

LEGAL NOTICE NO. 234

REPUBLIC OF TRINIDAD AND TOBAGO

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

RULES

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

THE CIVIL PROCEEDINGS (AMENDMENT) (NO. 2) RULES, 2005

1. These Rules may be cited as the Civil Proceedings (Amendment) (No. 2) Rules, 2005.

2. Part 67 is amended as follows:

Amendment of the Civil Proceedings Rules, 1998

(a) by inserting in the Table of Contents immediately after the words "Costs in the Court of Appeal ... Rule 67:14" the following:

"Court fees and Marshal's fees and charges Rule 67:15";

(b) by inserting in the Contents of this Part immediately after the words "Costs in the Court of Appeal ... Rule 67:14" the following:

"Court fees and Marshal's fees and charges Rule 67:15";

(c) by inserting immediately after Rule 67.14 the following new Rule:

"Court fees and Marshal's fees and charges

67.15	<p>(1) The fees specified in the second column of Appendix D to this Part shall be taken in the Supreme Court in respect of the items set out in the first column of the said Appendix</p> <p>(2) The fees and charges specified in Appendix E to this Part shall be paid to the Marshal.</p>
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	<p>(3) Where it appears to the Chief Justice that the payment of any fee specified in Appendix D to this Part, would, owing to the exceptional circumstances of the particular case, involve undue hardship, the Chief Justice may reduce or remit the fee in that case.</p> <p>(4) Where by any convention entered into by the Government of Trinidad and Tobago with any foreign power it is provided that no fee shall be required to be paid in respect of any proceedings, the fees specified in Appendices D and E to this Part shall not be taken in respect of those proceedings.”; and</p>
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(d) by inserting immediately after Appendix C the following new Appendices respectively:

“APPENDIX D

COURT FEES PAYABLE IN THE HIGH COURT AND COURT OF APPEAL

COMMENCEMENT OF A CAUSE OR MATTER

<i>Column 1</i>	<i>Column 2</i>
	\$
On sealing a claim	50.00
On sealing a fixed date claim	50.00
On sealing an amended claim	20.00
On filing application for leave to apply for Judicial Review	20.00
On filing an application for bail under Part 59	20.00
On sealing a petition for admission to practise	20.00
On sealing a petition for winding up a company	50.00
On amending an originating petition	50.00
On sealing a bankruptcy notice	5.00
On sealing a bankruptcy petition	50.00

APPEARANCE

On entering an appearance, for each person	10.00
Request for time to pay	10.00
Statement of financial position	5.00

“APPENDIX D—CONTINUED

COURT FEES PAYABLE IN THE HIGH COURT AND COURT OF APPEAL

STATEMENTS OF CASE

<i>Column 1</i>	<i>Column 2</i> \$
On sealing a statement of case	20.00
On sealing an amended statement of case	10.00
On sealing defence and counterclaim	20.00
On sealing an amended defence and counterclaim	10.00
On sealing a Reply	20.00
On sealing an Amended Reply	10.00

INTERIM APPLICATIONS

Application	20.00
Ancillary claim (third party notice)	20.00

FILING

On filing an affidavit	10.00
On filing a witness statement (per witness)	20.00
On filing a supplemental witness statement	10.00
On filing a listing questionnaire	10.00
On filing a list of documents	20.00
On filing a witness summary	20.00
On sealing a witness summons (per witness)	10.00
On filing a request for service through foreign governments, judicial authorities and consular authorities	10.00
On filing a request for service to be arranged by Minister responsible for foreign affairs	10.00
On filing a statement of names and residential addresses of all partners in a firm	10.00
On filing a request for judgment when party is in default of unless order	10.00
On filing a request for information	10.00
On filing a request for payment out of monies paid into court under Part 37	10.00
On filing a statement of agreed and disagreed issues	10.00
On filing a statement of “science” relevant to the matter	10.00
On filing any other document not specifically provided for	10.00

APPENDIX D—CONTINUED

COURT FEES PAYABLE IN THE HIGH COURT AND COURT OF APPEAL

NOTICES

<i>Column 1</i>	<i>Column 2</i>
	\$
Notice of omissions or challenges to items on account	10.00
Notice of payment into Court	10.00
Notice of discontinuance (copy)	10.00
Notice of Change of Agent	10.00
Notice of Appointment	10.00
Notice of Acting (change of Attorney)	10.00
Notice of Acting in person	10.00
Notice of objections to application made to vary time or method of payment	10.00
On filing any other notice not provided for	10.00

