



High Court Fees, Costs, and Allowances Regulations 2023

Sir Tom J. Marsters, KBE

King's Representative

Order in Executive Council

At Avarua, Rarotonga this

17th

day of

January

2023

Present:

His Excellency the King's Representative in Executive Council

Pursuant to section 102(1) of the Judicature Act 1980-81, His Excellency the King's Representative, acting on the advice and with the consent of the Executive Council, makes the following regulations—

Contents

1	Title	2
2	Commencement	2
3	Application	2
4	Fees for proceedings in Civil Division of High Court	2
5	Fees for proceedings in Land Division of High Court	2
6	Fees for proceedings in Criminal Division of High Court	2
7	Court costs in criminal proceedings	2
8	Fees for laying information in respect of private prosecution	2
9	Scale of solicitors' costs prescribed	2
10	Scale of witnesses' and interpreters' fees, allowances, and expenses	3
11	Scale of costs as between parties	3
12	Value Added Tax	3
13	Revocation	3

Schedule 1

Fees for proceedings in Civil Division of High Court

Schedule 2

Fees for proceedings in Land Division of High Court

Schedule 3

Fees for proceedings in Criminal Division of High Court

Schedule 4

Scale of solicitors' costs

Schedule 5

Scale of payment to witnesses and interpreters

Regulations

- 1 Title**

These regulations are the High Court Fees, Costs, and Allowances Regulations 2023.
- 2 Commencement**

These regulations come into force on 18 January 2023.
- 3 Application**

These regulations apply to any proceedings in the High Court or to any matter relating to the administration of the High Court in the exercise of its Civil, Land, and Criminal Divisions commenced on or after the date of the coming into force of these regulations.
- 4 Fees for proceedings in Civil Division of High Court**

The fees set out in Schedule 1 are payable in respect of proceedings in the Civil Division of the High Court.
- 5 Fees for proceedings in Land Division of High Court**

The fees set out in Schedule 2 are payable in respect of proceedings in the Land Division of the High Court.
- 6 Fees for proceedings in Criminal Division of High Court**

The fees set out in Schedule 3 are payable in respect of proceedings in the Criminal Division of the High Court.
- 7 Court costs in criminal proceedings**
 - (1) A person who is convicted and sentenced by the Court is liable to pay court costs of not less than \$50 for each information on which they were convicted.
 - (2) To avoid doubt, subclause (1) applies to any person who has been discharged without conviction under section 112 of the Criminal Procedure Act 1980-81, if the Court orders that person to pay court costs.
 - (3) In fixing the costs the Court may take into consideration the following factors:
 - (a) the number of informations or charges laid against the defendant:
 - (b) the nature of the sentence the defendant has received:
 - (c) the duration of the Court hearing:
 - (d) any mitigating factors:
 - (e) other relevant factors.
- 8 Fees for laying information in respect of private prosecution**

A fee of \$35 is payable for each information laid in respect of a private prosecution.
- 9 Scale of solicitors' costs prescribed**
 - (1) The scale of solicitors' costs set in Schedule 4 are payable to a solicitor and apply in respect of an award of costs in any proceedings in the High Court.
 - (2) Despite subclause (1), the Court, upon giving judgment, making an order, or adjourning or dismissing any proceeding, may fix a solicitor's costs as is fair and reasonable in the circumstances of each case.

High Court Fees, Costs, and Allowances Regulations 2023

- 10 Scale of witnesses' and interpreters' fees, allowances, and expenses**
The fees, allowances, and expenses set out in Schedule 5 are payable to any witness or interpreter who is required to attend Court or prepare any evidence or translation for the Court.
- 11 Scale of costs as between parties**
Despite any other provision that may describe the scale of costs to be payable as between the parties in any Court proceedings, the Court, upon giving judgment, making an order, or adjourning or dismissing any proceeding, may fix additional costs as between parties as is fair and reasonable in the circumstances of each case to do so.
- 12 Value Added Tax**
Except for the fees set out in Schedule 4, all fees specified in these regulations are inclusive of value added tax.
- 13 Revocation**
- (1) The High Court Fees, Costs, and Allowances Regulations 2016 are revoked.
 - (2) In respect of any proceeding commenced before these regulations come into force, no further fee is payable.

