

The Royal Court (Costs and Fees) (Amendment) Rules, 2007

THE ROYAL COURT, in exercise of the powers conferred on it by section 1 of the Royal Court (Costs and Fees) (Guernsey) Law, 1969^a and all other powers enabling it in that behalf, hereby orders:-

Amendment to Rules of 2000.

1. In the Royal Court (Costs and Fees) Rules, 2000^b -
 - (a) after rule 1(5) add the following paragraph -

"(6) The Court may if it thinks fit remit, in whole or in part, any fee specified in column 2 of the Schedule.",
 - (b) for the Schedule substitute the Schedule set out in the Schedule to these Rules.

Repeal.

2. The Royal Court (Costs and Fees) (Amendment) Rules, 2006 are repealed.

Transitional provisions.

3. These Rules have effect in relation to fees payable in respect of a proceeding or matter -

^a Ordres en Conseil Vol. XXII, p. 102.

^b ORC No. I of 2000; the Schedule was substituted by ORC No. IX of 2006.

- (a) which is described in column 1 of the Schedule set out in the Schedule to these Rules, and
- (b) which occurs or begins on or after the date of commencement specified in Rule 5,

whether the action of which the proceeding or matter forms part began before, on or after that date.

Citation.

4. These Rules may be cited as the Royal Court (Costs and Fees) (Amendment) Rules, 2007.

Commencement.

5. (1) Subject to paragraph (2), these Rules shall come into force on 1st November, 2007.

(2) For the purposes of paragraph 24 of the Schedule, these Rules shall come into force on 1st December, 2007.

SCHEDULE

"SCHEDULE

Rule 1

COURT FEES, ETC. IN RESPECT OF CIVIL & CRIMINAL PROCEEDINGS

1. DESCRIPTION OF PROCEEDING OR MATTER	2. FEE
<p>1. (a) Service of first summons in any proceedings.</p> <p>(b) Service of any document which must be served à personne.</p>	<p>Sergeant : £60 for expedited or special service at request of Advocate; £35 otherwise.</p> <p>Sergeant : £60 for expedited or special service at request of Advocate; £35 otherwise.</p>
<p>2. (a) First tabling of each cause, application or petition before the Court, and each listing of an interlocutory application (subject to paragraph (c) below) -</p> <p>(i) in proceedings for the recovery of a sum of money</p> <p style="padding-left: 40px;">(A) not exceeding £10,000,</p> <p style="padding-left: 40px;">(B) exceeding £10,000</p>	<p>Court : £80.</p> <p>Court : £90.</p>

	but not exceeding £25,000,	
(C)	exceeding £25,000 but not exceeding £100,000,	Court : £110.
(D)	exceeding £100,000 but not exceeding £250,000,	Court : £135.
(E)	exceeding £250,000,	Court : £160.
(ii)	in proceedings relating to an application for an original Liquor Licence,	Court : £110
(iii)	in proceedings relating to an application ancillary to a Liquor Licence, or for a Salle Publique Licence or for an Alfresco Licence,	Court : £80
(iv)	in proceedings relating to the administration of an oath to a public official,	Court : £80
(v)	in proceedings relating to any	Court : £80

	<p>civil appeal or appeal from a decision of an administrative body or tribunal,</p> <p>(vi) in proceedings relating to parochial remèdes or to the change of name of a company,</p> <p>(vii) in proceedings relating to an adoption application,</p> <p>(viii) in any other proceedings,</p> <p>(b) second and each subsequent adjournment of a cause, application or petition (other than an interlocutory application) whether or not filed as a Consent Order,</p> <p>(c) each other proceeding filed as a Consent Order.</p>	<p>Court : £100</p> <p>Court : £80</p> <p>Court : £135</p> <p>Court : £60</p> <p>Court : The sum calculated under paragraph (a) above reduced by £25.</p>
3.	Service of a summons, notice or other document (except one mentioned in paragraph 1).	Sergeant : £60 for expedited or special service at request of Advocate; £20 otherwise.
4.	Certificate of service by the Sergeant of a summons or notice.	Sergeant : £20.
5.	Appointment of, and every subsequent appearance in Court	Sergeant : £35.

