

Orders of the Royal Court.



I
1981

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 14th day of July, 1981, before Sir John Loveridge, Kt., C.B.E., Bailiff; present:— Stanley Walter Gavey, Esquire, O.B.E., Edward James Lainé, Esquire, C.B.E., D.F.C., Richard Alan Kinnersly, Esquire, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Esquire, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson and Herbert Nicolle Machon, Esquires, Jurats.

No. 1 Order, 1981

ENTITLED

The Royal Court (Costs and Fees) Rules, 1981

THE ROYAL COURT, in exercise of the powers conferred upon it by section one of the Royal Court (Costs and Fees) (Guernsey) Law, 1969(a), and of all other powers enabling it in that behalf, hereby orders:—

(a) Ordres en Conseil Vol. XXII, p. 102.

Interpreta-
tion.

1. In these Rules, unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ Advocate ” includes Her Majesty’s Procureur;

“ Bailiff ” includes the Deputy Bailiff, a Lieutenant Bailiff or the Juge Délégué;

“ cause ” includes any application;

“ Commissioner ” means a Commissioner of the Court;

“ Court ” means the Royal Court sitting as a Full Court or the Royal Court sitting as an Ordinary Court;

“ folio ” means two hundred words on one or more pages;

“ Greffier ” means Her Majesty’s Greffier;

“ Her Majesty’s Procureur ” includes Her Majesty’s Comptroller;

“ Pleading List ” means the “ Role des Causes à Plaider ”;

“ Sergeant ” means Her Majesty’s Sergeant;

“ Sheriff ” means Her Majesty’s Sheriff;

“ witness ”, in relation to any civil proceedings, includes a party to such proceedings;

“ Witness List ” means the “ Role des Causes en Preuve ”.

Court fees,
etc. in
respect of
civil and
criminal
proceedings.

2. (1) The fees payable to the Court and the fees and disbursements payable to the Bailiff, a Commissioner of the Court, a Jurat, the Greffier, the Sheriff and the Sergeant in respect of any civil proceeding or matter described in the first column of the Schedule to these Rules shall be the appropriate fees and disbursements specified in the second

column of that Schedule in relation to that proceeding or matter.

(2) The fees and disbursements payable under paragraph (1) of this Rule in respect of any civil proceeding or matter shall, subject to any order of the Court as to costs, be payable by the person at whose instance the proceeding or matter was taken, done or carried out, as the case may be.

(3) The fees payable to the Court, the Greffier and Sergeant in respect of any criminal proceedings in the Royal Court sitting as a Full Court or of any matter relating thereto by any person ordered by that Court to pay the costs of and incidental to the proceedings shall be, in respect of any proceeding or matter corresponding to any proceeding or matter described in the first column of the Schedule to these Rules, the appropriate fees specified in the second column of that Schedule in relation to the proceeding or matter so described.

3. (1) The maximum fees for Advocates and the disbursements of Advocates in respect of any civil proceeding or matter described in the first column of the Schedule to these Rules which shall be recoverable by a party to whom costs have been awarded by the Court shall, subject to any direction of the Court as to the extent to which the costs are to be paid to that party, be the fees and disbursements specified in the third column of that Schedule in relation to that proceeding or matter.

Advocates' fees and disbursements in respect of civil proceedings.

(2) Where more than one Advocate is engaged by any party to act for him in any civil proceedings, the fees for Advocates recoverable by that party where he has been awarded costs by the Court shall only be recoverable in respect of the services of the leading Advocate unless the Court otherwise directs,

in which case there shall be recoverable in respect of the services of every other Advocate so engaged an amount not exceeding two-thirds of the amount recoverable in respect of the services of the leading Advocate.

Witnesses'
expenses.

4. (1) The allowances on account of the expenses of any witness attending to give evidence in any proceedings before the Court, whether or not he gives evidence, and of any witness examined in any proceedings preliminary to any proceedings before the Court, which shall be recoverable in pursuance of an order of the Court awarding costs shall be determined in accordance with the provisions of this Rule.