JUDGMENTS AND ORDERS

Request for default judgment (appearance or defence)	10.00
Request for judgment on admissions	10.00
Judgment in default (appearance or defence)	30.00
Judgment on admissions	30.00
Draft Order	—

ENFORCEMENT PROCEEDINGS

On sealing writ of execution against goods (<i>Fieri Facias</i>)	30.00
On sealing writ of possession	30.00
On sealing writ of delivery or value	30.00
On sealing writ of specific delivery	30.00
On sealing an application for sale of land by order of the court	20.00
Application for the appointment of a receiver	20.00
Financial position notice pursuant to Part 45.6	10.00
Notice to Marshal for return of writ of execution	10.00
Objections to provisional charging order	20.00
Notice of withdrawal of stop notice	10.00
Application for attachment of debt	20.00
Security by way of guarantee by receiver	
Undertaking given under Part 53.7	
Notice by third party claiming goods seized in execution	10.00
Notice by judgment creditor admitting or denying claim	10.00

APPENDIX D—CONTINUED

COURT FEES PAYABLE IN THE HIGH COURT AND COURT OF APPEAL

SEARCHES

<i>Column 1</i>	<i>Column 2</i> \$
On a search of any file or document (by parties and their Attorneys only)	10.00
On every search in the cause book or index or computer records ...	10.00

CERTIFICATES

On every certificate of funds in court	5.00
On every certificate of result of an account or inquiry	30.00
On certifying any document as an office copy	10.00
Certificate as to result of sale of land	10.00
Certificate of Service	10.00
Certificate of an account of a public Authority (Rule 70.15)	10.00
For a certificate for which no fee has been specifically provided ...	10.00

COPIES

For a photographic copy of all or any part of any document, whether or not issued as an office copy (by parties and their Attorneys only) — for each photographic sheet	1.25
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	1.00
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

WRITS OF HABEAS CORPUS

Writ of Habeas Corpus <i>ad testificandum</i>	10.00
Writ of Habeas Corpus <i>ad respondendum</i>	10.00
Application for Writ of Habeas Corpus	20.00

APPENDIX D—CONTINUED

COURT FEES PAYABLE IN THE HIGH COURT AND COURT OF APPEAL

FEES PAYABLE IN THE COURT OF APPEAL ON APPEAL
FROM HIGH COURT

<i>Column 1</i>	<i>Column 2</i> \$
Application for leave to appeal	15.00
On filing notice of appeal against a final judgment or decision ...	50.00
On filing a counter-notice	30.00
For entering a special case, case stated point of law or demurrer for argument entering same for hearing and on judgment thereunder	50.00
On filing notice of appeal against an interlocutory order or decision entering the appeal for hearing and on judgment thereunder	50.00
On making any other application not specifically provided for, and for filing judgment or order thereunder	30.00
On filing bond to secure costs of appeal	15.00
On filing application for leave to appeal to the Privy Council	30.00
On filing every bond where the appeal is to Privy Council	30.00
On filing order for leave to appeal to Privy Council	
On sealing record on appeal to Privy Council	30.00
For a copy of reasons for judgment of a court, per each page or part thereof but not to exceed	1.25 50.00

MISCELLANEOUS

On Registrar, Deputy Registrar, or Assistant Registrar signing any Deed	50.00
On perusing and allowing by a Judge, Master, Registrar, Deputy Registrar or Assistant Registrar of any bond	20.00
On sealing a commission to take oaths or affidavits	200.00
On sealing every other commission	50.00
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 up to a maximum of	2.00 50.00

APPENDIX D—CONTINUED

COURT FEES PAYABLE IN THE HIGH COURT AND COURT OF APPEAL

ADMIRALTY CLAIMS

<i>Column 1</i>	<i>Column 2</i> \$
On sealing an Admiralty claim in rem	50.00
On Sealing an Admiralty limitation claim	50.00
On Sealing a warrant of arrest	50.00
Request for caveat against the issue of a warrant to arrest	20.00
Request for issue of release of property under arrest	20.00
Request for caveat against the release of property under arrest	20.00
Preliminary Act under Part 74.19	30.00
To inspect and bespeak a copy of the Preliminary Act	10.00
Request for a commission for appraisalment and sale of any property Rule 74.24(1)	20.00

