

LEGAL NOTICE No. 143

REPUBLIC OF TRINIDAD AND TOBAGO

THE SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01

RULES OF COURT

MADE BY THE RULES COMMITTEE UNDER SECTION 78 OF
THE SUPREME COURT OF JUDICATURE ACT

THE SUPREME COURT (AMENDMENT) (NO. 2) RULES, 1996

1. These Rules may be cited as the Supreme Court (Amendment) Citation (No. 2) Rules, 1996.

2. Order 62 is amended by revoking Appendices 1 to 5 and substituting the following: Order 62
amended

“RULES OF THE SUPREME COURT

APPENDIX 1

PART I

INSTITUTION, ETC., OF PROCEEDINGS

<i>Item</i>	\$
1. Drawing, issuing, filing and service on one party of a writ of summons (including statement of claim indorsed thereon), originating summons, notice of originating motion, third party notice	100.00 to 325.00
2. Issue and service on one party of concurrent writ of summons or originating summons	50.00

Note to items 1 and 2

References in these items to service on one party of writ of summons shall, in relation to a writ of summons issued in an Admiralty action *in rem*, be construed as references to service of the writ on a ship or on the Registrar or an Assistant Registrar as the circumstances of the case require.

3. Renewing writ of summons issued—	
(a) in Admiralty	200.00
(b) in any other action	100.00
including drawing and filing affidavit, attending on application for renewal and obtaining order.	
4. Drawing, presenting, filing and service on one party of any petition	100.00 to 325.00

APPENDIX 1—CONTINUED

PART I—Continued

<i>Item</i>	§
5. Drawing, issuing, filing and service on one party of notice of motion (other than an originating motion)	50.00 to 175.00
6. Drawing, filing and service on one party of—	
(a) Case or special case stated by party or parties to any cause or matter	Discretionary
(b) Case or special case stated by inferior Court of civil jurisdiction, statutory tribunal, Commissioners for Inland Revenue, Minister of State, arbitrator or umpire	Discretionary
(c) Notice of appeal (including notice of the grounds of appeal) from decision given on an investigation or inquiry under the Shipping Act, 1987	Discretionary
<i>Note to Item 6</i>	
This item includes service on one party of notice that the case referred to in paragraph (b) thereof has been entered for hearing.	
7. Drawing, filing and service on one party of statement of claim (if not indorsed on writ) or other pleading answer to petition claim in a reference under Order 73, Rule 38	100.00 to 325.00
8. Drawing, filing and service on one party of particulars of pleading and drawing and service on one party of request or such particulars	50.00 to 325.00
9. Drawing and filing of Preliminary Act, drawing notice of filing and service on one party of such notice	Discretionary
10. Drawing amendment of document referred to in items 1,4,5, or 7 and service on one party of amended document	35.00 to 100.00
11. Drawing notice of writ of summons for service out of the jurisdiction	50.00
12. Drawing any document, attending on any application and doing any other work necessary to obtain—	
(a) order for substituted service of any document,	
(b) order giving leave to serve any document out of the jurisdiction, and obtaining order	Discretionary

PART II

PROCEEDINGS IN CHAMBERS

13. Drawing, issuing, filing and service on one party of summons—	
(a) to proceed under a judgment or order	50.00
(b) for order in terms of annexed minutes	50.00
(c) to extend time	50.00

PART II—CONTINUED

PROCEEDINGS IN CHAMBERS—Continued

<i>Item</i>	\$
14. Drawing, issuing, filing and service on one party of summons for directions or notice under Order 25, Rule 7—	
(a) in Admiralty action	Discretionary
(b) in any other action	50.00 to 100.00
15. Drawing, issuing, filing and service on one party of summons to attend at chambers (other than summons referred to in item 13 or 14)	50.00 to 100.00
16. Drawing brief on an interlocutory application or on further consideration thereof including copy for counsel	50.00 to 325.00
17. Attending to obtain appointment for hearing before Judge, Master, Registrar or Assistant Registrar	25.00
18. Attending to deliver papers required for use of Judge, Master, Registrar or Assistant Registrar in chambers	25.00
19. Attending hearing of summon or application in chambers	50.00 to 400.00 per day
20. Attending Registrar or Assistant Registrar—	
(a) to bespeak (where necessary) and to settle draft minutes of order	Discretionary
(b) to pass and enter order	50.00
21. Attending to draw up and enter any order, where item 20 does not apply	25.00

PART III

DISCOVERY AND INSPECTION

22. Drawing, filing and service of—	
(a) affidavit of documents or list of documents	} 100.00 to 1,500.00
(b) interrogatories for examination of a party	
(c) affidavit in answer to interrogatories including when appropriate, attending deponent to be sworn and copy for service	
23. Attending to inspect, or produce for inspection, documents production of which for inspection is required by order of the Court or by virtue of any provision of Order 24—	
for the first hour or part of an hour	100.00
for every subsequent half-hour or part thereof	50.00

PART IV

PREPARATION FOR TRIAL, ETC.