(2) There shall be paid to any witness attending to give evidence for the prosecution in any criminal proceedings before the Court, whether or not he gives evidence, and to any such witness examined in any proceedings preliminary to any such proceedings before the Court, allowances on account of his expenses determined in accordance with the provisions of this Rule.

(3) There may be allowed in respect of a witness practising as a member of the legal or medical profession or as a dentist or veterinary surgeon for attending to give professional evidence an allowance not exceeding fifty pounds a day:

Provided that if the witness attends on any day to give evidence and the period during which he is necessarily absent from his place of residence or practice to attend as aforesaid does not exceed four hours, his allowance under this paragraph shall not exceed thirty pounds, unless he necessarily incurs expense in the provision of a person to take care of his practice during his absence.

(4) There may be allowed in respect of an expert witness for attending to give expert evidence and for work in connection with its preparation an allowance of such amount as may be considered reasonable having regard to the nature and difficulty of the case and the work necessarily involved.

(5) There may be allowed in respect of a witness who attends to give evidence, other than professional or expert evidence, and thereby loses remuneration or necessarily incurs expense, other than expense on account of travelling, lodging or subsistence, to which he would not otherwise have been subject, an allowance not exceeding fifteen pounds a day: Provided that if the period during which the witness is necessarily absent from his place of residence, business or employment to attend as aforesaid does not exceed four hours, the sum which he may be allowed under this paragraph in respect of such loss or expense as aforesaid shall not exceed ten pounds unless he necessarily loses more than half a day's remuneration or the expense necessarily exceeds ten pounds.

(6) There may be allowed in respect of a witness who attends to give evidence, other than professional or expert evidence, a subsistence allowance not exceeding—

- (a) if the period on any one day during which the witness is necessarily absent from his place of residence, business or employment to attend as aforesaid does not exceed four hours, two pounds in respect of that day;
- (b) if the said period on any one day exceeds four hours but does not exceed eight hours, four pounds in respect of that day;
- (c) if the said period on any one day exceeds eight hours, six pounds in respect of that day.

(7) There may be allowed in respect of a witness who is necessarily absent from his place of residence overnight in order to attend as a witness, a night allowance not exceeding the expense actually and reasonably incurred for board and lodging for that night.

(8) There may be allowed in respect of a seaman who is detained on shore for the purpose of attending to give evidence and thereby misses his ship, for the time during which he is, and is likely to be, necessarily detained on shore—

(a) an allowance, not exceeding ten pounds a day, in respect of loss of wages, unless for special reason such an allowance appears insufficient, in which case a greater sum may be allowed as appears to be reasonable; and

(b) an allowance not exceeding the sum actually and reasonably incurred for his maintenance;

and nothing in the last five preceding paragraphs shall apply to a person in respect of whom an allowance is made under this paragraph.

(9) There shall be allowed in respect of a witness who necessarily incurs expenses in travelling to and from the Court or any other place for the purpose of attending to give evidence an allowance not exceeding the expenses actually and reasonably incurred.

(10) Notwithstanding anything in this Rule, no sum shall be allowed thereunder in respect of—

(a) a member of the salaried police force of this Island attending the Court in his capacity as such;

- (b) a whole-time officer of the States' Prison attending the Court in his capacity as such;
- (c) a prisoner produced in Court in custody.

5. (1) Where the cost of any models, plans, photographs, transcripts or other documents or things used for the purpose of any proceedings are recoverable in pursuance of an order of the Court awarding costs, the sum so recoverable shall be the sum actually and reasonably paid for such models, photographs, transcripts or other documents or things, as the case may be. Models, plans, etc.

(2) The amount recoverable in pursuance of an order of the Court awarding costs in respect of any fee payable upon the swearing of a declaration shall be the amount of such fee.

