

**9A. Court of Appeal allocation of hearing date — Schedule 1 Division 2 item 6**

- (1) In this regulation —  
“fee” means the fee referred to in Schedule 1 Division 2 item 6.
- (2) The fee is not payable in relation to an application for an interim order or to amend or cancel an interim order.
- (3) The number of days for which the fee is payable is —
  - (a) the number of days in excess of the first hearing day estimated for the hearing by the Court of Appeal Registrar; or
  - (b) if at a directions hearing a greater number of days than those estimated by the Registrar is allocated for the hearing, the number of days in excess of the first hearing day allocated at a directions hearing.
- (4) If the number of days for which the fee is payable is half a day or less, the fee is reduced by half.
- (5) The fee, calculated on the basis of the number of days for which the fee is payable under subregulation (3), must be paid within 7 days —
  - (a) of the *Supreme Court (Court of Appeal) Rules 2005* Form 15 being sent to the parties; or
  - (b) if a greater number of days is allocated at a directions hearing, of the allocation of those days.
- (6) The fee paid is not refundable except as provided in subregulations (7), (8) and (9).
- (7) If the appeal is settled and the Court of Appeal Office receives written notice of the settlement the following percentage of the fee paid is to be refunded —
  - (a) if notice is received 42 days or more before the first date allocated for the hearing date, 75%;
  - (b) if notice is received 28 days or more before that date, 50%.
- (8) If the hearing of the appeal is adjourned before the first date allocated for the hearing the following percentage of the fee paid is to be refunded or transferred to the date or dates allocated for the adjourned hearing —
  - (a) if the Court or Court of Appeal Registrar is satisfied that the reason for the adjournment is beyond the control of the parties, 100%;
  - (b) otherwise, if the adjournment occurs —
    - (i) 42 days or more before the first date allocated for the hearing, 75%; or
    - (ii) 28 days or more before that date, 50%.
- (9) If the hearing is adjourned after it has commenced and the Court or Court of Appeal Registrar is satisfied that the reason for the adjournment is beyond the control of the parties, the fee paid in respect of dates after the date of the adjournment is to be refunded or transferred to the date or dates allocated for the adjourned hearing.

*[Regulation 9A inserted in Gazette 23 Jun 2005 p. 2693-5.]*