24. Drawing and issue of—	
(a) writ of subpoena <i>ad testificandum</i> or writ of habeas corpus <i>ad testificandum</i> for one, two or three witnesses	25.00

PART IV—CONTINUED
PREPARATION FOR TRIAL, ETC.—Continued

<i>Item</i>	\$
(b) writ of subpoena <i>duces tecum</i> , for each witness ...	25.00
including filing of praecipe, attending to obtain writ and copy for service	
Where the writ mentioned in paragraph (a) is for more than one witness, copy for service on each additional witness ...	5.00
25. Drawing and service of notice—	
(a) to produce for inspection document referred to in pleading or affidavit	25.00
(b) to produce document at trial or hearing	25.00
(c) to admit any document or fact including copy for service	25.00
26. Instructions for trial or hearing of any cause or matter, whatever the mode of trial or hearing	Discretionary
27. Instructions for appeal from an interlocutory or final order or judgment	Discretionary
<i>Note to Items 26 and 27</i>	
These items are intended to cover the doing of any work, not otherwise provided for, necessarily or properly done in preparing for a trial, hearing or appeal, or before a settlement of the matters in dispute, including—	
(a) taking instructions to sue, defend, counter-claim or appeal, or for any pleading, particulars of pleading, affidavit, Preliminary Act or claim in a reference under Order 73, Rule 38;	
(b) considering the facts and law;	
(c) attending on and corresponding with client;	
(d) interviewing and corresponding with witnesses and potential witnesses and taking proofs of their evidence;	
(e) arranging to obtain reports or advice from experts and plans, photographs and models;	
(f) making search in the Registrar General's Office and elsewhere for relevant documents;	
(g) inspecting any property or place material to the proceedings;	
(h) perusing pleadings, affidavits and other relevant documents;	
(i) where the cause or matter does not proceed to trial or hearing, work done in connection with the negotiation of a settlement; and	
(j) the general care and conduct of the proceedings.	
28. Drawing instructions to counsel to advise in writing or in conference including copy for counsel	100.00 to 500.00
29. Attending counsel in conference	100.00
And for every half-hour beyond the first	35.00

Note to Item 29

This item includes attending to make appointment for conference.

PART IV—CONTINUED

PREPARATION FOR TRIAL, ETC.—Continued

<i>Item</i>	\$
30. Drawing brief with observation to counsel and proofs of evidence, per folio	3.25
31. Attending counsel to procure certificate that cause is proper to be heard as a short cause and on Registrar or Assistant Registrar to mark same	35.00
32. Attending to obtain appointment to examine witness and on examination of witness before any commissioner, officer of the Court or other person appointed to examine him or under Order 73, Rule 28	150.00 to 400.00

PART V
TRIAL OR HEARING

33. Attending at Court for purpose of—	
(a) any application relating to or consequent on trial or hearing of a cause or matter	50.00 to 150.00
(b) trial or hearing of a cause or matter for each day—	
(i) on which cause or matter is included in list of causes or matters to be tried or heard but on which trial or hearing is not begun	50.00 to 200.00
(ii) of trial or hearing	200.00 to 1,000.00
(c) receiving deferred judgment	50.00

Note to Item 33

Where the Court is not sitting at Port-of-Spain, then, unless it is sitting in the town in which the attorney on record practices, that attorney shall be allowed travelling and out of pocket expenses reasonably incurred by him, and where the Court is sitting at Port-of-Spain and the costs of the attendance at Court of an attorney not practicing in Port-of-Spain are allowed, that attorney shall also be allowed such expenses so incurred.

34. Attending to obtain certificate, drawing, and attending to enter judgment, other than judgment given in Admiralty cause or matter	50.00
35. Attending to obtain judgment in Admiralty cause or matter, decision on reference under Order 73, Rule 38, and grounds of decision	50.00

PART VI
TAXATION

36. Drawing bill of costs (including copy for taxing officer), per folio	3.25
37. Obtaining reference to taxing officer or appointment for taxation	35.00

PART VI—CONTINUED

TAXATION—Continued

<i>Item</i>	\$
38. Attending taxation, completing bill of costs, producing vouchers for disbursements and attending to obtain taxing officer's certificate or order	250.00 to 500.00
Or if bill of costs does not exceed \$1,000.00 and is taxed at same time as some other bill in the same proceedings ...	100.00
39. Drawing objections to decision of taxing officer on taxation, or answers to objections, including copies for service and filing, delivery to one party of such objections or answers and attending hearing of review by taxing officer ...	100.00 to 400.00

PART VII

EXECUTION

40. Drawing, and attending to obtain issue of writ of execution	100.00
41. (a) Drawing notice of renewal of writ of execution required by Order 46, Rule 8	75.00
(b) Procuring renewal of writ of execution in accordance with the said Rule 8	75.00

PART VIII

GENERAL AND MISCELLANEOUS

ATTENDANCES

42. To obtain—	
(a) consent of person to act as next friend or guardian <i>ad litem</i> and consent or approval of any other interested party	35.00 to 100.00
(b) any other consent	25.00

Note to Item 42

This item includes drawing the form of consent or approval.

