

# **Orders of the Royal Court**

**V  
2012**

The 3<sup>rd</sup> day of December, 2012 before Richard John Collas, Esquire, Bailiff; present:- Stephen Edward Francis Le Poidevin, Esquire, Susan Mowbray, John Ferguson, Esquire, Claire Helen Le Pelley, Peter Sean Trueman Girard, Terry George Snell, David Percy Langley Hodgetts LVO, Terry John Ferbrache, David Allan Grut, Esquires, Jurats.

**No. V Order, 2012**

ENTITLED

**THE MAGISTRATE'S COURT (FEES) (AMENDMENT) RULES, 2012**

# ORDER OF THE ROYAL COURT

ENTITLED

## **The Magistrate's Court (Fees) (Amendment) Rules, 2012**

**THE ROYAL COURT**, in exercise of the powers conferred on it by section 33 of the Magistrate's Court (Guernsey) Law, 2008<sup>1</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>2</sup>-
  - (a) in Rule 2(1), for "£90" substitute "£95",
  - (b) for the Schedule, substitute the Schedule set out in the Schedule to these Rules.

### **Repeal**

2. Rules 1(a) and (b) of the Magistrate's Court (Fees) (Amendment) Rules, 2010<sup>3</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 are repealed.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 commencement specified in Rule 5,

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<sup>1</sup> Order in Council No. XVIII of 2009.

<sup>2</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; No. V of 2010

<sup>3</sup> ORC No. V of 2010

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, 2012.

**Commencement**

5. These Rules shall come into force on the 1<sup>st</sup> January, 2013.

J TORODE  
Her Majesty's Greffier

# SCHEDULE

## "SCHEDULE

Rule 1

### FEES IN RESPECT OF CIVIL PROCEEDINGS

1. DESCRIPTION OF PROCEEDING OR MATTER	2. FEE, AND TO WHOM PAYABLE
<p>1. Preparation and service of summons or notice -</p> <p style="padding-left: 40px;">(a) for recovery of a sum of money</p> <p style="padding-left: 40px;">(b) for arrest of wages</p> <p style="padding-left: 40px;">(c) in any other case</p>	<p>Sergeant: £50</p> <p>Sergeant: £50</p> <p>Sergeant: £50</p>
<p>2. Failure of the parties to notify the Court of the settlement of a matter.</p>	<p>Court: Fees which would have been payable had the matter proceeded.</p>
<p>3. (1) Hearing of cause or application (per hour or part thereof) -</p> <p style="padding-left: 40px;">(a) for recovery of a sum of money</p> <p style="padding-left: 80px;">(i) not exceeding £2,500</p> <p style="padding-left: 80px;">(ii) exceeding £2,500 but not exceeding £5,000</p> <p style="padding-left: 80px;">(iii) exceeding £5,000</p> <p style="padding-left: 40px;">(b) for arrest of wages</p> <p style="padding-left: 40px;">(c) in any other case</p> <p>(2) For second and each subsequent adjournment of a cause or application.</p>	<p>Court: £80</p> <p>Court: £90</p> <p>Court: £110</p> <p>Court: £50</p> <p>Court: £50</p> <p>Court: £25</p>

<p>4. Execution of arrest of personalty</p> <p>(a) where judgment is for recovery of a sum of money -</p> <p>(i) exceeding £1,000 but not exceeding £2,500</p> <p>(ii) exceeding £2,500, but not exceeding £5,000</p> <p>(iii) exceeding £5,000</p> <p>(b) in any other case</p>	<p>Sheriff: £80</p> <p>Sheriff: £90</p> <p>Sheriff: £100</p> <p>Sheriff: £80</p> <p>Provided that where the time taken in enforcing the execution of an arrest of personalty described in subparagraphs 4(a) and 4(b) exceeds two hours, then an additional fee shall be payable of £50 per hour for each subsequent hour or part thereof.</p>
<p>5. Execution of arrest of wages in respect of</p> <p>(a) judgment debtor</p> <p>(b) maintenance orders</p>	<p>Sheriff: £25 plus 5% of amount recovered.</p> <p>Sheriff: £10</p>
<p>6. Sale of effects of judgment debtor.</p>	<p>(a) Sheriff: 5% of proceeds of sale plus auctioneer's charges and expenses</p> <p>(b) Sheriff: 10% of proceeds of sale where no auctioneer acting</p>
<p>7. Publication of notice of sale of effects of judgment debtor.</p>	<p>Sheriff: reasonable expenses of publication.</p>

<p>8. Report issued in pursuance of request for execution of arrest of personalty where no such arrest is executed -</p> <p>(a) where judgment is for recovery of a sum of money</p> <p>(i) exceeding £1,000 but not exceeding £2,500</p> <p>(ii) exceeding £2,500 but not exceeding £5,000</p> <p>(iii) exceeding £5,000</p> <p>(b) in any other case</p>	<p>Sheriff: £40</p> <p>Sheriff: £60</p> <p>Sheriff: £70</p> <p>Sheriff: £80</p> <p>Sheriff: £60</p> <p>Provided that where the time taken in issuing the Report described in subparagraphs 8(a) and 8(b) exceeds two hours, then an additional fee shall be payable of £50 per hour for each subsequent hour or part thereof.</p>
<p>9. 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: £1.50 for each page.</p>
<p>10. Provision of official transcript.</p>	<p>Greffier: £10 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>11. Certificate of service by Sergeant of summons or notice.</p>	<p>Sergeant: £25</p>

<p>12. (a) Listening to original magnetically taped recording of proceedings (reel to reel or part thereof).</p> <p>(b) Listening to digital recording of proceedings.</p> <p>(c) Provision of CD recordings of hearings.</p>	<p>Greffier: £45 per hour or part thereof during which access to the recording is granted.</p> <p>Greffier: £25 per hour or part thereof.</p> <p>Greffier: £60</p>
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