

LEGAL NOTICE NO. 202

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> |
|-------|---|

|  |   |
|--|---|
|  | <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> |
|--|---|

(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><br>\$ |
|---|-----------------------|
| 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><br>\$ |
|---|-----------------------|
| 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><br>\$ |
|---|-----------------------|
| 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<br>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<br>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><br>\$ |
|---|-----------------------|
| 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           |
| 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. |                 |

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  |
| 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: |        |

\*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      day of  
2005.

Clerk of the House

Laid in the Senate this      day of      2005.

Clerk of the Senate