

# ORDER OF THE ROYAL COURT

ENTITLED

## **The Magistrate's Court (Fees) Rules, 1981 \***

[CONSOLIDATED TEXT]

### NOTE

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* O.R.C. No. II of 1981; as amended by the: Magistrate's Court (Fees) (Amendment) Rules, 1984 (O.R.C. No. II of 1984); Magistrate's Court (Fees) (Amendment) Rules, 1987 (O.R.C. No. I of 1987); Magistrate's Court (Fees) (Amendment) Rules, 1991 (O.R.C. No. II of 1991); Magistrate's Court (Fees) (Amendment) Rules, 1997 (O.R.C. No. I of 1997); Magistrate's Court (Fees) (Amendment) Rules, 2006 (O.R.C. No. X of 2006); Magistrate's Court (Fees) (Amendment) Rules, 2007 (O.R.C. No. III of 2007); Magistrates Court (Fees) (Amendment) Rules, 2010 (O.R.C. No. V of 2010); Magistrate's Court (Fees) (Amendment) Rules, 2012 (O.R.C. No. V of 2012); Magistrates Court (Fees) (Amendment) Rules, 2014 (O.R.C. No. IV of 2014); Magistrate's Court (Fees) (Amendment) Rules, 2016 (O.R.C. No. V of 2016); the Magistrate's Court (Fees) (Amendment) Rules, 2018 (O.R.C. No. V of 2018); Magistrate's Court (Fees) (Amendment) Rules, 2023 (O.R.C. No. IV of 2023).

# ORDER OF THE ROYAL COURT

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## **The Magistrate's Court (Fees) Rules, 1981**

### ARRANGEMENT OF RULES

1. Fees in respect of civil proceedings.
2. Allowances to witnesses.
3. Savings.
4. Repeals.
5. Citation and commencement.

SCHEDULE Fees in respect of civil proceedings.

(Made on 14th July, 1981.)

## The Magistrate's Court (Fees) Rules, 1981

**THE ROYAL COURT**, in exercise of the powers conferred upon it by section twenty-five of the Magistrate's Court (Guernsey) Law, 1954, as amended<sup>a</sup>, and of all other powers thereunto enabling it, hereby orders: –

### **Fees in respect of civil proceedings.**

1. (1) There shall be paid in respect of the proceedings in the Magistrate's Court (hereafter in these Rules referred to as "**the Court**") described in the first column of the Schedule to these Rules and in respect of the matters connected with such proceedings described in that column of that Schedule the respective fees set out in the second column of that Schedule.

[ (2) Column 2 of the Schedule specifies to whom the fees mentioned therein are payable.]

[ (3) The Court may if it thinks fit remit, in whole or in part, any fee specified in column 2 of the Schedule.]

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### **NOTES**

*In Rule 1,*

*paragraph (2) was substituted by the Magistrate's Court (Fees) (Amendment) Rules, 2006, rule 2(1), with effect from 14th August, 2006;*

*paragraph (3) was inserted by the Magistrate's Court (Fees) (Amendment) Rules, 2007, rule 1(b), with effect from 1st November, 2007, subject to the transitional provisions in rule 3 of the 2007 Rules.*

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<sup>a</sup> Ordres en Conseil Vol. XVI, p. 103; Vol. XVII, p. 218; No. XII of 1979.

**Allowances to witnesses.**

2. (1) The Court may order –
- (a) any person convicted of any offence in any criminal proceedings in the Court,
  - (b) any party to any civil proceedings in the Court,

to pay to any person attending the Court to give evidence in those proceedings, including, in the case of civil proceedings, any party thereto, an allowance calculated at a rate not exceeding [£133] for each half-day during which the attendance of that person was required at the Court, and in addition –

- (i) in the case 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 expenses actually and reasonably incurred for board and lodging for that night,
- (ii) in the case 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.

(2) Any allowance under this Rule may be ordered to be paid to any person attending the Court to give evidence as a witness notwithstanding that such person was not called to give evidence and, if such person had not been summoned to attend the Court, notwithstanding that such person had not been so summoned.

