

Do I have to pay a fee?

Information about waiving civil and Family Court fees

You may be asked to pay a fee before your civil or Family Court case can start, or at certain points of the case.

Do I have to pay the fee?

If you can't afford to pay the fee and would experience undue financial hardship if you paid or your case is in the public interest, you can ask the court to waive (cancel) the fee. After you apply, the court will decide if your situation meets the legal requirements to waive the fee.

The law doesn't allow the waiver of fees in the Disputes Tribunal, some other tribunals and some authorities. You'll need to check with the tribunal or authority concerned.

What is "financial hardship"?

The court can waive the fee if it believes paying it means you won't be able to pay your basic living expenses.

If you've qualified for legal aid, you're eligible to have the fee waived but you still need to ask the court to do this.

If you're on a benefit or living off your superannuation, you may qualify to have the fee waived. You should apply to the court.

What is "in the public interest"?

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

- a charitable organisation taking a case that's likely to benefit a group of people
- a case in a new area of law that's 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 court approves your application, the fee will be refunded to you.

I need to file documents urgently but can't pay

You should apply for a waiver on the same form. You may be allowed to file the documents without paying the fee while your application for a waiver is decided.

If your application isn't approved, you'll have to pay the fee. If you don't pay, your case won't be accepted or will be put on hold until you do.

How do I apply to have the fee waived?

1. Fill out the right form (available from the court or [go online to justice.govt.nz/going-to-court/court-fees/apply-for-help-to-pay-court-fees/](https://justice.govt.nz/going-to-court/court-fees/apply-for-help-to-pay-court-fees/)). There are different forms depending on whether:
 - you're taking the case as an individual
 - you're representing a company.
2. Include as much accurate information as possible to help the court make a decision.
3. Sign the declaration.
4. File the form at your nearest court.

The court will tell you the decision.

What can I do if I'm unhappy with the decision?

A court registrar will decide whether or not to waive the fee. If you're unhappy with their decision, you can ask a judge to review it. To do this, you also need to fill out a form (available from the court or [go online to justice.govt.nz/going-to-court/court-fees/apply-for-help-to-pay-court-fees/](https://justice.govt.nz/going-to-court/court-fees/apply-for-help-to-pay-court-fees/)) and file it at the court. You must file it within 20 working days of the decision. You can ask for more time; it's up to the judge to decide whether to give you an extension.

[justice.govt.nz/going-to-court/court-fees/
apply-for-help-to-pay-court-fees/](https://justice.govt.nz/going-to-court/court-fees/apply-for-help-to-pay-court-fees/)

justice.govt.nz/contact-us/find-us/