

# **Orders of the Royal Court**

**V  
2010**

## **IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY**

The 13<sup>th</sup> day of December, 2010 before Sir Geoffrey Rowland, Bailiff; present:- Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, Esquires, Susan Mowbray, Barbara Jean Bartie, David Osmond Le Conte, John Ferguson, Esquires, Claire Helen Le Pelley, Peter Sean Trueman Girard, Esquire, Constance Helyar-Wilkinson, Terry George Snell, David Percy Langley Hodgetts, Niall David McCathie Esquires, Margaret Ann Spaargaren, and Terry John Ferbrache Esquire, Jurats.

**No. V Order, 2010**

**ENTITLED**

**THE MAGISTRATE'S COURT (FEES) (AMENDMENT) RULES, 2010**

# **The Magistrate's Court (Fees) (Amendment) Rules, 2010**

**THE ROYAL COURT**, in exercise of the powers conferred on it by section 33 of the Magistrate's Court (Guernsey) Law, 2008<sup>a</sup>, and all other powers enabling it in that behalf, hereby orders:-

## **Amendment to Rules of 1981**

1. In the Magistrate's Court (Fees) Rules, 1981, as amended<sup>b</sup>-
  - (a) in Rule 2(1), for "£85" substitute "£90",
  - (b) for the Schedule, substitute the Schedule set out in the Schedule to these Rules.

## **Repeal**

2. Rules 1(a) and (c) of the Magistrate's Court (Fees) (Amendment) Rules, 2007<sup>c</sup> are repealed.

## **Transitional provisions**

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

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<sup>a</sup> Order in Council No. XVIII of 2009.

<sup>b</sup> ORC No. II of 1981; No. II of 1984; No. I of 1987; No. II of 1991; No. I of 1997; No. X of 2006; No. III of 2007.

<sup>c</sup> ORC No. III of 2007.

commencement specified in Rule 5,

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

(2) These Rules have effect in relation to allowances to witnesses payable in respect of any attendance which occurs or begins on or after the date of commencement specified in Rule 5, whether the action in which the attendance was required began before, on or after that date.

**Citation**

4. These Rules may be cited as the Magistrate's Court (Fees) (Amendment) Rules, 2010.

**Commencement**

5. These Rules shall come into force on the 1<sup>st</sup> January, 2011.

## SCHEDULE

### "SCHEDULE

Rule 1

#### FEES 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-  (i) not exceeding £1,000  (ii) exceeding £1,000 but not exceeding £2,500  (iii) exceeding £2,500 but not exceeding £5,000  (iv) exceeding £5,000  (b) for arrest of wages  (c) in any other case	Sergeant: £50  Sergeant: £65  Sergeant: £75  Sergeant: £90  Sergeant: £45  Sergeant: £45
2. (1) Hearing of cause or application (per hour or part thereof) -  (a) for recovery of a sum of money-  (i) not exceeding £1,000	Court: £50

<ul style="list-style-type: none"> <li>(ii) exceeding £1,000 but not exceeding £2,500</li> <li>(iii) exceeding £2,500 but not exceeding £5,000</li> <li>(iv) exceeding £5,000</li> <li>(b) for arrest of wages</li> <li>(c) in any other case</li> </ul> <p>(2) For second and each subsequent adjournment of a cause or application.</p>	<p>Court: £75</p> <p>Court: £85</p> <p>Court: £100</p> <p>Court: £45</p> <p>Court: £45</p> <p>Court: £22.50</p>
<p>3. Execution of arrest of personalty -</p> <ul style="list-style-type: none"> <li>(a) where judgment is for recovery of a sum of money - <ul style="list-style-type: none"> <li>(i) not exceeding £1,000</li> <li>(ii) exceeding £1,000 but not exceeding £2,500</li> <li>(iii) exceeding £2,500, but not exceeding £5,000</li> <li>(iv) exceeding £5,000</li> </ul> </li> <li>(b) in any other case</li> </ul> <p>(c) and, in addition to the fee specified in subparagraph (a) or (b), as the case may be, where</p>	<p>Sheriff: £60</p> <p>Sheriff: £75</p> <p>Sheriff: £80</p> <p>Sheriff: £90</p> <p>Sheriff: £55</p> <p>Provided that where the time taken in enforcing the execution of an arrest of personalty described in subparagraphs 3(a) and 3(b) exceeds two hours, then an additional fee shall be payable of £50 per hour for each subsequent hour or part thereof.</p> <p>Sheriff: £25</p>

personalty is held by a third party.	
4. Execution of arrest of wages of judgment debtor.	Sheriff: £25 plus 5% of amount recovered.
5. Sale of effects of judgment debtor.	(a) Sheriff: 5% of proceeds of sale plus auctioneer's charges and expenses,  (b) Sheriff: 10% of proceeds of sale where no auctioneer acting.
6. Publication of notice of sale of effects of judgment debtor.	Sheriff: reasonable expenses of publication.
7. Report issued in pursuance of request for execution of arrest of personalty where no such arrest is executed -  (a) where judgement is for recovery of a sum of money -  (i) not exceeding £1,000  (ii) exceeding £1,000 but not exceeding £2,500  (iii) exceeding £2,500 but not exceeding £5,000  (iv) exceeding £5,000  (b) in any other case	Sheriff: £35  Sheriff: £45  Sheriff: £55  Sheriff: £65  Sheriff: £80  Sheriff: £45  Provided that where the time taken in issuing the Report described in subparagraphs 7(a) and 7(b) exceeds two hours, then an additional fee shall be payable of £50 per hour for each subsequent

	hour or part thereof.
<p>8. 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: £7 for the first page of each document and £1.50 for each additional page.</p> <p>Greffier: £1 for each page.</p>
9. Provision of official transcript.	Greffier: £15 per A4 side or part thereof for the first copy and £1.50 per A4 side or part thereof for any additional copy.
10. Certificate of service by Sergeant of summons or notice.	Sergeant: £22.50"