[ (3) Unless otherwise ordered by the Magistrate's Court any amount or allowance ordered to be paid to a witness in accordance with the provisions of this Rule shall be recoverable by that witness as a civil debt and for the purposes of execution the order of the Magistrate's Court ordering the payment of the allowance to the witness shall have the effect of a judgment of a Civil Court for the like amount in favour of that witness.]

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**NOTES**

*In Rule 2,*

*the symbol and figures in square brackets in paragraph (1) were substituted by the Magistrate's Court (Fees) (Amendment) Rules, 2023, rule 1(2), with effect from 1st January, 2024, subject to the transitional provisions in rule 2 of the 2023 Rules;<sup>1</sup>*

*paragraph (3) was inserted by the Magistrate's Court (Fees) (Amendment) Rules, 1987, rule 1(b), with effect from 3rd November, 1987, subject to the transitional provisions in rule 2 of the 1987 Rules.*

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**Savings.**

3. These Rules (including the repeals made by them) shall not have effect in relation to any proceeding or matter in the Court commenced before the coming into force of these Rules.

**Repeals.**

4. The Magistrate's Court Fees Rules 1962<sup>b</sup>, the Magistrate's Court Fees (Amendment) Rules, 1969<sup>c</sup>, the Magistrate's Court Fees (Amendment) Rules, 1973<sup>d</sup>

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<sup>b</sup> Orders of the Royal Court Vol. I, p. 220.

<sup>c</sup> Orders of the Royal Court No. IV of 1969.

<sup>d</sup> Orders of the Royal Court No. IV of 1973.

and the Magistrate's Court Fees (Amendment) Rules, 1976<sup>e</sup> are hereby repealed.

**Citation and commencement.**

5. (1) These Rules may be cited as the Magistrate's Court (Fees) Rules, 1981.

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

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<sup>e</sup> Orders of the Royal Court No. III of 1976.

[SCHEDULE

Rule 1

FEEES IN RESPECT OF CIVIL PROCEEDINGS

1. DESCRIPTION OF PROCEEDING OR MATTER	2. FEE, AND TO WHOM PAYABLE
1. Preparation and service of summons or notice –  (a) for recovery of a sum of money,  (b) for arrest of wages,  (c) in any other case.	Sergeant: £213 for expedited service at request of the applicant; £139 for specified service at request of the applicant, £73 otherwise.  Sergeant: £213 for expedited service at request of the applicant, £139 for specified service at the request of the applicant; £73 otherwise.  Sergeant: £213 for expedited service at

	<p>the request of the applicant, £139 for specified service at the request of the applicant, £73 otherwise.</p> <p>In this item, "<b>specified service</b>" means service which is to be given –</p> <p>(a) at an address or place known to HM Sergeant which is other than at the address given by the applicant for service, or</p> <p>(b) á personne at an address or place known to HM Sergeant which is other than the address given by the applicant for service, and</p> <p>"<b>expedited service</b>" means same day service.</p>
<p>2. Failure of the parties to notify the Court of the settlement of a matter.</p>	<p>Court: Fees which would have been payable had the matter proceeded.</p>
<p>3. (1) Hearing of cause or application (per hour or part thereof) –</p> <p>(a) for recovery of a sum of money</p> <p>(b) for arrest of wages,</p> <p>(c) in any other case.</p> <p>(2) For second and each subsequent adjournment of a cause or application.</p>	<p>Court: £154,</p> <p>Court: £73,</p> <p>Court: £73.</p> <p>Court: £40,</p>

