



# 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.) \_\_\_\_\_

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Other funds I have are:

\$ \_\_\_\_\_ in account \_\_\_\_\_

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

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

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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	\$	_____
<b>total weekly expenses</b>	<b>\$</b>	<b>_____</b>

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

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

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

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## 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.

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### **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.

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## 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 person who is authorised to take a statutory declaration. It is a criminal offence to knowingly make a false statement or declaration.

'I \_\_\_\_\_ of \_\_\_\_\_  
Name Place of abode and occupation  
solemnly and sincerely declare that all information I have provided in this application is correct. And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.'

\_\_\_\_\_  
Your signature

### Authorised witness to fill in the following

Declared at \_\_\_\_\_  
Location Date

Before me \_\_\_\_\_  
Signature of Registrar/Deputy Registrar or Solicitor, Justice of the Peace or other person authorised to take statutory declarations.

## 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](https://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](https://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](https://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](https://justice.govt.nz/services/court-fees)

Call your local court. Details can be found in:

- [justice.govt.nz/services/finding-your-local-court](https://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.