

LEGAL NOTICE No. 201

REPUBLIC OF TRINIDAD AND TOBAGO

PETTY CIVIL COURTS ORDINANCE, CH. 3. No. 3

RULES

MADE BY THE RULES COMMITTEE UNDER SECTION 55 OF THE PETTY CIVIL
COURTS ORDINANCE

THE PETTY CIVIL COURTS (AMENDMENT) RULES, 1980

- Citation** 1. These Rules which amend the Petty Civil Courts Rules (hereinafter referred to as the Principal Rules) may be cited as the Petty Civil Courts (Amendment) Rules, 1980.
- Amendment of Rule 5(2)** 2. Rule 5(2) of the Principal Rules is amended by deleting the words "72 cents" and substituting therefor the words "one dollar and fifty cents".
- Amendment of Rule 32** 3. Rule 32 of the Principal Rules is amended by deleting the figures "10.00", "7.00", "5.00", "2.50", "10.00", "5.00", and substituting therefor the figures "20.00", "15.00", "10.00", "5.00", "20.00", and "10.00" respectively.
- Amendment of Schedule** 4. The Schedule to the Principal Rules is amended by deleting the entry concerning Fees and substituting therefor the following:—

"FEES"

IN ACTIONS FOR \$300.00 AND UNDER

Court Fees

Filing Ordinary Summons	...	...	...	...	\$1.00
Serving Ordinary Summons on a single defendant or on the first of two or more defendants	...	...	...	...	1.00
And for every defendant other than the first	...	...	...	...	.50
Filing Default Summons	...	...	...	...	.50
Affidavit fee on Default Summons	...	...	...	...	.50
Serving Default Summons on a single defendant or on the first of two or more defendants	...	...	...	...	1.00
And for every defendant other than the first	...	...	...	...	.50
Summons for witness	...	...	...	...	.50
Issuing Writ of Execution	...	...	...	...	.50

IN ACTIONS FOR OVER \$300.00 AND UP TO \$1,200.00

Court Fees

Filing Ordinary Summons	...	...	...	...	\$2.50
Serving Ordinary Summons on a single defendant or on the first of two or more defendants	...	...	...	...	1.00
And for every defendant other than the first	...	...	...	...	.50
Filing Default Summons	...	...	...	...	2.00

Court Fees

Affidavit fee on Default Summons	...	...	...	...	.50
Serving Default Summons on a single defendant or on the first of two or more defendants	...	...	...	...	1.00
And for every defendant other than the first	...	...	...	...	.50
Issuing Summons to Witness	...	...	...	...	.50
Filing application for leave to defend	...	...	...	...	1.00
Filing any other application	...	...	...	...	1.00
Issuing Writ of Execution	...	...	...	...	.50

IN ACTIONS OVER \$1,200 OR FOR THE RECOVERY OF LAND OR FOR THE DELIVERY OF SPECIFIC GOODS

Court Fees

Filing Ordinary Summons	...	...	...	...	\$4.00
Other fees: as in Actions over \$300.00 and up to \$1,200.00					

General:

For production of any original document from the File of the Court	...	...	...	...	1.00
For every affidavit sworn to before the Judge or a Clerk (for use in Court)	...	...	...	...	.50

Cost of Witnesses in an Action

Such Costs as the Judge shall direct.

Bailiff's Fees

For levying every Execution	...	...	...	...	2.50
Where charge for possession of Levy is incurred, a further sum, which shall be payable in advance, not exceeding per diem	...	...	...	...	1.50

SOLICITORS' FEES

IN ACTIONS FOR AMOUNTS NOT EXCEEDING \$300.00

1. Where the claim is for a liquidated demand and judgment is obtained by default or confession and—

(a) the sum recovered does not exceed \$75.00	...	...	...	...	\$15.00
(b) the sum recovered exceeds \$75.00 but does not exceed \$150.00	...	...	...	...	30.00
(c) the sum recovered exceeds \$150.00 but does not exceed \$300.00	...	...	...	...	45.00

2. Where the claim is for an unliquidated demand or for a liquidated demand in respect of which judgment is obtained after trial, and—

