. the organisation/business would commence or continue with the proceeding anyway.
- Yes. If this application is refused, this would affect the organisation's/business' 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)

(* Complete where
the party to the
proceeding is an
organisation.)

* for and on behalf of,
(organisation name)
for which I am duly authorised to make this 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#wave>

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:

- the Supreme Court Act 2003 and Supreme Court Fees Regulations 2003, in the case of applications lodged in the Supreme Court;
- the Judicature Act 1908 and Court of Appeal Fees Regulations 2001, in the case of applications lodged in the Court of Appeal;
- 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;
- the District Courts Act 1947 and District Courts Fees Regulations 2001 or Summary Instalment Orders (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.