6. In the event of any difference or dispute between any parties to any civil proceedings as to the fees, disbursements and allowances recoverable in pursuance of an order of the Court awarding costs, the difference or dispute shall be referred to Her Majesty's Procureur, whose decision shall be final. References to H.M. Procureur in case of dispute.

7. The Royal Court (Costs and Fees) Rules, 1969(b), and the Royal Court (Costs and Fees) (Amendment) Rules, 1976(c), are hereby repealed. Repeals.

8. Notwithstanding anything contained in these Rules, the provisions of the Royal Court (Costs and Fees) Rules, 1969, as amended, shall continue to have effect in relation to any proceeding or matter commenced before the coming into force of these Saving.

(b) Orders of the Royal Court No. III of 1969.

(c) Orders of the Royal Court No. II of 1976.

Rules in all respects as if these Rules had not been made.

Citation. 9. These Rules may be cited as the Royal Court (Costs and Fees) Rules, 1981.

Commencement. 10. These Rules shall come into force on the first day of September, nineteen hundred and eighty-one.

SCHEDULE

Rule 2 and Rule 3

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
1. On tabling a cause before the Court— (a) for the recovery of a sum of money— (i) not exceeding £500 (ii) exceeding £500 but not exceeding £1,000 (iii) exceeding £1,000 but not exceeding £5,000 (iv) exceeding £5,000 ... (b) in eviction cases (c) in any other case	Court £5 Greffier £5 Court £7.50 Greffier £7.50 Court £10 Greffier £10 Court £10 Greffier £10 Court £2.50 Greffier £2.50 Court £5 Greffier £5	£5 £10 £15 £20 £15 £25
2. For service by the Sergeant of any summons or of any notice	Sergeant £3	
3. For every certificate of service by the Sergeant of any summons or of any notice	Sergeant £1	£3
4. For settling a second or subsequent summons in the same cause		£10
5. Where more than one summons or notice are issued simultaneously in the matter of the same cause, for settling each additional summons or notice, as the case may be		£5

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
6. On the appointment of the Sergeant as Judicial Attor- ney	Sergeant £5	
7. On the inscription of any cause on the Pleading List or on the Witness List ...	Greffier £2	
8. For appearance in Court on behalf of a defendant ...		£10
9. For attending client, taking instructions, writing and perusing correspondence and other documents— (a) in cases where the cause is for the recovery of a sum of money not exceeding £500 (b) in any other case		£50 £100
10. For attending, and taking proof of, witnesses		£20 per hour in respect of each witness.
11. For consultation with a client prior to the hearing of a cause— (a) for the recovery of a sum of money not ex- ceeding £500 (b) in any other case		£50 £100

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
12. Where two or more Advocates are engaged by the same party or by different parties in the same interest, for a conference with the other Advocate or Advocates so engaged— (a) in cases where the cause is for the recovery of a sum of money not exceeding £500 (b) in any other case		The leading Advocate—£25 The leading Advocate—£50
13. For preparing a written defence— (a) in cases where the cause is for the recovery of a sum of money not exceeding £500 (b) in any other case		£50 £100
14. For searching the records at the Greffe in connection with the preparation of a case		£20 for each hour and in addition any fee payable to the Greffier.
15. For preparing notes of facts and arguments and for preparing generally for the hearing of a cause— (a) where the cause is for the recovery of a sum of money not exceeding £500 (b) in any other case		£100 £300

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
16. On the hearing of any cause	Court) Double Greffier) the appropriate fee payable under paragraph 1 of this Schedule on the tabling of that cause	£50 for each half-day.
17. For every copy of the cause supplied to the Court ...		50p for each folio or part of a folio.
18. On tabling a cause before the Court for permission to have the deposition of a witness taken in writing before a Commissioner	Court £2 Greffier £2	£5
19. For settling— (a) a summons or notice to a party to attend the taking of a deposition in writing or to examine a witness (b) a summons to a witness		£5 £5

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
20. On the examination and cross-examination of a witness whose depositions are taken in writing	Court or Commissioner— £3 for each witness. Greffier £3 for each folio or part of a folio.	£10 for each half-hour.
21. For collated copies of depositions	Greffier £1 for each folio of the first copy and, in addition, the cost of printing the copies (if any).	
22. On attendances before a Commissioner (a) at the Court	Commissioner— £10 for each period of three hours or part of such period.	£20 per hour.