43. To give consent	25.00
44. To enter appearance	50.00

If appearance entered for more than one person at the same time, for each additional person	5.00
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Note to Item 44

This item includes copy and service of notice of appearance.

45. To search—	
(a) for appearance	25.00
(b) for appearance and to obtain certificate of non-appearance	35.00
46. To register memorandum of <i>lis pendens</i>	35.00

PART VIII—CONTINUED

ATTENDANCES—Continued

<i>Item</i>	\$
<i>Note to item 46</i>	
This item shall not be allowed on a taxation of costs in accordance with Rule 28(2).	
47. At Registry or Sub-Registry to file any document ...	25.00
48. At Registry or Sub-Registry to bespeak or search for affidavit ...	25.00
49. To enter order amending record by striking out or adding a party or consolidating causes or matters ...	25.00
50. To—	
(a) set down action, summons or appeal for trial or hearing ...	25.00
(b) enter special case, or set down point of law, for argument ...	25.00
(c) enter for hearing case or special case stated by inferior court of civil jurisdiction, statutory tribunal, Tax Appeal Board, Minister of State, arbitrator or umpire ...	25.00
(d) enter for hearing reference to the Master, Registrar, Assistant Registrar or referee ...	25.00
51. On the appropriate officer to certify that cause or matter set down for trial or hearing is settled or is for any other reason not to be included in list for trial or hearing ...	25.00
52. On a deponent swearing, or attorney or clerk deposing to, any affidavit other than an affidavit of service ...	25.00
53. To examine abstract of title with deeds in connection with any cause or matter, per hour ...	150.00 to 250.00
54. To produce deeds for examination with abstract of title in connection with any cause for matter or the first hour or part thereof ...	150.00 to 250.00
For each subsequent half-hour or part thereof ...	25.00 to 125.00
55. To stamp document ...	25.00
56. To search for and obtain certificates of birth, marriage or death, for every three (3) certificates obtained at the same time ...	25.00
57. To make a general search for certificates of birth, marriage or death, per hour ...	50.00
58. On printer to insert advertisement in <i>Gazette</i> or other paper, for each publication ...	25.00
59. On counsel with brief, case for written opinion or instructions to settle any document ...	25.00
Or where counsel's fee is \$1,000 or more ...	50.00

PART VIII—CONTINUED

ATTENDANCES—*Continued*

<i>Item</i>	\$
60. Attendance not provided for or allowed under any other item	25.00
61. To obtain directions for lodgment of money in court, and at Central Bank to pay in or deposit money and obtain receipt	100.00
62. To draw and lodge documents required to authorise payment out of money lodged in court and to receive payment	35.00
63. To bespeak power of attorney to receive money out of court, obtain execution of power, stamp and lodge it, receive money and send it to grantor	Discretionary
64. To indemnify person entitled to receive cheque	65.00
65. To lodge securities in court or procure transfer of securities into or out of court	Discretionary

Note to Item 65

This item includes all attendances required in connection with the lodgment or transfer and the preparation of any document so required.

66. To procure certificate, or re-dating of certificate of funds in court	35.00
Or where more than one certificate is procured or re-dated at the same time	Discretionary
67. To procure transcript of account	35.00
68. Drawing request for payment by post, obtaining signature and lodging request	50.00
69. Preparing, where person entitled to receive interest or other periodical payments, evidence of life or of the fulfilment of any condition affecting the payments	Discretionary

DRAWING DOCUMENTS

70. Case for opinion of counsel before institution of proceedings including copy for counsel	100.00 to 500.00
71. Affidavit of service	65.00

Note to Item 71

This item includes engrossing affidavit, attending to have it sworn and filing it.

72. Affidavit, other than affidavit of service, per folio ...	3.25
73. Preparation for marking by commissioner of affidavits of exhibit to affidavit, for each exhibit	5.00

PART VIII—CONTINUED
DRAWING DOCUMENTS—Continued

<i>Item</i>	\$
74. Advertisement to be signed by Registrar or Assistant Registrar	25.00

Note to Item 74

This item includes attending chambers to obtain signature.

