

1964—No. 14.

**The Court of Appeal (Civil Division)
(Costs and Fees) (Guernsey) Rules, 1964**

Made 2nd June, 1964.

Coming into Operation .. 4th June, 1964.

THE BAILIFF OF GUERNSEY, in exercise of the powers conferred on him by subsection (2) of section eighteen of the Court of Appeal (Guernsey) Law, 1961, hereby orders:—

1. (1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpreta-
tion.

“appeal” means an appeal under the provisions of Part II of the Law and “appellant” shall be construed accordingly;

“the Court” means the Court of Appeal constituted under the provisions of Part I of the Law;

“folio” means two hundred words on one or more pages;

“the Law” means the Court of Appeal (Guernsey) Law, 1961;

“official transcript” has the same meaning as in Rule 7 of the Court of Appeal (Civil Division) (Guernsey) Rules, 1964;

“Record” means the collection of documents required to be lodged with the Registrar under paragraph (1) of Rule 8 of the Court of Appeal (Civil Division) (Guernsey) Rules, 1964;

“Registrar” means the Registrar of the Court;

“the Sergeant” means—

- (a) as respects the service of any document by Her Majesty’s Sergeant, Her Majesty’s Sergeant;
- (b) as respects the service of any document by the Clerk of the Court of Alderney, the Clerk of the Court of Alderney;
- (c) as respects the service of any document by the Prévôt of Sark, the Prévôt of Sark.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these Rules as it applies to the interpretation of an enactment.

Court fees
etc.

2. (1) The fees payable to the Court, to the Registrar and to the Sergeant in respect of any proceeding or matter relating to any appeal and described in the first column of the Schedule to these Rules (hereafter in these Rules referred to as a “prescribed proceeding” and a “prescribed matter” respectively) shall be the appropriate fees specified in relation to that proceeding or matter in the second column of the said Schedule.

(2) The fees payable under paragraph (1) of this Rule shall be payable by the party at whose instance the prescribed proceeding or prescribed matter was taken, done or carried out, as the case may be, and, in the event of that party being awarded costs by the Court, shall be recoverable by him subject to any direction of the Court as to the extent to which costs are to be paid to him.

3. The maximum fee for Advocates in respect of any prescribed proceeding or prescribed matter which shall be recoverable by a party to whom costs have been awarded by the Court shall, subject to any direction of the Court as to the extent to which the costs are to be paid to that party, be the fee specified in relation to that proceeding or matter in the third column of the said Schedule. Advocate's fees.

4. The fees and expenses recoverable by a party to whom costs have been awarded by the Court in respect of any proceeding or matter relating to any appeal, not being a prescribed proceeding or prescribed matter, shall be determined by the Bailiff having regard to any direction of the Court as to the extent to which the costs are to be paid to that party: Provided that the provisions of this Rule shall not apply with respect to the preparation of an official transcript or with respect to any copy of the whole or any part of an official transcript. Other fees and expenses.

5. (1) There shall be paid to the Registrar by the appellant in respect of the preparation of the official transcript, if any, of the proceedings in the court below to which the appeal relates a fee calculated at the rate of ~~two shillings~~ for each folio or part of a folio. Fee in respect of transcript.

(2) There shall be paid to the Registrar in respect of any copy of the whole or any part of an official transcript by the person requiring the same a fee calculated at the rate of ~~two pence~~ for each folio or part of a folio.

(3) Any fee paid under this section by any party to whom costs have been awarded by the Court shall, subject to any direction of the Court as to the extent to which the costs are to be paid to him, be recoverable by that party.

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

6. Where more than one Advocate is engaged by any party to act for him in any appeal, the fees for Advocates recoverable by that party where he has been awarded costs by the Court 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.

References to Bailiff in case of disputes.

7. In the event of any difference or dispute between any parties to any appeal as to the fees and expenses recoverable in pursuance of an order of the Court awarding costs, the difference or dispute shall be referred to the Bailiff whose decision shall be final.

Citation.

8. (1) These Rules may be cited as the Court of Appeal (Civil Division) (Costs and Fees) (Guernsey) Rules, 1964.

(2) These Rules shall come into force on the fourth day of June, nineteen hundred and sixty-four.

Dated this second day of June, nineteen hundred and sixty-four.

W. H. ARNOLD,

Bailiff of Guernsey.

SCHEDULE

Rule 2 and Rule 3

Description of proceeding or matter.	Fees payable to the Court, the Registrar and the Sergeant.	Fees for Advocates.
Notice of appeal: settling		£5
Setting down appeal: notice of, settling	Registrar 10s.	£1
Respondent's notice: settling ... filing copy of	Registrar 5s.	£5
Amendment of notice of appeal: settling		£3
filing notice of	Registrar 5s.	
Amendment of respondent's notice:		
settling		£3
filing notice of	Registrar 5s.	
Record: preparation of		£5
filing	Registrar 10s.	
Appellant's case: settling		£5
filing notice of	Registrar 5s.	
Respondent's case: settling		£5
filing	Registrar 10s.	
Appointment of date of hearing of appeal:	Court 10s.	
notice of, to appellant, settling	Registrar 5s.	
notice of, to respondent, settling		£1

Description of proceeding or matter.	Fees payable to the Court, the Registrar and the Sergeant.	Fees for Advocates.
Amendment of documents (other than notice of appeal or respondent's notice): settling		£3
Affidavits: settling		£1 10s.
Applications to the Court, a judge thereof or to the presiding judge of any court below: settling		£2
notice of, settling		£1
hearing of	Court £2. Registrar 10s.	£3
Preparation of appellant's or respondent's case: instructions, attendances, correspondence, perusal of documents and conferences with any other Advocate engaged by the same party or with Advocate engaged by different party having the same interest.		£30
Address for service: furnishing statement of filing statement of	Registrar 5s.	£1
Hearing of appeal:	Court £3 for each day or part of a day.	
	Registrar £2.	£15 for first half-day and £10 for each additional half-day.

Description of proceeding or matter.	Fees payable to the Court, the Registrar and the Sergeant.	Fees for Advocates.
Order of the Court, a judge thereof or of the presiding judge of any court below upon an application:		
drafting	Registrar £1.	
issuing copy of	Registrar 10s.	
Order of the Court upon an appeal:		
drafting	Registrar £2.	
issuing copy of	Registrar 10s.	
Service of notices or other documents:		
Personal service	Sergeant 5s.	
certificate of service	Sergeant 2s. 6d.	