of, the Sergeant as Judicial Attorney.	
6. Inscription of a cause on the Pleading List or Witness List.	Greffier : £25.
<p>7. Appearance before the Court (not being a procedure or matter described elsewhere in this Schedule) -</p> <p>(a) on the hearing of a cause, application or petition,</p> <p>(b) on the holding of a pre-trial review or case management conference,</p> <p>(c) at any Vue de Justice,</p> <p>(d) on the examination of a witness whose depositions are to be taken in writing or recorded,</p> <p>(e) on the hearing of a civil appeal from the Magistrate's Court, the Court of Alderney or the Court of the Seneschal or from a decision of an administrative body or tribunal.</p>	<p>Court per hour or part thereof : double the appropriate fee specified in column 2 of paragraph 2(a) for the tabling of the cause:</p> <p>Provided that, for the purpose of calculating recoverable costs, no Court fee or Advocate's fee shall be allowed under subparagraph (a) in respect of eviction proceedings involving only domestic premises.</p>
8. Tabling a Scheduled Application within the meaning of the Royal Court (Non-contentious Applications) Rules, 1988.	Court : £50.

<p>9. Collated copies of a deposition or transcript of evidence.</p>	<p>Greffier : £12 per A4 side or part thereof for the first copy and £1.50 per A4 side or part thereof for any additional copy.</p>
<p>10. Listening to original tape recording of proceedings.</p>	<p>Greffier : £35 per hour or part thereof during which access to the recording is granted.</p>
<p>11. Hearing before a Commissioner (including attendance on the execution of a request from a court of another jurisdiction for the taking of evidence on commission) whether at the Court or elsewhere.</p>	<p>Court per hour or part thereof : double the appropriate fee specified in column 2 of paragraph 2(a) for the tabling of the cause.</p> <p>If the hearing cannot be accommodated within the Royal Court House, the Applicant will also be responsible for the cost of alternative accommodation</p>
<p>12. (a) As respects Clameurs de Haro -</p> <p>(i) application for endorsement of a clameur by the Bailiff,</p> <p>(ii) registration of a clameur.</p> <p>(b) Application with or without affidavit for an order for the arrest of a person or personalty, or for an interim injunction.</p>	<p>Court : £80.</p> <p>Greffier : £35.</p> <p>Court : £160.</p> <p>Provided that where the hearing of an application described in subparagraph (a)(i) or (b) lasts for more than 30 minutes the fee payable shall be £270 per hour or part thereof.</p>
<p>13. Receiving instructions for the execution of an order of the</p>	<p>Sheriff : £40 plus the cost of making an inventory of any personalty arrested and</p>

Court (other than an arrest of wages).	of making any copies thereof plus £40 per hour or part thereof spent in the execution or attempted execution of the order and reporting thereon.
14. Execution of an arrest of wages of a judgment debtor.	Sheriff : £40 plus 5% of any amount recovered.
15. Attendance by the Sheriff to deliver goods.	Sheriff : £35.
16. Attendance by the Sheriff at the Court to declare what he has in hand.	Sheriff : £35.
17. Attendance by the Sheriff at the Court (other than an attendance described in paragraph 15, 16 or 21) under direction of the Court.	Sheriff : £35.
18. Opposition to the publication of a sale at the instance of the Sheriff.	Sheriff : £35 per publication opposed.
19. Opposition to, or postponement of, such a sale.	Sheriff : £35 per sale opposed or postponed.
20. (a) Sale by auction or tender before Sheriff or by private treaty by Sheriff. (b) Sale by auction where auction is conducted by Sheriff.	Sheriff : 2½% of the proceeds of sale plus the auctioneer's charges and expenses. Sheriff : 10% of the proceeds of sale.
21. Attendance by the Sheriff at the	Sheriff : £35.