*Consolidated text*

<p>4. Execution of arrest of personalty –</p> <p style="padding-left: 40px;">(a) where judgment is for recovery of a sum of money –</p> <p style="padding-left: 80px;">(i) not exceeding £1,000,</p> <p style="padding-left: 80px;">(ii) exceeding £1,000 but not exceeding £2,500,</p> <p style="padding-left: 80px;">(iii) exceeding £2,500, but not exceeding £5,000,</p> <p style="padding-left: 80px;">(iv) exceeding £5,000,</p> <p style="padding-left: 40px;">(b) in any other case.</p>	<p>Sheriff: £87,</p> <p>Sheriff: £113,</p> <p>Sheriff: £127,</p> <p>Sheriff: £139,</p> <p>Sheriff: £113.</p> <p>Provided that where the time taken in enforcing the execution of an arrest of personalty described in subparagraphs (a) and (b) exceeds two hours, then an additional fee shall be payable of £73 per hour for each subsequent hour or part thereof.</p>
<p>5. Execution of arrest of wages in respect of –</p> <p style="padding-left: 40px;">(a) judgment debtor,</p> <p style="padding-left: 40px;">(b) maintenance orders,</p> <p style="padding-left: 40px;">(c) compensation orders.</p>	<p>Sheriff: £40,</p> <p>Sheriff: £40,</p> <p>Sheriff: £40,</p>
<p>6. Sale of effects of judgment debtor.</p>	<p>(a) Sheriff: 5% of proceeds of sale plus auctioneer's charges and expenses.</p> <p>(b) Sheriff: 10% of proceeds of sale where no auctioneer acting.</p>
<p>7. Publication of notice of sale of effects of judgment debtor.</p>	<p>Sheriff: reasonable expenses of publication.</p>

<p>8. Report issued in pursuance of request for execution of arrest of personalty where no such arrest is executed –</p> <p>(a) where judgment is for recovery of a sum of money –</p> <p>(i) not exceeding £1,000</p> <p>(ii) exceeding £1,000 but not exceeding £2,500</p> <p>(iii) exceeding £2,500 but not exceeding £5,000</p> <p>(iv) exceeding £5,000,</p> <p>(b) report issued in pursuance of request for execution of arrest of personalty for recovery of unpaid compensation</p> <p>(c) in any other case.</p>	<p>Sheriff: £59,</p> <p>Sheriff: £87,</p> <p>Sheriff: £99,</p> <p>Sheriff: £113,</p> <p>Sheriff: £80,</p> <p>Sheriff: £87,</p> <p>Provided that where the time taken in issuing the Report described in subparagraphs (a), (b) and (c) exceeds two hours, then an additional fee shall be payable of £73 per hour for each subsequent hour or part thereof.</p>
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*Consolidated text*

<p>9. Acts of Court and Certificates –</p> <p>(i) certified copies (excluding the original certified copy provided to the Plaintiff/Applicant following proceedings specified elsewhere in this Schedule),</p> <p>(ii) uncertified copies –</p>	<p>Greffier: £30,</p> <p>(A) for an A4 copy in monochrome, £4,</p> <p>(B) for an A3 copy in monochrome, £5</p> <p>(C) for an A4 copy in colour, £6,</p> <p>(D) for an A3 copy in colour, £7.</p>
<p>10. (a) Provision of official transcript,</p> <p>(b) Provision of official transcript, expedited service (within 48 hours),</p> <p>(c) Provision of official transcript, previously produced.</p>	<p>Greffier: £12 per A4 side or part thereof for the first copy and £1.80 per A4 side or part thereof for any additional copy.</p> <p>Greffier: £15 per A4 side or part thereof for the first copy and £1.80 per A4 side or part thereof for any additional copy.</p> <p>Greffier: £1.80 per A4 side or part thereof for any additional copy.</p>
<p>11. Certificate of service by Sergeant of summons or note.</p>	<p>Sergeant: £40.</p>

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12. Listening to digital recording of proceedings.	Greffier:	£40 per hour or part thereof.
13. Photocopying of documents (other than where covered by a specified fee above).	Greffier:	£1.20 per A4 side.
14. Certificate of Conviction.	Greffier:	£80.
15. Video Conferencing –		
(a) Video Conference booking fee,	Court:	£73
(b) Set-up and test video link,	Court:	<p>£213 Set-up and test video link, for the first 15 minutes (or part of), use of equipment and attendance of court officer.</p> <p>£40 subsequent 15 minutes (or part of) including use of equipment and attendance of court officer.</p> <p>Additional technical assistance will be charged at £87 per hour (or part thereof).</p> <p>Transmission costs will be charged at cost.</p>
16. Teams link (or equivalent) for hearings.		£73.

