



Application for **waiver (or refund) of fees** for an individual

When to use this form

Use this form if:

- you do not have legal aid or a legal aid application awaiting a decision
- you do not depend financially on Jobseeker Support, Sole Parent Support, Young Parent Support, Youth Payment, Emergency Benefit or Supported Living Payment
- you do not wholly depend on New Zealand Superannuation or Veteran's Pension
- you have not been previously given a waiver in this proceeding
- you have previously been given a waiver, but your financial circumstances have changed or you're changing the reason why you are applying for a waiver.

Step 1 Give us your court case details

Please tick the court that your application is for.

Supreme Court Court of Appeal High Court District Court Family Court

Location _____

Confirm the action you intend to take (or have already taken)

File a new proceeding

File a document in proceedings _____

Name of case

Document type _____

Comply with a direction for setting down fees or determination of a hearing date

Comply with a direction for hearing fees

Obtain a copy of a judgment

Search court records

Other _____

Court use only

_____ / _____

Refer to proceedings file no. _____

Step 2 Give us your details

Full name _____

Occupation _____

Address _____

Contact phone numbers day _____ other _____

Step 3 Tell us about the fee

The fee is \$ _____

Are you applying for the fee to be waived or refunded?

I am applying to the court to:

Waive this fee **or** Refund the fee I paid on _____
Date

Confirm your application status

I have not previously applied 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 changed and I want to apply again.

Tell us why you want the fee waived or refunded

I am unable to pay this fee. Go to step 4.

and/or

This fee relates to a proceeding that concerns a matter of genuine public interest, and it will not move forward unless this fee is paid.

- If applying only for this reason, go to step 5.
- If applying under both reasons, complete both steps 4 and 5.

Step 4 Tell us about your financial circumstances

Complete this step if you are **unable to pay the fee**

Would you suffer undue financial hardship if you paid the fee or (in the case of a refund) have you suffered undue financial hardship because you paid the fee?

No. I wouldn't suffer undue financial hardship if I paid the fee or I haven't suffered undue financial hardship because I paid the fee.

- You are not eligible for a waiver or refund under the 'inability to pay' criteria. Don't proceed with this form.
- However, if the fee relates to a proceeding that concerns a matter of genuine public interest – go to step 5.

Yes. I would suffer undue financial hardship if I paid the fee or I suffered undue financial hardship because I paid the fee.

Tell us about your personal financial circumstances

My total weekly income (after tax) is \$ _____

My income is from:

Wages or salary. Occupation _____

Other source. (Please provide details.) _____

Other funds I have are:

\$ _____ in account _____

\$ _____ in account _____

\$ _____ in account _____

\$ _____ in account _____

I have the following assets, eg house, other property, car, boat, shares. (Also list anyone else's interests in your assets.)

I have the following other debts and liabilities, eg mortgage, hire purchase, repayment of loans.

I have ____ (number) dependants.

My regular weekly living expenses are:

mortgage/rent/board	\$	_____
rates	\$	_____
food/groceries	\$	_____
power/heating	\$	_____
phone/internet	\$	_____
petrol/travel	\$	_____
insurance	\$	_____
hire purchase	\$	_____
loan repayment	\$	_____
other, eg medical	\$	_____
total weekly expenses	\$	_____

Tell us how much the income of other people you live with helps meet these regular weekly living expenses.

Tell us how it would affect you if you had to pay the fee

Is there anything else you'd like to tell us about your inability to pay?

Step 5 **Tell us why your case is a matter of genuine public interest**

Complete this step if the proceeding involves **a matter of genuine public interest**

Will the proceeding clarify a 'question of law'?

Give details of each issue or question of law. Explain why this is of significant interest to the public (or to a substantial section of the public). If required, attach an affidavit in support.

Tell us what will happen if this application is declined

If this application for the fee to be waived is refused, would you move forward with the proceeding?

- Yes. I would start or continue with the proceeding anyway.
- No. If this application is refused, I would stop or discontinue with this proceeding.
List the reasons why you would not move forward with the proceeding if the fee is not waived.
If required, attach an affidavit in support.

Step 6 **Ask for processes to continue while this form is being processed**

Complete this step if you need to **file documents or start/continue a proceeding immediately** (or within a prescribed time)

Tell us what you want

I ask that the fee is put on hold until this form is processed. I also ask that:

the proceeding that this application relates to is allowed to start or continue

or

the document(s) that this application relates to is accepted for filing.

Tell us why the proceeding needs to move forward before this form is processed

It would be unreasonable if the proceeding did not move forward (or the document was not filed) – before this form is processed for the following reasons. (If required, attach an affidavit in support.)

Confirm that you understand what will happen if this application is declined

If this application is declined then I understand I must pay the fee immediately.

If you don't pay the fee immediately, the proceeding will stop and the court may recover the fee as a 'debt'. However, you can apply to have the 'declined' decision reviewed. (See the notes on the back page.)

Step 7 Sign and date this form

You must complete this step in front of a registrar of the court, a lawyer, a justice of the peace or a member of parliament. It is a criminal offence to knowingly swear or affirm a false statement.

'I swear an oath/solemnly and sincerely affirm that to the best of my knowledge and belief all information I have provided in this application is correct.'

Your signature

Witness to fill in the following

Declared at _____
Location Date

Before me _____
Signature of witness


Step 8 Do a quick check

Before sending in your application, do a quick check:

Have you filled in **steps 1, 2, 3** and **7**?

Have you filled in **step 4** (if you are unable to pay the fee) and/or **step 5** (if the proceeding involves a matter of genuine public interest)?

If the proceeding needs to move forward while this application is processed, have you filled in **step 6**?

 If required (for **steps 5** or **6**), have you attached an affidavit?

If you have any questions, please call your local court.

See justice.govt.nz/services/finding-your-local-court or the blue pages of your phonebook for contact details.

Step 9 Submit your application

Send this application to your local court.

See justice.govt.nz/services/finding-your-local-court or the blue pages of your phonebook for contact details.

What happens next?

A registrar will look at your application and we will let you know their decision. It may take several weeks for your application to be processed.

If your application is declined, you can apply to have the decision reviewed

Please fill out the 'application for review' form. There is no fee.

The 'application for review' form is available at your nearest court or from justice.govt.nz/services/court-fees

Your 'application for review' needs to be made within 20 working days of receiving the declined decision.

You can apply to a judge if you need more than 20 working days.

Where can I go for more information?

Check our website at justice.govt.nz/services/court-fees

Call your local court. Details can be found in:

- justice.govt.nz/services/finding-your-local-court
- blue pages of your phonebook.

Talk to a lawyer or your local community law centre.

Note

The court may refer to your information on this form in any future applications for waiver (or refund) of fees for the same proceeding.

The information on this form is collected in line with:

- the Senior Courts Act 2016 and Supreme Court Fees Regulations 2003
- the Senior Courts Act 2016 and Court of Appeal Fees Regulations 2001
- the Senior Courts Act 2016 and High Court Fees Regulations 2013
- the District Court Act 2016 and District Courts Fees Regulations 2009.