Schedule 1**Fees for proceedings in Civil Division of High Court**

Matter for which fee is payable	Fee (\$)
1. Filing—	
(a) complaint note (or statement of claim):	50
(b) counterclaim:	50
(c) third party notice:	50
(d) interpleader affidavit, pursuant to Rule 274 of the Code of Civil Procedure of the High Court Act 1972 (the Code), of a person other than a defendant:	50
(e) originating application, where—	
(i) claim is not for money:	50
(ii) claim not exceeding \$500:	50
(iii) claim exceeding \$500 but not exceeding \$1,500:	70
(iv) claim exceeding \$1,500 but not exceeding \$3,000:	80
(v) claim exceeding \$3,000:	100
(f) notice of appeal to a High Court Judge against a decision of a Justice or Justices of the Peace	50
2. Filing (on amount owing under judgment)—	
(a) application for judgment summons:	50
(b) application for any warrant for distress, for writ of arrest, for recovery of specific chattels, or for recovery of land:	50
(c) application pursuant to Rule 223 of the Code for an order for examination of judgment debtor:	50
(d) application pursuant to Rule 224 of the Code for examination of any party, where—	
(i) claim not exceeding \$500:	50
(ii) claim exceeding \$500 but not exceeding \$1,500:	70
(iii) claim exceeding \$1,500 but not exceeding \$3,000:	80
(iv) claim exceeding \$3,000	100
3. Filing—	
(a) notice of intention to defend or statement of defence:	50
(b) amended statement of defence or amended statement of claim	25
4. Filing—	
(a) request for entry of judgment:	20
(b) pursuant to Rule 184 of the Code, notice of desire to take evidence of witness resident at a distance from, or unable to attend at, Court of hearing:	20

High Court Fees, Costs, and Allowances Regulations 2023

(c)	application pursuant to Rule 248 of the Code, for charging orders:	20
(d)	affidavit pursuant to Rule 259 of the Code in support of garnishee summons	20
5.	Filing of any application under the Family Protection and Support Act 2017 (except applications under Part 6 of that Act)	65
6.	Filing any application not otherwise provided for	50
7.	For hearing of an application or a proceeding, for each half- day or part half-day after the first half-day, before a Justice or Justices of the Peace	200
8.	For hearing of an application or a proceeding, for each half- day or part of half-day after the first half-day, before a Judge	350
9.	For a judicial settlement conference, for each half-day or part of half-day	300
10.	For certifying a copy of a judgment, an order, or any other document, for each page	3
11.	For checking, sealing, and signing any order	30
12.	For search in any Court record book, document, or Court record	10
13.	Copy of judgment or order (other than a copy supplied to a party to the proceeding), up to a maximum of \$50, for each page	2
14.	Copy of any document, other than a judgment or order (other than a copy supplied to a party to the proceeding), up to a maximum of \$50, for each page	2
15.	For the transmission of documents by electronic means at the request of a Party (where the document was not provided in electronic form), up to a maximum of \$50, for each page	2
16.	For any teleconferencing or videoconferencing made at the request of a party, per hour	100
17.	For execution of any warrant of committal or writ of arrest	25
18.	For the cost of service of any document or proceedings by a Bailiff or Police Officer	25
19.	For removal of goods or properties, cartage, storage, advertising for sale or disposal, the actual cost plus reasonable disbursements	
20.	Filing notice of motion for probate or letters of administration	40
21.	Sealing probate or letters of administration, or resealing pursuant to section 71 of the Administration Act 1969—	
(a)	in an estate not exceeding \$20,000:	25
(b)	in an estate exceeding \$20,000 but not exceeding \$50,000:	50
(c)	in an estate exceeding \$50,000 but not exceeding \$100,000:	90
(d)	in an estate exceeding \$100,000	170
22.	Sealing probate pursuant to leave reserved, letters of administration de bonis non, or any grant made subsequent to the original grant of probate or letters of administration	35

High Court Fees, Costs, and Allowances Regulations 2023

23.	Sealing exemplification (probate or letters of administration)	25
24.	Certificate of Administration (under section 18 of the Administration Act 1969)	20

Schedule 2

Fees for proceedings in Land Division of High Court

Matter for which fee payable	Fee (\$)
1. Filing—	
(a) application for successions—	
(i) for the first 5 lands on 1 island:	50
(ii) for each additional land on same island:	10
(b) application for revocation of succession order—	
(i) for the first 5 lands:	75
(ii) for each additional land:	10
(c) application to summon a meeting of assembled owners (MOAO)—	
(i) for a meeting to discuss a single legal instrument:	100
(ii) for a meeting to discuss multiple legal instruments, for each additional instrument:	50
(d) application for an interim injunction:	80
(e) application for partition:	80
(f) application for investigation of title:	80
(g) application for occupation right:	80
(h) application under section 390A of the Cook Islands Act 1915:	100
(i) any other application not otherwise provided for:	80
(j) notice of appeal to a High Court Judge against a decision of a Justice or Justices of the Peace	50
2. Advertising fee for every application that has to be advertised pursuant to Rule 318A of the Code (see Rule 322), per application	50
3. For—	
(a) checking, sealing, and signing any order	55
(b) certifying a copy of a deed, instrument, or any other document, for each page:	3
(c) each search of any Court record book, minute book, block file, Court document, or any other document:	10
(d) issuing a copy of any judgment or order (other than a copy supplied to a party to the proceeding), up to a maximum of \$50, for each page:	2
(e) issuing a copy of any document, other than a judgment or order (other than a copy supplied to a party to the proceeding), up to a maximum of \$50, for each page	2
4. For the transmission of documents by electronic means at the request of a Party (where the document was not provided in electronic form), up to a maximum of \$50, for each page	2
5. For any teleconferencing or videoconferencing made at the request of a party, per hour	100
6. For the cost of service of any document or proceedings by a Bailiff or Police Officer	25

