



**HIGH COURT FEES, COSTS AND ALLOWANCES
REGULATIONS 1997**

A.P. Short

Queens Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 10th day of June 1997

Present:

**HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL**

PURSUANT to Section 102 of the Judicature Act 1980-81 as substituted by Section 2 of the Judicature Amendment Act 1981 and with the concurrence of the Rules Committee, the Queen's Representative, acting by and with the advice and consent of the Executive Council hereby makes the following regulations:

ANALYSIS

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| 1. Title and commencement | 7. Fees for laying information in respect of Criminal Proceedings |
| 2. Application of regulations | 8. Scale of Solicitors Costs |
| 3. Fees for proceedings in the Civil Division of the High Court | 9. Scale of Witnesses and Interpreters allowances and expenses |
| 4. Fees of proceedings in the Land Division of the High Court | 10. Scale of Costs as between parties |
| 5. Fees for proceedings in the Criminal Division of the High Court | 11. Revocation Schedules |
| 6. Costs in Criminal Proceedings | |

REGULATIONS

1. Short title and commencement - (1) These regulations may be cited as the High Court Fees, Costs and Allowances Regulations 1997.

(2) These regulations shall come into force on the 1st day of May 1997.

2. Application of regulations - These regulations shall 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 jurisdiction.

3. Fees for proceedings in the Civil Division of the High Court - The fees prescribed in the First Schedule to these regulations shall be payable to the Civil Division of the High Court and shall apply in respect of any proceedings in the Civil Division of the High Court commenced on or after the date of the coming into force of these regulations.

4. Fees for proceedings in the Land Division of the High Court - The fees prescribed in the Second Schedule to these regulations shall be payable to the Land Division of the High Court and shall apply in respect of any proceedings in the Land Division of the High Court commenced on or after the date of the coming into force of these regulations.

5. Fees for proceedings in the Criminal Division in the High Court - The fees prescribed in the Third Schedule to these regulations shall be payable to the Criminal Division of the High Court and shall apply in respect of any proceedings in the Criminal Division of the High Court commenced on or after the date of the coming into force of these regulations.

6. Costs in Criminal Proceedings - There shall be payable to the High Court the sum of \$10.00 costs in respect of any criminal proceedings in the High Court commenced on or after the date of commencement of these regulations.

7. Fees for laying information in respect of Criminal proceedings - Notwithstanding anything provided under any enactment regulations or rules, there shall be payable to the High Court by any private person the sum of \$20.00 for the laying of any one information.

8. Scale of Solicitors Costs Prescribed - (1) The scale of solicitors' costs prescribed in the Fourth Schedule to these regulations shall be payable to the solicitors and shall apply in respect of an award of costs in any proceedings in the High Court commenced on or after the date of the coming into force of these regulations.

(2) Notwithstanding anything contained in paragraph (1) the Court upon giving judgment, or making an order, or upon adjourning or dismissing any proceeding may fix such additional solicitors' costs as to that which may be prescribed by any enactment or regulation, as is fair and reasonable in the circumstances of each case to do so.

9. Scale of Witnesses and Interpreters fees, allowances and expenses - The allowances and expenses prescribed in the Fifth Schedule to these regulations shall be payable to any witness or interpreter who is required to attend Court or prepare any evidence or translation for the Court and shall apply in respect of any proceedings in the High Court commenced on or after the date of the coming into force of these regulations.

10. Scale of Costs as between parties - Notwithstanding any other enactment or regulation which may prescribe the scale of costs to be payable as between the parties in any Court proceeding the Court upon giving judgment, or making an order, or upon adjourning or dismissing any proceeding may fix such additional costs as between parties, to that which may be prescribed by any enactment or regulation, as is fair and reasonable in the circumstances of each case to do so.

11. Revocation - (1) The High Court Fees and Allowances Regulations 1981/41 are hereby revoked.

(2) In respect of any proceedings commenced before the date of the coming into force of these regulations, no further fee shall be payable.

(3) The appropriate fee, allowance or expense as the case may be that is prescribed in these regulations shall be payable or taken into account in respect of any further step in the proceeding taken on or after the date of the coming into force of these regulations.