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**NOTE**

*The Schedule was substituted by the Magistrate's Court (Fees) (Amendment) Rules, 2023, rule 1(3), Schedule, with effect from 1st January, 2024, subject to the transitional provisions in rule 2 of the 2023 Rules.<sup>2</sup>*

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**1** These symbol and figures were previously amended by the: Magistrate's Court (Fees) (Amendment) Rules, 1987, rule 1(a), with effect from 3rd November, 1987, subject to the transitional provisions in rule 2 of the 1987 Rules; Magistrate's Court (Fees) (Amendment) Rules, 1991, rule 1(a), with effect from 1st April, 1991, subject to the transitional provisions in rule 5 of the 1991 Rules; Magistrate's Court (Fees) (Amendment) Rules, 1997, rule 1(a), with effect from 1st February, 1997, subject to the transitional provisions in rule 4 of the 1997 Rules; Magistrate's Court (Fees) (Amendment) Rules, 2006, rule 1(a), with effect from 14th August, 2006, subject to the transitional provisions in rule 3 of the 2006 Rules; Magistrate's Court (Fees) (Amendment) Rules, 2007, rule 1(a), with effect from 1st November, 2007, subject to the transitional provisions in rule 3 of the 2007 Rules; Magistrates Court (Fees) (Amendment) Rules, 2010, rule 1(a), with effect from 1st January, 2011, subject to the transitional provisions in rule 3 of the 2011 Rules; Magistrate's Court (Fees) (Amendment) Rules, 2012, rule 1(a), with effect from 1st January, 2013, subject to the transitional provisions in rule 3 of the 2012 Rules; Magistrate's Court (Fees) (Amendment) Rules, 2014, rule 1(a), with effect from 1st January, 2015, subject to the transitional provisions in rule 3 of the 2014 Rules; Magistrate's Court (Fees) (Amendment) Rules, 2016, rule 1(a), with effect from 1st January, 2017, subject to the transitional provisions in rule 3 of the 2016 Rules; Magistrate's Court (Fees)

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(Amendment) Rules, 2018, rule 1(a), with effect from 1st January, 2019, subject to the transitional provisions in rule 2 of the 2018 Rules.

<sup>2</sup> The Schedule was previously substituted by the Magistrate's Court (Fees) (Amendment) Rules, 1984, rule 1, with effect from 3rd April, 1984; Magistrate's Court (Fees) (Amendment) Rules, 1991, rule 1(b), with effect from 1st April, 1991, subject to the transitional provisions in rule 5 of the 1991 Rules; Magistrate's Court (Fees) (Amendment) Rules, 1997, rule 1(b), with effect from 1st February, 1997, subject to the transitional provisions in rule 4 of the 1997 Rules; Magistrate's Court (Fees) (Amendment) Rules, 2006, rule 1(b), with effect from 14th August, 2006, subject to the transitional provisions in rule 3 of the 2006 Rules; Magistrate's Court (Fees) (Amendment) Rules, 2007, rule 1(c), Schedule, with effect from 1st November, 2007, subject to the transitional provisions in rule 3 of the 2007 Rules; Magistrates Court (Fees) (Amendment) Rules, 2010, rule 1(b), with effect from 1st January, 2011, subject to the transitional provisions in rule 3 of the 2010 Rules; Magistrate's Court (Fees) (Amendment) Rules, 2012, rule 1(b), Schedule, with effect from 1st January, 2013, subject to the transitional provisions in rule 3 of the 2012 Rules; Magistrate's Court (Fees) (Amendment) Rules, 2014, rule 1(b), Schedule, with effect from 1st January, 2015, subject to the transitional provisions in rule 3 of the 2014 Rules; Magistrate's Court (Fees) (Amendment) Rules, 2016, rule 1(b), Schedule, with effect from 1st January, 2017, subject to the transitional provisions in rule 3 of the 2016 Rules; Magistrate's Court (Fees) (Amendment) Rules, 2018, rule 1(b), Schedule, with effect from 1st January, 2019, subject to the transitional provisions in rule 2 of the 2018 Rules.