High Court Fees, Costs, and Allowances Regulations 2023

7. For removal of goods or properties, cartage, storage, advertising for sale or disposal, the actual cost plus reasonable disbursements
8. Registration of any Court order or instrument 25

Schedule 3

Fees for proceedings in Criminal Division of High Court

Matter for which fee payable	Fee (\$)
1. Filing any information of prosecution by any private person	35
2. Filing any other application not otherwise provided for	25
3. Filing notice of appeal to a High Court Judge against a decision of a Justice or Justices of the Peace (subject to section 135 of the Criminal Procedure Act 1980-81)	50
4. For certifying a copy of an entry in criminal records, a judgment, or any other document, for each page	3
5. Copy of a judgment or an order (other than a copy supplied to a party of the proceedings), up to a maximum of \$50, for each page	2
6. Copy of any document, other than a judgment or an order (other than a copy supplied to a party of the proceedings), up to a maximum of \$50, for each page	2
7. Any application for removal or partial exemption from disqualification under the Transport Act 1966	
(a) for first application:	50
(b) for each subsequent application	50
8. Any application for removal or partial exemption from disqualification under the Transport Act 1966	25
9. For the transmission of documents by electronic means at the request of a Party (where the document was not provided in electronic form), up to a maximum of \$50, for each page	2
10. For any teleconferencing or videoconferencing made at the request of a party, per hour	100
11. For removal of goods or properties, cartage, storage, advertising for sale or disposal, the actual cost plus reasonable disbursements	
12. For each search in any Court record book, Court file, record, or any other document	10

Schedule 4
Scale of solicitors' costs

1. ACTION FOR A SUM OF MONEY ONLY

Amount of claim	Fee (\$)
A = Where the amount claimed does not exceed \$3,000, per hour	90
B = Where the amount claimed exceeds \$3,000 but does not exceed \$20,000, per hour	140
C = Where the amount exceeds \$20,000, per hour	180

(Allocated hours or part hours)

Matter for which fee payable	A	B	C
(a) Preparing statement of claim in an action	3	6	18
(b) For each additional defendant	1.5	3.5	6
(c) Preparing statement of defence with or without counterclaim	4	9	24
(d) Entering judgment where appearance is necessary but no witness is called	2	3.5	6
(e) Appearance in undefended cases to obtain judgment where a witness is called or evidence is adduced by affidavit	3	6	9
(f) Appearance in Court to conduct defended by the hearing	The time occupied hearing measured in half-hours		

2. PROCEEDINGS FOR CLAIM FOR OTHER THAN A SUM OF MONEY

Matter for which fee payable	Fee (\$)
(a) Preparing statement of claim or other documents by which the proceeding is commenced (together with all supporting documentation)	100
(b) For each additional defendant or respondent	50

3. ALL OTHER PROCEEDINGS

Matter for which fee payable	Fee (\$)
(a) Preparing application for judgment and affidavit in support	150
(b) Appearance in Court on behalf of judgment creditor or judgment debtor	50
(c) Preparing any other application or document in support or in response or making any appearance in support or in response to such documents filed, an amount the Court may declare as reasonable taking into account the circumstances of each party and the nature of the proceedings	

Schedule 5
Scale of payment to witnesses and interpreters

1. WITNESS' FEES

The fee payable to a witness attending to give evidence strictly as an expert, for every hour they are required to be present in Court is,—

- (a) for an expert witness, \$50 per hour, and, in addition to that fee, the witness may be paid a qualifying fee for any analysis, preparation of maps, plans, or reports, or other work necessarily undertaken in preparation of evidence, being a sum the Court or paying officer considers just and reasonable:
- (b) for any other witness, \$20 per hour.

2. INTERPRETERS' FEES

The fee payable—

- (a) to an interpreter attending to provide an oral translation into English from any other language or from English into any other language, a fee the Court or Registrar thinks just and reasonable:
- (b) for a written translation of any document into English from any other language or from English into any other language, a fee the Court or Registrar thinks just and reasonable.

3. GENERAL ALLOWANCES AND EXPENSES

Any other allowances and expenses shall be as the Court or Registrar thinks just and reasonable.


Clerk of the Executive Council

These regulations are administered by the Ministry of Justice.
These regulations were made on the 17th day of January 2023.