75. Minutes of order, accounts, statements and other documents required for use in court or chambers, per folio	3.25
76. Pedigree, for each completed ring	3.25
77. Memorandum of a <i>lis pendens</i> , including copy thereof ...	25.00

Note to Item 77

This item shall not be allowed on a taxation of costs in accordance with Rule 28(2).

NOTICES, ETC.

<i>Item</i>	
78. Drawing or filling up a notice to a creditor requiring him to prove his claim or informing him that cheque may be received from the Registrar	3.25
79. Drawing any notice not otherwise provided for service or any request under Order 6, Rule 4(3)	5.00

COPIES, ETC.

<i>Item</i>	
80. Copy of document not otherwise provided for—	
(a) typed copy, other than carbon copy or written copy, per folio	3.25
(b) printed or carbon copy, per folio	1.00
(c) photographic copy, per foolscap	1.00
81. Examining proof print, per folio	1.00

LETTERS, ETC.

<i>Item</i>	
82. Letter not included under any other item	35.00
Or if long	35.00
If short or similar	20.00
Or if a circular letter	15.00
83. Letters, messages and telephone calls not provided for or allowed under any other item	Discretionary

PERUSAL

<i>Item</i>	
84. Perusing any document not provided for or allowed under any other item, per folio	3.25

SERVICE

<i>Item</i>	
85. Where more than one attendance is necessary to effect service on, or delivery to, one party of document referred to in Part I of this Appendix or in Item 13, 14, 15 or 39 thereof, or where service is effected within the jurisdiction otherwise than by personal attendance or by post or is effected out of the jurisdiction	Discretionary

PART VIII—CONTINUED

SERVICE—Continued

<i>Item</i>	\$
86. Where document referred to in Part I of this Appendix or in Item 13, 14, 15 or 39 thereof is required to be served on, or delivered to, more than one person, service on, or delivery to, each additional person—	
(a) if required to be served personally or delivered ...	20.00 to 50.00
(b) if service by post authorised ...	10.00
87. Service or delivery of any document, not provided for or allowed under any other item—	
(a) if required to be served personally or delivered ...	20.00
(b) if service by post authorised ...	10.00
In addition to the amount allowed under paragraph (a) hereof, a mileage allowance in respect of each mile after the first two miles between the place at which service or delivery is effected and the nearest place of business of the attorney effecting it ...	3.25

PART IX

ADDITIONAL PROCEEDINGS ARISING ONLY IN CONNECTION WITH ADMIRALTY CAUSES AND MATTERS

88. Procuring issue and service of warrant of arrest ...	500.00
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Note to Item 88

This item includes procuring the warrant, affidavits and other documents required in connection with the issue and service of the warrant and any attendance required to procure its issue and service, the swearing of any such affidavit and the filing of any such document.

89. Procuring issue of instrument of release under Order 73, Rule 12 ...	200.00
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Note to Item 89

This item includes drawing the instrument and other documents required in connection with the issue of the instrument, obtaining any consent so required and any attendances required to procure the issue of the instrument and the filing of any such document.

90. Procuring entry, renewal or withdrawal of caveat against the issue of a warrant, the release of property or the payment of money out of Court ...	100.00
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Note to Item 90

This item includes drawing and filing any document required to procure the entry, renewal or withdrawal and any attendances so required.

91. Giving bail—	
(a) one surety ...	300.00
(b) two sureties ...	350.00

PART IX—CONTINUED

ADDITIONAL PROCEEDINGS ARISING ONLY IN CONNECTION
WITH ADMIRALTY CAUSES AND MATTERS—Continued

Item

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Note to Item 91

This item includes drawing the bail bond, affidavits and other documents required in connection with the giving of bail and any attendances required to procure the signing of the bond, the swearing of any such affidavit and the filing and service of any such document.

92. Giving guarantee or undertaking in lieu of bail ... 150.00

Note to Item 92

This item includes preparing the guarantee or undertaking and any attendances required to procure the signing and stamping thereof.

Note to Items 91 and 92

The commission or fee paid to a person becoming surety to a bail bond or giving a guarantee or undertaking in lieu of bail, not exceeding 1 per cent of the amount for which the bond, guarantee or undertaking is given, shall be allowed on taxation.

93. Obtaining bail ... 120.00

Note to Item 93

This item includes perusing notice of bail and other relevant documents and any attendance to make enquiries as to sufficiency of sureties or to ensure that documents relating to bail have been filed.

94. Obtaining—
(a) guarantee in lieu of bail ... 120.00
(b) undertaking in lieu of bail ... 100.00

Note to Item 94

This item includes perusing the guarantee or undertaking and other relevant documents.

95. Procuring the issue and execution of commission of appraisalment or of appraisalment and sale ... 100.00

Note to Item 95

This item includes drawing and filing any document required in connection with the issue and execution of the commission and any attendance so required.