<p>Court upon being actioned to pay the proceeds of sale.</p>	
<p>22. As respects saisie proceedings -</p> <p>(a) notifying the person against whom a Preliminary Vesting Order has been obtained of the making of the order and certifying that he has been notified,</p> <p>(b) opposition to, or postponement of a letting,</p> <p>(c) a letting,</p> <p>(d) the hearing of proceedings against the debtor to see the creditor produce an account,</p> <p>(e) notifying the debtor of the making of an Interim Vesting Order and certifying that he has been notified,</p> <p>(f) opening the register of claims,</p> <p>(g) making an entry in the register of claims,</p> <p>(h) copies of the register of claims,</p>	<p>Sheriff : £35</p> <p>Sheriff : £20 per letting opposed or postponed. Sergeant : £20 per letting opposed or postponed.</p> <p>Sheriff : £35 per fonds let plus the auctioneer's charges and expenses. Sergeant : £20 per fonds let.</p> <p>Commissioner : £55. Sheriff : £35.</p> <p>Sheriff : £35.</p> <p>Greffier : £35.</p> <p>Greffier : £15.</p> <p>Greffier : £4.50 per A4 side or part thereof.</p>

<p>(i) the hearing of proceedings against claimants for the purpose of marshalling their claims,</p> <p>(j) the hearing of 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>(k) registration of a Final Vesting Order.</p>	<p>Commissioner : £20 per claimant. Sheriff : £35.</p> <p>Court : £80.</p> <p>Greffier : £35.</p>
<p>23. Registration of petition.</p>	<p>Greffier : £35.</p>
<p>24. Execution of a document relating to a transaction for value before the Court.</p>	<p>Court : £50. Jurats : £40.</p>
<p>25. Execution of a document (including a Power of Attorney, a Will of Realty and a deed poll) where the value of the transaction to which the document relates is not an essential element of the transaction.</p>	<p>Jurats : £10.</p>
<p>26. Making a declaration.</p>	<p>Court : £10.</p>
<p>27. In désastre proceedings,</p>	<p>Commissioner : £7 per creditor or £70,</p>

<p>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.</p>	<p>whichever is the greater. Sheriff : £35.</p>
<p>28. Attending at any place outside the Court for the purpose of signing a document.</p>	<p>Jurats : £35.</p>
<p>29. Attending any sale or letting.</p>	<p>Jurats : £35 per fonds, subject to a maximum fee of £70.</p>
<p>30. Execution of an eviction order.</p>	<p>Sheriff : £35, plus £35 per hour or part thereof; and, in addition -</p> <ul style="list-style-type: none"> (a) the cost of making an inventory of a personalty removed into storage under Rule 2 of the Eviction Procedures Rules, 1989 and the cost of printing copies thereof (if any), (b) the reasonable charges of any removal contractor employed to remove the personalty from the premises subject to the eviction order and to transport it into storage for safe keeping, and (c) the cost of publication of the notice under Rule 3(1) of the said Rules.
<p>31. Filing of an affidavit, listing, questionnaire or pre-trial memorandum.</p>	<p>Greffier : £30.</p>
<p>32. Payment into Court.</p>	<p>Greffier : £65.</p>

<p>33. Reserving or setting down a date for trial in any matter.</p>	<p>Court : £110 per half day set down:</p> <p>Provided that -</p> <p>(a) if and only if the date is vacated on the 14th day before the appointed day (or earlier), the fee shall be refunded,</p> <p>(b) the fee shall be credited against any fees chargeable under paragraph 7.</p>
<p>34. Acts of Court (including Pleadings) and Certificates</p> <p>(i) Certified copies (excluding the original certified copy provided to the Plaintiff/Applicant following proceedings specified elsewhere in these Rules)</p> <p>(ii) Uncertified copies</p>	<p>Greffier : £5 for the first page of each document and £1 for each additional page.</p> <p>Greffier : £2 for the first page and 50 pence for each additional page.</p>