

Island of  Guernsey

Ordinance of the States **VIII**

Made 29th April, 1964.

1964

Coming into Operation .. 1st May, 1964.

**The Matrimonial Causes (Costs and Fees)
Ordinance, 1964**

THE STATES, on the representations of the States Advisory and Finance Committee and in exercise of the powers now vested in them under Article 69 of the Matrimonial Causes Law (Guernsey), 1939(a), hereby order:—

1. Subject to the provisions of the Matrimonial Causes (Poor Persons) Ordinance, 1952(b), the provisions of this Ordinance shall apply in relation to any proceedings in the Matrimonial Causes Division of the Royal Court (hereafter in this Ordinance referred to as “the Court”).

2. (1) The fees payable to the Court, Her Majesty's Greffier and Her Majesty's Sergeant in respect of any proceeding or matter described in the first column of the Schedule to this Ordinance shall be the appropriate fees specified in relation to that proceeding or matter in the second column of the said Schedule.

Costs and fees.

(2) The maximum fee for Advocates in respect of any proceeding or matter described in the first

(a) Ordres en Conseil Vol. XI, p. 318.

(b) Recueil d'Ordonnances Tome X, p. 288.

column of the said Schedule which shall be recoverable as between party and party or otherwise in pursuance of an order of the Court awarding costs shall, subject to any directions contained in the order of the Court, be the fee specified in relation to that proceeding or matter in the third column of the said Schedule.

(3) The fee payable to any medical inspector appointed by the Court under Rule 51 of the Matrimonial Causes Rules, 1952(a), in respect of the examination of any party and the report to the Court on the result of such examination shall be not less than three guineas and not more than five guineas.

(4) The fees payable under subsection (1) and subsection (3) of this section shall, subject to any order of the Court awarding costs, be payable by the party at whose instance the proceeding, matter or inspection was taken, done or carried out, as the case may be.

(5) 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.

Witness
fees and
allowances.

3. (1) There shall be paid to an expert witness attending the Court to give expert evidence in any proceedings such fee calculated at a rate not exceeding ten pounds for each day as may be reasonable having regard to the nature and difficulty of the case and the work necessarily involved.

(2) There shall be paid to any person attending the Court to give evidence in any proceedings, whether as a witness of fact or as a witness producing a document or as a party, an allowance in respect of his out-of-pocket expenses for travelling and subsistence and loss of earnings.

(a) Recueil d'Ordonnances Tome X, Appendix.

(3) The fee and allowances payable under this section to any person shall, subject to any order of the Court awarding costs, be payable by the party on whose behalf that person has attended the Court to give evidence and shall be payable to that person whether he was called or not if his attendance was necessary.

4. Where the cost of any 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 photographs, transcripts or other documents or things, as the case may be.

Photo-
graphs,
transcripts,
etc.

5. Where more than one Advocate is engaged by any party to act for him in any proceedings, the fees for Advocates recoverable by that party in pursuance of an order of the Court awarding costs 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.

Costs in
cases where
there is
more than
one
Advocate
acting for
any party.

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

References
to H.M.
Attorney
General in
case of
disputes.

7. (1) The Matrimonial Causes (Costs and Court Fees) Ordinance (1946) is hereby repealed.

Repeal and
saving.

(2) Notwithstanding anything in this Ordinance contained, the provisions of the Matrimonial Causes

(Costs and Court Fees) Ordinance (1946) shall continue to apply in relation to any matrimonial cause commenced before the coming into force of this Ordinance in all respects as if this Ordinance had not been passed.

Citation and commencement.

8. (1) This Ordinance may be cited as the Matrimonial Causes (Costs and Fees) Ordinance, 1964.

(2) This Ordinance shall come into force on the first day of May, nineteen hundred and sixty-four.