96. Attending adverse attorney to limit questions in dispute on reference under Order 73, Rule 38 ... 150.00
And for every half-hour beyond the first ... 100.00

97. Negotiating agreement under Order 73, Rule 32 ... 75.00 to 250.00

PART IX—CONTINUED

ADDITIONAL PROCEEDINGS ARISING ONLY IN CONNECTION
WITH ADMIRALTY CAUSES AND MATTERS—*Continued**Item*

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Note to Item 97

This item includes taking instructions in connection with the agreement, drawing and filing the agreement and any attendance required in connection with the negotiation, making and filing of the agreement.

98. Negotiating agreement with respect to amount of damages, interest or other sums payable by opposite party ... Discretionary

Note to Item 98

This item includes any attendances and other work done in connection with the calculation of, and in obtaining agreement as to, the amount payable.

PART X

GENERAL

DISCRETIONARY COSTS

1. (1) Where in the foregoing provisions of this Appendix there is entered in the second column against any item specified in the first column either an upper and a lower sum of money or the word "Discretionary", the amount of costs to be allowed in respect of that item shall (subject to any order of the Court fixing the costs to be allowed) be in the discretion of the taxing officer, within the limits of the sums so entered, if any.

(2) In exercising his discretion under this paragraph or under Rule 32(2) in relation to any item, the taxing officer shall have regard to all relevant circumstances, and in particular to—

- (a) the complexity of the item or of the cause or matter in which it arises and the difficulty or novelty of the questions involved;
- (b) the skill, specialised knowledge and responsibility required of, and the time and labour expended by, the attorney;
- (c) the number and importance of the documents (however brief) prepared or perused;
- (d) the place and circumstances in which the business involved is transacted;
- (e) the importance of the cause or matter to the client;
- (f) where money or property is involved, its amount or value;
- (g) any other fees and allowances payable to the attorney or counsel in respect of other items in the same cause or matter, but only where work done in relation to those items has reduced the work which would otherwise have been necessary in relation to the item in question.

PART X—CONTINUED

FEES TO COUNSEL

2. (1) Except in the case of taxations of fees payable by the State, no fee to counsel shall be allowed unless before taxation—

- (a) its amount has been agreed by the attorney instructing counsel; and
- (b) a requisition for the fees signed by counsel has been produced to the taxing officer.

(2) No retaining fee to counsel shall be allowed on any taxation of costs in relation to which Rule 28(2) has effect.

(3) No costs shall be allowed in respect of counsel attending before the Registrar or an Assistant Registrar in chambers or of more counsel than one attending before a Judge in chambers or a Master unless the Registrar, Assistant Registrar, Judge, or Master as the case may be, has certified the attendance as being proper in the circumstances of the case.

(4) A refresher fee the amount of which shall be in the discretion of the taxing officer shall be allowed to Counsel, either for each period for 5 hours (or part thereof), after the first, during which the trial or hearing is proceeding or, at the discretion of the taxing officer in respect of any day, after the first day, on which the attendance of Counsel at the place of trial is necessary.

ITEMS TO BE AUTHORISED, CERTIFIED, ETC.

3. (1) In an action arising out of an accident on land due to a collision or apprehended collision, the costs of preparing a plan (other than a sketch plan) of the place where the accident happened shall not be allowed unless—

- (a) before the trial the Court authorised the preparation of the plan, or
- (b) notwithstanding the absence of an authorisation under subparagraph (a), the taxing officer is satisfied that it was reasonable to prepare the plan for use at the trial.

(2) The costs of calling an expert witness with regard to any question as to which a Court expert or scientific adviser is appointed under Order 40 shall not be allowed on a taxation of costs in relation to which Rule 28(2) or (3) has effect unless the Court at the trial has certified that the calling of the witness was reasonable.

(3) If any action or counterclaim for the infringement of a patent or any petition for revocation of a patent under Part XIII of the Patents Act, 1996, proceeds to trial, no costs shall be allowed to the parties serving any particulars of breaches or particulars of objection in respect of any issues raised in those particulars and relating to that patent except in so far as those issues or particulars have been certified by the Court to have been proven or to have been reasonable and proper.

PART X—CONTINUED

COPIES OF DOCUMENTS

4. (1) There shall be allowed for printing copies of any document the amount properly paid to the printer; and where any part of a document is properly printed in a foreign language or as a facsimile or in any unusual or special manner, or where any alteration becomes necessary after the first proof of the document, there shall be allowed such an amount as the taxing officer thinks reasonable, such amount to include any attendances on the printer.

(2) The attorney for a party entitled to take printed copies of any documents shall be allowed the amount he pays for such number of copies as he necessarily or properly takes.