(a) the subject matter involved or sum recovered or amount claimed (as the Judge shall direct) does not exceed \$150.00 such sum as the Judge may award not exceeding	...	...	...	...	\$45.00
(b) the subject matter involved or sum recovered or amount claimed (as the Judge shall direct) exceeds \$150.00 but does not exceed \$300.00 such sum as the Judge may award not exceeding					75.00

IN ACTIONS FOR AMOUNTS EXCEEDING \$300.00 BUT NOT EXCEEDING \$1,200.00

3. Where the claim is for a liquidated demand and judgment is obtained by default or confession and the sum recovered exceeds \$300.00 but does not exceed \$1,200.00 ... \$ 50.00

4. Where the claim is for an unliquidated demand, or for a liquidated demand in respect of which judgment is obtained after trial, and the subject matter involved or sum recovered or amount claimed (as the Judge shall direct) exceeds \$300.00 but does not exceed \$1,200.00 200.00

IN ACTIONS FOR AMOUNTS EXCEEDING \$1,200.00

5. Where the claim is for a liquidated demand and judgment is obtained by default or confession and the sum recovered exceeds \$1,200.00 75.00

6. Where the claim is for an unliquidated demand, or for a liquidated demand in respect of which judgment is obtained after trial, and the subject matter involved or sum recovered or amount claimed (as the Judge shall direct) exceeds \$1,200.00 such sum as the Judge may award not being less than \$250.00 and not exceeding 500.00

APPLICATIONS ON NOTICE OTHER THAN FOR LEAVE TO ISSUE PROCEEDINGS OUT OF THE JURISDICTION

7. For leave to defend, for stay of execution or for any other necessary or proper application—

(a) where the subject matter involved or sum recovered or amount claimed in the action (as the Judge shall direct) does not exceed \$300.00, such sum as the Judge may award not exceeding \$ 25.00

(b) where the subject matter involved or sum recovered or amount claimed in the action (as the Judge shall direct) exceeds \$300.00, such sum as the Judge may award not exceeding ... 500.00

PARTICULARS

8. For preparing particulars of claim from Attachments of Debts \$ 5.00 to 15.00

9. Where the amount attached—

(a) does not exceed \$300.00 such sum as the Judge may award not exceeding 25.00

(b) exceeds \$300.00 but does not exceed \$1,200.00 such sum as the Judge may award not exceeding 50.00

(c) exceeds \$1,200 such sum as the Judge may award not exceeding 100.00

GARNISHEE'S SOLICITORS COSTS

10. Where the garnishee appears and admits the debt, such sum as the Judge may award not exceeding \$15.00

ON ISSUING EXECUTION

11. Where the amount of the judgment does not exceed \$300.00	\$10.00
12. Where the amount of the judgment exceeds \$300.00	25.00

COUNSEL'S FEES

The following fees for Counsel shall be allowed in cases in which the Judge shall certify the action as proper for Counsel:—

- (a) Where the subject matter involved or sum recovered or amount claimed (as the Judge shall direct) exceeds \$300.00 but does not exceed \$1,200.00, such sum as the Judge may award not exceeding 150.00
- (b) Where the subject matter involved or sum recovered or amount claimed (as the Judge shall direct) exceeds \$1,200.00, such sum as the Judge may award not exceeding 500.00
- (c) In actions for the recovery of land or for the delivery of specific goods fees to Counsel and solicitor shall be according to the scale hereinabove provided for claims for unliquidated amounts, the Judge fixing the value of the land or the rent payable in respect thereof whichever is higher, or the value of the goods for the purpose of determining the costs payable thereon."

Made by the Rules Committee this 23rd day of October, 1980.

I. HYATALI
Chief Justice

C. A. KELSICK
Judge of the Court of Appeal

A. WARNER
Judge of the High Court

J. PERMANAND
Solicitor General

C. DOUGLIN
Registrar of the Supreme Court

J. A. WHARTON
Barrister

S. HOSEIN
Solicitor

Laid in the House of Representatives this 28th day of November, 1980.

J. E. CARTER
Clerk of the House

Laid in the Senate this 1st day of December, 1980.

R. GRIFFITH
Clerk of the Senate