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
(b) at any other place ...	Commissioner— £10 for each attendance.	£20 for each hour or part of an hour.
23. For settling the report of a Commissioner		£5 for each folio or part of a folio.
24. As respects “clameurs de Haro”— (a) for settling a “clameur” (b) on the endorsement of a “clameur” by the Bailiff (c) for copy of a “clameur” delivered to a defendant (d) for registration of a “clameur”	Bailiff £5 Greffier £2.50	£20 £2.50
25. “Vues de Justice”	Court £25 Greffier £10	£50 for each half-day Provided that no fee shall be charged in respect of any half-day for which a charge is made under paragraph 16 of this Schedule, and, in addition, any disbursements in respect of the cost of transport for the Court, Greffier and the Advocate to the place at which the “Vue de Justice” is held.

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
26. On obtaining the grant, upon affidavit, of a permit to arrest	Bailiff £10	£25
27. On obtaining the grant, without affidavit, of a permit to arrest	Bailiff £5	£15
28. On the execution of an order for the arrest of the person of a debtor	Sheriff £20	
<p>29. On the execution of an arrest of personalty—</p> <p>(a) in cases involving a claim for a sum of money—</p> <p>(i) not exceeding £200</p> <p>(ii) exceeding £200 ...</p> <p>(b) in any other case</p>	<p>Sheriff £5</p> <p>Sheriff £15</p> <p>Sheriff £15</p> <p>and, in addition, in any case mentioned in sub-paragraph (a) or (b) of this paragraph, the cost of making an inventory of the personalty arrested and of printing the copies (if any).</p>	

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
30. For every report issued in pursuance of a request for the execution of an arrest of personalty where no such arrest is executed	Sheriff £5	
31. For attendance by the Sheriff to deliver goods ...	Sheriff £5	
32. For attendance by the Sheriff at the Court to declare what he has in hand	Sheriff £5	
33. For settling and publishing a notice of sale at the instance of the Sheriff ...		£5 and, in addition, the cost of publication.
34. For settling a summons to attend such sale		£5
35. On opposition being made to the publication of such sale	Sheriff £5 for each publication opposed	
36. On opposition being made to such sale or on the postponement of such a sale ...	Sheriff £5 for each sale opposed or postponed, as the case may be Sergeant £2.50 for each sale opposed or postponed, as the case may be	

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
37. On a sale before the Sheriff	Sheriff—2½ per centum of the proceeds of sale and, in addition, the auctioneer's charges and expenses	
38. For attendance by the Sheriff at the Court upon being actioned to pay the proceeds of sale	Sheriff £5	
39. As respects "saisie" proceedings (a) for notifying the person against whom a Preliminary Vesting Order has been obtained of the making of the order and for certifying that such person has been so notified (b) for settling and publication of a notice to let in the "Gazette Officielle" or in any other newspaper	Sheriff £5	£5 and, in addition, the cost of publication.

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
(c) on opposition being made to a letting or the postponement of a letting	Sheriff £2.50 for each letting opposed or post- poned, as the case may be Sergeant £2.50 for each letting opposed or post- poned, as the case may be	
(d) on a letting	Sheriff £3.00 for each "fonds" let and, in addi- tion, the auction- eer's charges and ex- penses Sergeant £3.00 for each "fonds" let	