(3) The allowance for printed copies of documents under Item 80 of this Appendix shall be made in addition to the allowances under the foregoing provisions of this paragraph, and shall, subject to sub-paragraph (4), be made for such printed copies as may be necessary or proper—

- (a) of any pleading, for service on the opposite party;
- (b) of any special case, for filing;
- (c) of any pleading or special case, for the use of the Court;
- (d) of any affidavit, for attestation in print;
- (e) of any pleading, special case or evidence for the use of counsel in Court; or
- (f) of any other document necessarily and properly copied and not otherwise provided for.

(4) The allowance under Item 80 of this Appendix shall not be made in relation to printed copies of documents for the use of the Court or of Counsel where written copies have been made before printing, and shall not be made more than once in the same cause or matter.

(5) The allowances under this Appendix for drawing any writ, pleading, summons, affidavit or other document shall be taken to include an allowance for preparing any necessary copies made for the use of the attorney, his agent and his client or for counsel to settle or, in the case of a writ, pleading or summons, for service.

(6) Where the attorney is acting as agent for another, the costs of preparing copies of any document necessary for the use of the principal shall be allowed under Item 80.

APPENDIX 2

The fees and charges in Appendix 1 shall not be allowed where the amount recovered does not exceed \$5,000.00 or where the subject-matter of the action is property which has an annual rental value which does not exceed \$1,200.00.

APPENDIX 3

FIXED COSTS

Attorneys' costs where judgment is obtained for a debt or liquidated demand by default of appearance or defence will be computed by the taxing officer according to the following scale, unless a Judge or Master shall, in any case, otherwise direct and allocatur shall issue accordingly;

SCALE

<i>Amount recovered</i>	<i>Fees to be Allowed</i>
	\$
\$10,000.00 and under	350.00
Over \$10,000.00 but not exceeding \$20,000.00	450.00
Over \$20,000.00 but not exceeding \$50,000.00	500.00
Over \$50,000.00	600.00

APPENDIX 4

FEES PAYABLE IN THE HIGH COURT AND COURT OF APPEAL

COMMENCEMENT OF A CAUSE OR MATTER

<i>Column 1</i>	<i>Column 2</i>
	\$
1. On sealing a writ of summons for the commencement of an action—	
(a) where the claim is for a liquidated sum not exceeding \$5,000.00	20.00
(b) in any other case	35.00
2. On sealing an originating summons where no other fee is specially provided	35.00
3. On sealing a concurrent or renewed writ of summons or a concurrent originating summons	10.00
4. On sealing an amended writ of summons or an amended originating summons	10.00
5. On presenting an originating petition	35.00
6. On sealing an originating notice of motion	35.00
7. On amending an originating petition or an originating notice of motion	10.00
8. On an originating <i>ex parte</i> application where no other fee is specifically provided	10.00
9. On sealing a summons for sale	35.00

APPENDIX 4—CONTINUED

FEES PAYABLE IN THE HIGH COURT AND COURT OF APPEAL—Continued

Column 1	APPEARANCE	Column 2
		\$
10. On entering an appearance for each person	10.00
INTERLOCUTORY APPLICATIONS, ETC.		
11. On an <i>ex parte</i> application—		
(a) for leave to serve process out of the jurisdiction or by a substituted mode of service or to dispense with service thereof, or		
(b) for a garnishee or charging order <i>nisi</i>	10.00
12. On sealing a summons	10.00
13. On sealing a notice for attendance at Chambers on an originating summons	10.00
14. On filing a notice of motion	20.00
15. On sealing a third-party notice	10.00
16. On bespeaking a request for the service of process or notice thereof out of the jurisdiction	10.00
17. On sealing a commission or letter of request for the examination of witnesses abroad	35.00
18. On the examination of a witness, including a judgment debtor, before an officer of the Court	35.00
FILING		
19. On filing an affidavit or any other document (unless otherwise provided by this Appendix)	10.00
ENTRY OR SETTING DOWN FOR TRIAL IN COURT		
20. On setting down a cause on motion for judgment	20.00
21. On entering or setting down a cause or matter	35.00
22. On filing a case stated or a special case for the opinion of the High Court pursuant to statute	35.00
23. On entering or setting down any other cause or matter, including a reference for hearing or further consideration in the High Court	35.00