P. Puna
Clerk of Executive Council

This Order is administered by the Ministry of Justice

Reg. 3FIRST SCHEDULE
FEES FOR PROCEEDINGS IN THE HIGH COURT

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| 1. | Filing the original document commencing any proceeding to which these regulations apply, unless otherwise provided for; | |
| | (i) any amount not exceeding \$500.00; | \$20.00 |
| | (ii) any amount exceeding \$500.00; | \$40.00 |
| 1A. | For the purpose of this paragraph the original document commencing any proceeding is:- | |
| | (i) a statement of claim; or | |
| | (ii) a counterclaim; or | |
| | (iii) an originating application (except those mentioned in Clause 2 to 4 below); or | |
| | (iv) An appeal to a High Court Judge against a decision of a Justice of the Peace or Three Justices of the Peace; or | |
| | (v) In every other case, the first document (other than a caveat or a notice of motion for directions as to service filed in the proceedings by the plaintiff which gives to the Court and to the opposite party (if any) particulars of the claim made or of the order or other relief sought by the plaintiff). | |
| 2. | Filing:- | |
| | (i) Notice of Intention to defend and/or; | |
| | (ii) Statement of defence for; | |
| | (a) Any amount not exceeding \$500.00; | Nil |
| | (b) Any amount exceeding \$500.00; | \$30.00 |
| 3. | Filing:- | |
| | (i) Amended Statement of Defence; or | |
| | (ii) Amended Statement of Claim. | \$10.00 |
| 4. | Filing:- | |
| | Application for maintenance, affiliation or custody or any other application pursuant to Part XVIIIA and Part XX of the Cook Islands Act 1915. | \$10.00 |
| 5. | Filing:- | |
| | (i) Application for Judgment Summons; | |
| | (ii) Application for Warrant of Distress, for recovery of specific chattels, or for recovery of land; | |
| | (iii) Application for examination. | \$20.00 |

6.	Filing a Petition for Divorce.	\$50.00
7.	Issue of certificate copy of judgment or order or any other document.	\$5.00
8.	For search in any Court book, document or Court record.	\$2.50
9.	Copy of notes of Judge, Justice of the Peace or Registrar, or of any judgment or order (other than a copy supplied to a party to the proceedings).	\$2.00 per page
10.	Copy of any document, other than a document specified in item 7.	\$2.00 per page
10A.	For the transmission of documents at the request of a party, by the use of a facsimile machine, if sent:-	
	(i) within Rarotonga;	\$2.00 per page
	(ii) within the Cook Islands;	\$3.00 per page
	(iii) outside the Cook Islands;	
	(a) First Page;	\$5.00
	(b) In excess of 1 page but less than 20 pages;	\$2.50 per page
	(c) In excess of 20 pages.	\$1.50 per page
10B.	For the transmission of documents at the request of a party, by the use of a courier shall be the actual cost plus 10% to cover processing and handling expenses.	
10C.	For any teleconferencing made at the request of a party, the cost shall be the actual cost plus 10% to cover preparation.	
11A.	For execution of any warrant of Committal or Writ of Arrest	\$10.00
11B.	The cost of service of any document or proceedings under this Part by a Bailiff or Police Officer	\$10.00
12.	For removal of goods or properties, cartage, storage, advertising for sale or disposal. Actual cost plus reasonable disbursement.	
13.	Filing notice of motion for probate or letters of administration	\$20.00

14.	Sealing probate or letters of administration, or resealing pursuant to Section 50 of the Administration Act 1952:-	
	(i) In an estate not exceeding \$20,000;	\$10.00
	(ii) In an estate exceeding \$20,000 but not \$50,000;	\$20.00
	(iii) In an estate exceeding \$50,000 but not \$100,000;	\$50.00
	(iv) In an estate exceeding \$100,000.	\$100.00
15.	Sealing probate pursuant to leave reserved, or letters of administration de bonis non, or any grant made subsequent to the original grant of Probate or Letters of Administration.	\$20.00
16.	Sealing exemplification (Probate or Letters of Administration).	\$10.00
17.	Certificate of Administration (under Section 8A, Administration Act 1952).	\$5.00

Reg. 4SECOND SCHEDULE
FEES FOR PROCEEDINGS IN LAND DIVISION

1. Filing an:-
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| (i) Application for Succession (per district); | \$5.00 |
| (ii) Application to Summon a Meeting of Assembled owners; | \$35.00 |
| (iii) Application for an Interim Injunction; | \$30.00 |
| (iv) Application for Partition; | \$50.00 |
| (v) Application for Investigation of Title; | \$50.00 |
| (vi) Application for Occupation Right; | \$30.00 |
| (vii) Any other application not otherwise provided for. | \$20.00 |
- Note: Every application that has to be advertised pursuant to Rule 332 of the Code of Civil Procedure 1981 as amended shall by the Code of Civil Procedure of the High Court Amendment 1997 shall incur an advertising fee of \$10.00 per application (See Rule 318A)
2. (i) Sealing any Order; \$15.00
- (ii) Issuing any certified copy of any Order, Deed, Instrument or any other document; \$5.00
- (iii) Search of any record; \$5.00
- (iv) Issuing a copy of any minutes, block file, court document or any other document. \$2.00 per page
- 3A. For the transmission of documents at the request of a party, by the use of a facsimile machine, if sent:-
- | | |
|---|-----------------|
| (i) Within Rarotonga; | \$2.00 per page |
| (ii) Within the Cook Islands; | \$3.00 per page |
| (iii) Outside the Cook Islands; | |
| (a) First Page; | \$5.00 |
| (b) In excess of 1 page but less than 20 pages; | \$2.50 per page |
| (c) In excess of 20 pages. | \$1.50 per page |
- 3B. For the transmission of documents at the request of a party, by the use of a courier shall be the actual cost plus 10% to cover processing and handling expenses.
- 3C. For any teleconferencing made at the request of a party, the cost shall be the actual cost plus 10% to cover preparation.
4. The cost of service of any document or proceedings under this Part by a Bailiff or Police Officer \$10.00
5. Registration of any instrument \$5.00
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Reg. 5THIRD SCHEDULE
FEES FOR PROCEEDINGS IN CRIMINAL DIVISION