SCHEDULE

Section two

Description of proceeding or matter	Fees payable to the Court, Her Majesty's Greffier and Her Majesty's Sergeant	Fees for Advocates
Answer: settling if containing cross-petition, settling ...		£5 £8
Appeal or Cross-Appeal: notice of, settling notice of, memorandum of, entering	Greffier 2s. 6d.	£1
Appearance: Notice of, to every opposite party—each notice memorandum of, settling		10s. 10s.
Applications (including applications to vary or modify any order but not including applications for contributions for support, for the variation of settlements or in respect of the care of children): settling hearing of		£1 £2
	Court 5s. Greffier 5s.	

Description of proceeding or matter	Fees payable to the Court, Her Majesty's Greffier and Her Majesty's Sergeant	Fees for Advocates
Care of children, applications in respect of: settling hearing of	Court 10s. Greffier 10s.	£2 £2 for each hour or part of an hour.
Commission: issuing of	Greffier £1.	
Declarations, sworn: settling examination by the Court of person who should have made	Court 5s. Greffier 5s.	£1 10s. £2
Decree: drafting copy of, issuing	Greffier 10s. Greffier 5s.	
Discretion statement: settling lodging	Greffier 2s. 6d.	£2
Document (other than Petition): filing	Greffier 2s. 6d.	
Guardian of minor or person of unsound mind: appointment of	Court 5s. Greffier 5s.	£2
Interrogatories: settling answer to, settling		£2 £2
Judicial Separation, Rescission of: declaration of, settling declaration of, witnessing	Greffier 7s. 6d.	10s.

Description of proceeding or matter	Fees payable to the Court, Her Majesty's Greffier and Her Majesty's Sergeant	Fees for Advocates
Medical inspection of parties: attendance for identification minute of identification of parties, signing inspector's report: filing of ... issuing copy of	Greffier 2s. 6d. Greffier 4s. for each page or part of a page.	£1 10s.
Notices: publication in "La Gazette Officielle" ... for which no fee is specified elsewhere, including notices to produce documents, settling	Greffier 10s. and cost of publication.	£1
Order: drafting copy of, issuing	Greffier 10s. Greffier 5s.	
Petition: settling filing supplemental, settling supplemental, filing	Greffier £1. Greffier 2s. 6d.	£8 £2
Pleadings, other than petition and answer, settling particulars of, application for, settling particulars of, settling amendments to, settling		£2 £2 £2 £2

Description of proceeding or matter	Fees payable to the Court, Her Majesty's Greffier and Her Majesty's Sergeant	Fees for Advocates
Preparation of case: instructions, including attendances with client, correspondence and perusal of documents attendance with witnesses, taking statements, per witness consultation with client prior to hearing of Cause or Issue conference between two or more Advocates prior to hearing of Cause or Issue, when two or more Advocates are engaged by the same party or by different parties having the same interest—each Advocate		£10 £3 £5 £5
Search at Greffe:	Greffier 2s. 6d.	5s.
Service: of notice of petition of any other document	Sergeant 10s.	
substituted:	Sergeant 5s.	
advertisement,		£1 and cost
settling		publication.
abroad, request for:—		£2
form of, settling		
sealing document to be served	Greffier 5s.	
translation of document to be served		Cost of translation.
transmission to His Excellency the Lieutenant		
Governor	Sergeant 5s.	
certificate of	Sergeant 5s.	

Description of proceeding or matter	Fees payable to the Court, Her Majesty's Greffier and Her Majesty's Sergeant	Fees for Advocates
Settlements, applications for variation of: settling hearing of	Court 10s. Greffier 10s.	£3. £2 for each hour or part of an hour.
Support, applications for contributions for: settling hearing of	Court 10s. Greffier 10s.	£2 £2 for each hour or part of an hour.
Trial of Cause or Issue: procuring listing of listing of hearing, defended hearing, undefended	Greffier 5s. Court £1 for each half-day. Greffier £1. Court £1. Greffier £1.	10s. £10 for first half-day and £7 10s. for each additional half-day. £7 10s.
Witness summons: settling ...		10s.

R. H. VIDELO,

Her Majesty's Greffier.

Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.

PRICE 1/-.