APPENDIX 4—CONTINUED

FEES PAYABLE IN THE HIGH COURT AND COURT OF APPEAL—Continued

Column 1	WRITS	Column 2
		\$
24. On sealing a writ of subpoena <i>ad testificandum</i> or <i>duces tecum</i> , for each witness		5.00
25. On sealing a Writ of Execution		20.00
26. On sealing an order of mandamus		35.00
27. On sealing every other writ, not being a writ of summons ...		20.00
	SEARCHES	
28. On a search for an appearance or an affidavit and inspecting same		5.00
29. On every search in a cause book or index		5.00
30. On any other search		5.00
	CERTIFICATES	
31. For a certificate of appearance, or of a pleading, affidavit or proceeding having been entered, filed or taken or of the negative thereof, unless otherwise provided		10.00
32. On every certificate of funds in Court		5.00
33. On every certificate of result of an account or inquiry or other matter referred to a Judge, Master or Taxing Officer		30.00
34. On certifying any document as an office copy		10.00
35. For a certificate for which no fee has been provided ...		10.00
	COPIES OF DOCUMENTS	
36. For a photographic copy of all or any part of any document, whether or not issued as an office copy—for each photographic sheet		1.25
37. For a typewritten copy of any document per folio of 100 words, or part thereof		2.00
And for each folio of 100 words or part thereof of any additional carbon copy, bespoken		1.00
38. For an office copy of a plan, map, section, drawing, photograph, or diagram the actual cost of making and examining the copy and, in addition, for marking and sealing the copy as an office copy		10.00

APPENDIX 4—CONTINUED

FEES PAYABLE IN THE HIGH COURT AND COURT OF APPEAL—Continued

<i>Column 1</i>	JUDGMENTS AND ORDERS	<i>Column 2</i>
		\$
39. On every judgment after trial		30.00
40. On every judgment pursuant to an order made in chambers		20.00
41. On every judgment by confession or default of appearance or defence		20.00
42. On every other rule or order in the course of any action or proceeding		20.00
BILLS OF COSTS		
43. On every taxation of a Bill of Costs including certificate:		
(a) where the sum recovered does not exceed \$5,000.00		20.00
(b) in every other case		30.00
ADMIRALTY MATTERS		
44. On filing—		
(a) a consent to release		10.00
(b) a praecipe: for warrant of arrest; to prevent a warrant of arrest for service of a writ on any property; requesting issue of a release; to prevent a release; applying to the Court for judgment by default		10.00
(c) a notice withdrawing warrant of arrest		10.00
(d) an agreement in writing between attorneys to a cause or matter		10.00
(e) an admission of liability		10.00
(f) a request for the attendance of assessors		10.00
45. On entering a reference for hearing		30.00
MISCELLANEOUS		
46. On sealing a commission to take oaths or affidavits ...		165.00
47. On sealing every other commission		35.00
48. On Registrar or Assistant Registrar signing every deed ...		30.00
49. On taking an account of moneys . . . for every \$500.00 or fraction of \$500.00 of the amount found to have been received without deducting any payment		2.00
up to a maximum of		50.00
50. On inspection of a judgment, order or any other document		5.00
51. On perusing and allowing by a Judge, Registrar or Assistant Registrar of any bond		15.00

APPENDIX 4—CONTINUED

FEEs PAYABLE IN THE COURT OF APPEAL

ON APPEAL FROM HIGH COURT

<i>Column 1</i>	<i>Column 2</i>
	\$
1. On filing notice of appeal against a final judgment or decision, entering the appeal for hearing and on judgment thereunder, an inclusive fee of	50.00
2. On filing respondent's notice of intention to contend that decision of Court below be varied	30.00
3. For entering a special case, case stated, point of law or demurrer for argument, entering same for hearing and on judgment thereunder, an inclusive fee of	50.00
4. On filing notice of appeal against an interlocutory order or decision, entering the appeal for hearing and on judgment thereunder an inclusive fee of	50.00
5. On making any application not otherwise specifically provided for, and for filing judgment or order thereunder an inclusive fee of	30.00
6. On filing bond to secure costs of appeal	15.00
7. On filing motion for leave to appeal to Privy Council	20.00
8. On filing every bond where the appeal is to Privy Council	20.00
9. On filing order for leave to appeal to Privy Council	20.00
10. On appointment to settle record on appeal to Privy Council	10.00
11. On sealing record on appeal to Privy Council	20.00
12. For a copy of reasons for judgment of a Court, per each page or part thereof	1.25
but not to exceed	50.00

ON APPEAL FROM PETTY CIVIL COURT

13. On filing notice of appeal	10.00
14. On filing every order	5.00
15. On filing every affidavit	5.00
16. On filing every other document not specially provided for ...	5.00

APPENDIX 5

MARSHAL'S FEES AND CHARGES

SERVICE OF DOCUMENTS

<i>Column 1</i>	<i>Column 2</i>
	\$
1. (a) For the service of every document on any person ...	5.00
(b) An additional fee of \$1.00 shall be charged for every mile beyond the first from the Registry or any Sub-Registry whichever is nearer.	
(c) Where in the same action or proceedings more than one party is to be served at the same address, no additional fee for mileage shall be charged.	
(d) Where in the same action or proceedings, more than one party is to be served at different addresses but along the same route, only one additional fee of \$1.00 per mile for every mile beyond the first shall be charged in respect of the address which is furthest from the Registry or Sub-Registry as the case may be.	
2. In any case in which the document shall have been returned to the Marshal's or Deputy Marshal's office, as the case may be, not served after an attempt shall have been made to serve the same at the address given thereon, the Marshal or Deputy Marshal, as the case may be, may in his discretion require the payment of another service fee in accordance with paragraph 1 for each subsequent attempt to serve the said document.	