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| 1. | Filing of any information of prosecution by any private person. | \$20.00 |
| 2. | Issue of a certified copy of entry in criminal records. | \$5.00 |
| 3. | Issue of copy of proceedings or any other document (other than a copy supplied to a party of the proceedings). | \$2.00 per page |
| 4. | Any application for removal or partial exemption from disqualification under the Transport Act 1966. | \$10.00 |
| 5. | Any other application. | \$10.00 |
| 6. | Cost of service of warrant, information, order or any other document by Bailiff or Police Officer | \$10.00 |
| 7A. | For the transmission of documents at the request of a party, by the use of a facsimile machine, if sent:- | |
| | (i) Within Rarotonga; | \$2.00 per page |
| | (ii) Within the Cook Islands; | \$3.00 per page |
| | (iii) Outside the Cook Islands; | |
| | (a) First Page; | \$5.00 |
| | (b) In excess of 1 page but less than 20 pages; | \$2.50 per page |
| | (c) In excess of 20 pages. | \$1.50 per page |
| 7B. | For the transmission of documents at the request of a party, by the use of a courier shall be the actual cost plus 10% to cover processing and handling expenses. | |
| 7C. | For any teleconferencing made at the request of a party, the cost shall be the actual cost plus 10% to cover preparation. | |
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Reg.8

FOURTH SCHEDULE
SCALE OF SOLICITORS COSTSA. IN ACTIONS FOR A SUM OF MONEY ONLY

A =	Where the amount claimed does not exceed;	\$3,000
B =	Where the amount claimed exceeds \$3000 but does not exceed;	\$20,000
C =	Where the amount exceeds.	\$20,000

	A	B	C
1. Preparing Statement of Claim with or without a counterclaim in an action	50	70	100
2. For each additional defendant.	10	20	30
3. Entering judgment where appearance is necessary but no witness is called	10	20	30
4. Appearance in undefended cases to obtain judgement where a witness is called or evidence adduced by affidavit	10	20	40
5. Appearance in Court to conduct defended hearing	20	3%	6%

B. IN PROCEEDINGS WHERE THERE IS A CLAIM OTHER THAN A SUM OF MONEY

6. Preparing Statement of Claim or other document by which the proceedings commenced (together with all supporting documentation).	50
7. For each additional defendant or respondent.	20

C. IN ALL OTHER PROCEEDINGS

8. Preparing application for judgment and affidavit in support	\$50
9. Appearance in Court on behalf of judgment creditor or judgment debtor	\$10
10. Preparing any other application, or document in support or in response or making any appearance in support or in response to such documents filed such amount as the Court may declare as reasonable taking into account the circumstances of each party and the nature of the proceedings.	

Reg. 9

FIFTH SCHEDULE
SCALE OF PAYMENT TO WITNESSES AND INTERPRETERS

A. WITNESS FEES

- (i) To a witness attending to give evidence strictly as an expert, for every hour he is required to be present in Court.
- Expert Witness
- | | |
|-------------------------------------|------------------|
| (a) (from within the Cook Islands) | \$30.00 per hour |
| (b) (from outside the Cook Islands) | \$50.00 per hour |

In addition to the fees prescribed in

- (a) and (b) above there may be paid to an expert witness a qualifying fee for any analysis, preparation of maps, plans, or reports, or other work necessarily undertaken in preparation of evidence, being such sum as the Court or paying officer considers fair and reasonable
- (c) Any other witness

\$5.00 per hour

B. INTERPRETERS FEES

- (i) To an interpreter attending to provide an oral translation into English from any other language or from English into any other language, the fee payable to the interpreter shall be such fee as the Court or Registrar thinks just and reasonable.
- (ii) For a written translation of any document into English from any other language or from English into any other language, the fee payable to the interpreter shall be such fee as the Court or Registrar thinks just and reasonable.

C. GENERAL ALLOWANCES AND EXPENSES

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