

# Island of Guernsey

## Ordinance of the States **XXIII**

1981

Made ... .. 1st October, 1981.  
Came into Operation ... 1st October, 1981.

### **The Matrimonial Causes (Costs and Fees) Ordinance, 1981**

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

Application.

Costs and fees.

(a) Ordres: en Conseil Vol. XI, p. 318; Vol. XII, p. 278; Vol. XIII, p. 38; Vol. XV, p. 422; Vol. XVII, p. 249; Vol. XXII, p. 102; Vol. XXIII, p. 489; No. VI of 1979.

(b) Recueil d'Ordonnances Tome X, p. 288; Tome XVII, p. 74.

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.

(2) The maximum fee for Advocates in respect of any proceeding or matter described in the first 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(c), 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 twenty pounds and not more than thirty pounds.

(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 allow-  
ances.

3. (1) There shall be paid to an expert witness attending the Court to give expert evidence in any

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(c) Orders of the Royal Court Vol. I, p. 64; Order No. I of 1973; Order No. II of 1973; Order No. I of 1980.

proceedings such fee calculated at a rate not exceeding fifty 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.

(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, tran-  
scripts, 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 Advoca-  
cate acting  
for any  
party.

References  
to H.M.  
Procureur  
in case of  
disputes.

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 Procureur whose decision shall be final.

Interpre-  
tation.

7. (1) In this Ordinance, except where the context otherwise requires, any reference to "Her Majesty's Procureur" shall include a reference to Her Majesty's Comptroller.

(2) Any reference in this Ordinance to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Ordinance.

Repeal and  
Saving.

8. (1) The Matrimonial Causes (Costs and Fees) Ordinance, 1964(*d*), is hereby repealed.

(2) Notwithstanding anything in this Ordinance contained, the provisions of the Matrimonial Causes (Costs and Fees) Ordinance, 1964, 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.

9. This Ordinance may be cited as the Matrimonial Causes (Costs and Fees) Ordinance, 1981.

Commence-  
ment.

10. This Ordinance shall come into force on the first day of October, nineteen hundred and eighty-one.

## 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		£25 £40
Appeal or Cross-Appeal: notice of, settling notice of, memorandum of, entering ... ..	Greffier £1	£5
Appearance: Notice of, to every opposite party— each notice ... .. memorandum of, settling ... ..		£3 £3
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 ... ..	Court £2 Greffier £2	£5 £10
Care of children, applications in respect of:		
settling ... .. hearing of ... ..	Court £3 Greffier £3	£10 £10 for each hour or part of an hour
Commission: issuing of	Greffier £5	
Declarations, sworn: settling ... .. examination by the Court of person who should have made ...	Court £2 Greffier £2	£8 £10
Decree: drafting ... .. copy of, issuing	Greffier £3 Greffier £2	
Document (other than Petition):		
filing ... ..	Greffier £1	
Guardian of minor or person of unsound mind:		
appointment of ...	Court £2 Greffier £2	£10

Description of proceeding or matter	Fees payable to the Court, Her Majesty's Greffier and Her Majesty's Sergeant	Fees for Advocates
Interrogatories: settling ... .. answer to, settling		£10 £10
Judicial Separation, Rescission of: declaration of, settling ... .. declaration of, witnessing ... ..	Greffier £3	£3
Medical inspection of parties: attendance for identification ... .. minute of identifica- tion of parties, signing ... .. inspector's report: filing of ... .. issuing copy of ...	Greffier £1 Greffier 50p for each page or part of a page	£5 £3
Notices: publication in "La Gazette Officielle" ... ..  for which no fee is specified elsewhere, including notices to produce documents, settling	Greffier £3 and cost of publication	£5
Order: drafting ... .. copy of, issuing	Greffier £3 Greffier £2	
Petition: settling ... .. filing ... .. supplemental, settling ... .. supplemental, filing ... ..	Greffier £5  Greffier £1	£40 £10
Pleadings, other than petition and answer, settling ... .. particulars of, application for ... .. particulars of, settling ... .. amendments to, settling ... ..		£10 £10 £10 £10

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 ... ..		£50  £15  £25  £25
Search at Greffe: ... ..	Greffier £1	£2
Service: of notice of petition ... .. of any other document ... .. substituted: advertisement, settling ... .. abroad, request for:—	Sergeant £3 Sergeant £2	£5 and cost of publication
form of, settling ... .. sealing document to be served translation of document to be served	Greffier £2	£10
transmission to His Excellency the Lieutenant Governor ... .. certificate of	Sergeant £2 Sergeant £2	Cost of translation

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 £3 Greffier £3	£15 £10 for each hour or part of an hour
Support, applications for contributions for: settling ... .. hearing of ... ..	Court £3 Greffier £3	£10 £10 for each hour or part of an hour
Trial of Cause or Issue: procuring listing of ... .. listing of ... .. hearing, defended ... ..	Greffier £2 Court £5 for each half-day Greffier £5	£3 £50 for first half-day and £40 for each additional half-day
hearing, undefended ... ..	Court £5 Greffier £5	£40
Witness summons: settling ... ..		£3

K. H. TOUGH,

Her Majesty's Greffier.

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

PRICE 25p