WRITS OF EXECUTION

Fieri-Facias

3. (a) For every endorsement upon an order of execution ...	10.00
(b) For every notice of the execution creditor or his attorney	10.00
(c) The fee for executing a writ of <i>fieri-facias</i> shall be double the fee for service of a document and shall be computed as in the case of service of documents.	
4. Poundage fees at the rate of 3 per cent on the amount recovered or the value of the goods levied upon where there is a sale of the goods but reduced to 1 per cent where the execution is withdrawn, satisfied or stopped, within 48 hours of seizure by the Marshal. In every case where an execution is withdrawn, satisfied or stopped, the poundage fees shall be paid by the person issuing the execution, or the person at whose instance the sale is stopped, as the case may be. Poundage fees shall be paid in cash, by banker's cheque or draft.	
5. The execution creditor shall at the time of lodging his request to enforce a writ of <i>fieri-facias</i> deposit a reasonable sum to defray the cost of possession charges, advertisement	

APPENDIX 5—CONTINUED

WRITS OF EXECUTION—Continued

Column 1

Column 2

and expenses which may be incurred in connection with the levy and sale. The Marshal or Deputy Marshal, as the case may be, shall levy for such sum incurred over and above the sum endorsed on the writ.

\$

6. Where a claim is made to the goods of the judgment debtor taken in execution, the Marshal or Deputy Marshal as the case may be, shall call upon both the execution creditor and the claimant, each to deposit forthwith one-half of a sum which is reasonable to meet the expenses to be incurred and such further sum from time to time for the purpose of defraying such expenses. Any balance remaining shall be returned to the execution creditor and claimant.

If the claimant fails to make any such deposit, the Marshal or Deputy Marshal, as the case may be, shall proceed with the execution as if no such claim had been made in respect of such goods, unless the Court or a Judge shall otherwise order; if the execution creditor fails to make any such deposit, the Marshal or Deputy Marshal, as the case may be, may, in his discretion, withdraw from such levy.

WRIT OF POSSESSION OR DELIVERY

- | | | |
|----|---|-------|
| 7. | (a) For every endorsement upon a writ of possession or delivery | 10.00 |
| | (b) The fee for executing a writ of possession or delivery shall be the same as for service of a document and shall be computed as in the case of service of document. | |
| | (c) Poundage fees at the rate of 3 per cent of the net annual value for rating of the property seized in the case of possession; and 3 per cent of the value of the goods as stated in the writ of summons or judgment in the case of delivery. | |

Poundage fees shall be paid in cash, by banker's cheque or draft.

ADMIRALTY

- | | | |
|----|---|--------|
| 8. | (a) On lodging a warrant of arrest | 65.00 |
| | (b) On lodging an instrument of release | 65.00 |
| | (c) On executing a commission for appraisalment and sale | 35.00 |
| | (d) On the appointment and swearing of appraisers | 35.00 |
| | (e) On the delivery of a ship or goods to a purchaser | 35.00 |
| | (f) For attending the discharge of a cargo or the removal of a ship or goods, for each day of attendance | 250.00 |
| | (g) On the sale of a ship or goods, for every \$500.00 or fraction of \$500.00 of the price | 5.00 |
| | (h) On a report as to sufficiency of sureties | 15.00 |

APPENDIX 5—CONTINUED

ADMIRALTY—*Continued*

- (i) On a request to retain possession of a ship with or without cargo, the Marshal or Deputy Marshal, as the case may be, shall call upon the party lodging the request to deposit a reasonable sum and such further reasonable sums from time to time to meet:
- (i) the expenses of a ship keeper;
 - (ii) his expenses for travelling, board and maintenance.

Made by the Rules Committee this 24th day of July, 1996.

M. DE LA BASTIDE
Chief Justice

R. HAMEL-SMITH
Judge of the Court of Appeal

C. BEST
Judge of the High Court

R. DOYLE
Master of the High Court

R. LAWRENCE MAHARAJ
Attorney General

S. McNICOLLS
Registrar, Supreme Court

R. NELSON
Attorney-at-law

D. A. GURLEY
Attorney-at-law

Laid in the House of Representatives this 9th day of August, 1996.

J. SAMPSON
Clerk of the House

Laid in the Senate this 17th day of September, 1996.

N. COX
Clerk of the Senate