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
(e) proceedings against the debtor to see the creditor produce an account—		
(i) for settling the summons to the debtor to appear before a Commissioner ...		£5
(ii) on the hearing of the proceedings ...	Commissioner £5 Greffier £5	£15
(iii) for preparing the Commissioner's report		£15
(f) for notifying the debtor of the making of an Interim Vesting Order and for certifying that the debtor has been so notified	Sheriff £5	
(g) for settling a notice of the opening of the register of claims and for publication of such notice		£5 and, in addition, the cost of publication.
(h) on the opening of the register of claims	Greffier £5	
(i) on the making of an entry in the register of claims	Greffier £2	
(j) for copies of the register of claims	Greffier £2.50 for each folio or part of a folio	

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
<p>(k) proceedings against claimants for the purpose of marshalling their claims—</p> <p>(i) for settling a summons to a claimant</p> <p>(ii) on the hearing of the proceedings ...</p> <p>(iii) for settling the Commissioner's report ...</p>	<p>Commissioner £2.50 for each claimant</p> <p>Greffier £5</p>	<p>£5</p> <p>£15</p> <p>£5</p>
<p>(l) proceedings against claimants to declare whether or not they elect to have the real property of the debtor vested in them for an estate of inheritance—</p> <p>(i) for settling the cause against any claimant ...</p> <p>(ii) on the hearing of the proceedings ...</p>	<p>Court £2.50</p> <p>Greffier £2.50</p>	<p>£5</p> <p>£15</p>
<p>(m) on the registration of a Final Vesting Order ...</p>	<p>Greffier £2.50 for each folio or part of a folio</p>	
<p>40. On the endorsement of a petition by the Bailiff ...</p>	<p>Bailiff £5</p>	
<p>41. For settling a petition ...</p>		<p>£40</p>

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
42. For copies of a petition delivered to a respondent ...		£1 for each copy.
43. For any matter relating to the preparing for hearing of a petition, being a matter corresponding to any matter described in paragraphs 9 to 15, inclusive, of this Schedule		The fee specified in the third column of this Schedule in relation to the matter so described
44. On the hearing of a petition	Court) The Greffier) appropriate fee specified in the second column of this Schedule in paragraph 16 thereof	The fees specified in the third column of this Schedule in paragraph 16 thereof
45. On the registration of a petition	Greffier £2.50 for each folio or part of a folio	

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
46. For copies of a petition ...	Greffier £2.00 for each folio or part of a folio	
47. On the execution of a document relating to a transaction of a value— (a) not exceeding two quarters or £50 (b) exceeding two quarters or £50 but not exceeding ten quarters or £200 ... (c) exceeding ten quarters or £200	Court £2 Court £5 Court £10	
48. On the execution of a document including a Power of Attorney and a Will of Realty, where the value of the transaction to which the document relates is not an essential element of the transaction	Court £1	
49. On the making of any declaration	Court £1	
50. For attending a meeting of creditors for the proving of claims against a debtor whose affairs have been declared to be in a state of "désastre"	Jurat 50p for each creditor or £5 whichever is the greater Greffier £5	

Description of proceeding or matter	Court fees, etc.	Fees for Advocates
51. For attending at any place outside the Court for the purpose of signing a docu- ment	Jurat £5	
52. For attending any sale or letting	Jurat £10 for each "fonds": Provided that where the sale or let- ting, as the case may be, relates to more than two "fonds" the maxi- mum fee shall be £20.	

R. H. VIDELO,

Her Majesty's Greffier.

Orders of the Royal Court.



I
1981

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 14th day of July, 1981, before Sir John Loveridge, Kt., C.B.E., Bailiff; present:— Stanley Walter Gavay, Esquire, O.B.E., Edward James Lainé, Esquire, C.B.E., D.F.C., Richard Alan Kinnersty, Esquire, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Esquire, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson and Herbert Nicolle Machon, Esquires, Jurats.

No. 1 Order, 1981

ENTITLED

The Royal Court (Costs and Fees) Rules, 1981

THE ROYAL COURT, in exercise of the powers conferred upon it by section one of the Royal Court (Costs and Fees) (Guernsey) Law, 1969(a), and of all other powers enabling it in that behalf, hereby orders:—

(a) Ordres en Conseil Vol. XXII, p. 102.