APPENDIX E

MARSHAL FEES AND CHARGES

SERVICE OF DOCUMENTS

<i>Column 1</i>	<i>Column 2</i>
For the service of every document on any person	10.00
An additional fee of \$1.00 shall be charged for every mile beyond the first from the nearest court office to the address for service.	
Where in the same action or proceedings more than one party is to be served at the same address, no additional fees for mileage shall be charged.	
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 Court Office.	
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.	

APPENDIX E—CONTINUED

COURT FEES PAYABLE IN THE HIGH COURT AND COURT OF APPEAL

WRITS OF EXECUTION

<i>Column 1</i>	<i>Column 2</i>
	\$
<i>Writ of execution against goods</i>	
For every endorsement upon an order for execution.	20.00
For every notice filed by the execution creditor or his Attorney ...	20.00
The fee for executing a Writ of execution against goods shall be twice the service fee for a document and shall be calculated in the same way as with service of documents.	
Poundage fees at the rate of 3% of the amount recovered or the value of the goods seized where there is a sale of goods but reduced to 1% 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.	
The judgment creditor shall at the time of lodging his request to enforce a writ of execution against goods deposit a reasonable sum to defray the cost of possession charges, advertisement and expenses which may be incurred in connection with the seizure 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	
Where a claim is made to the goods of the judgment debtor taken in execution, the Marshal and the Deputy Marshal, shall call upon the judgment creditor and the party claiming the goods, to each deposit immediately 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 judgment creditor and the party claiming the goods.	
If the party claiming the goods fails to make any such payment, 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 orders otherwise; if the judgment creditor fails to make any such payment, the Marshal or Deputy Marshal, as the case may be, may, in his discretion, withdraw from the levy.	

WRITS OF POSSESSION OF LAND

For every endorsement upon a writ of possession or delivery	20.00
The fee for executing a writ of possession shall be the same as for service of a document and shall be calculated in the same way as with service of a document. Poundage fees at the rate of 3% of the net annual value for rating of the property seized.	

APPENDIX E—CONTINUED

COURT FEES PAYABLE IN THE HIGH COURT AND COURT OF APPEAL

WRITS OF DELIVERY (SPECIFIC OR DELIVERY OR VALUE)

<i>Column 1</i>	<i>Column 2</i>
	\$
For every endorsement upon a writ of possession or delivery	20.00
<p>The fee for executing a writ of delivery shall be the same as for service of a document and shall be calculated in the same way as with service of a document Poundage fees at the rate of 3% of value of the goods as stated in the claim form. Poundage fees shall be paid in cash, by banker's cheque or draft.</p>	

ADMIRALTY

On issuing a Warrant of Arrest	100.00
On lodging a request for the issue of a release of property under arrest	100.00
On executing a commission for appraisalment and sale	50.00
On the appointment and swearing of appraisers	50.00
On the delivery of a ship or goods to a purchaser	50.00
For attending the discharge of a cargo or the removal of a ship or goods, for each day of attendance	300.00
On the sale of a ship or goods, for every \$500.00 or fraction of \$500.00 of the price	10.00
On a report as the sufficiency of sureties	25.00
<p>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:</p>	

*The expenses of a ship keeper;

*His expenses for travelling, board and maintenance.”.

Made by the Rules Committee this 29th day of July, 2005.

S. SHARMA
Chief Justice

R. HAMEL-SMITH
Judge of the Court of Appeal

P. JAMADAR
Judge of the High Court

J. JEREMIE
Attorney General

R. M. DOYLE
Master of the High Court

E. A. PETERSEN
Registrar of the Supreme Court

A. FITZPATRICK
Attorney-at-law

G. ARMORER
Attorney-at-law

Laid in the House of Representatives this 5th day of September, 2005.

N. JAGGASSAR
Acting Clerk of the House

Laid in the Senate this 26th day of August, 2005.

N. JAGGASSAR
Acting Clerk of the Senate