

# **Orders of the Royal Court**

**II**  
**2014**

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 10th day of November, 2014 before Sir Richard Collas, Bailiff; present:- Susan Mowbray, Terry George Snell, Niall David McCathie, Esquires, Margaret Ann Spaargaren, Terry John Ferbrache, David Allan Grut, Jonathan Grenfell Hooley, Esquires, Jurats.

**No. II Order, 2014**

ENTITLED

**THE ROYAL COURT (COST AND FEES) (RULES) 2014**

# The Royal Court (Costs and Fees) (Amendment) Rules, 2014

**THE ROYAL COURT**, in exercise of the powers conferred upon it by section 1 of the Royal Court (Costs and Fees) (Guernsey) Law, 1969<sup>1</sup> and all other powers enabling it in that behalf, hereby orders:-

## **Amendment of Principal Rules.**

1. The Royal Court (Costs and Fees) Rules, 2012<sup>2</sup> (the "**Principal Rules**") are amended as follows.

2. In Rule 2 of the Principal Rules –

(a) in paragraph (2), for "£234" substitute "£244", and

(b) in paragraph (3), for "2014" substitute "2016".

3. For the Schedule to the Principal Rules, substitute the following Schedule -

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<sup>1</sup> Ordres en Conseil Vol. XXII, p. 102.

<sup>2</sup> ORC No. III of 2012.

"SCHEDULE

Rule 1

COURT FEES, ETC. IN RESPECT OF  
CIVIL & CRIMINAL PROCEEDINGS

1. DESCRIPTION OF PROCEEDING OR MATTER	2. FEE
<p>1. (a) Service of a summons, notice or document in any proceedings other than for recovery of a sum of money.</p> <p>(b) Service of a summons, notice or document in proceedings for recovery of a sum of money.</p>	<p>Sergeant: £160 for expedited service; £55 otherwise.</p> <p>Sergeant: £160 for expedited service; £105 otherwise.</p>
<p>2. Preparatory reading by a judge and writing of judgment in respect of any proceedings, unless the judge otherwise directs and provided that no fee shall be payable for the first hour of such reading time or the first hour of such writing time.</p>	<p>Court: £160 per hour or part thereof (in excess of the first hour).</p>
<p>3. (a) First, and each subsequent, tabling of a cause, application or petition filing of defences, and interlocutory applications:</p> <p>(i) in proceedings for the recovery of a sum of money -</p> <p>(A) not exceeding £50,000,</p> <p>(B) exceeding £50,000 but not exceeding</p>	<p>Court: £160,</p> <p>Court: £210,</p>

<p style="text-align: center;">£500,000,</p> <p>(C) exceeding £500,000 but not exceeding £5,000,000,</p> <p>(D) exceeding £5,000,000,</p> <p>(ii) in proceedings relating to an application for a Liquor Licence or a Salle Publique Licence including ancillary applications relating thereto,</p> <p>(iii) in proceedings relating to the administration of an oath to a public official,</p> <p>(iv) in proceedings relating to any civil or criminal appeal from the Magistrate's Court, the Court of Alderney or the Court of the Senechal or any appeal from a decision of an administrative body or tribunal, excluding proceedings described in subparagraph (vi) below,</p> <p>(v) in proceedings relating to parochial remèdes,</p> <p>(vi) in proceedings brought under the Companies (Guernsey) Law, 2008, the Income Tax (Guernsey) Law, 1975, the Limited Partnerships (Guernsey) Law, 1995</p>	<p>Court: £265,</p> <p>Court: £315,</p> <p>Court: £160,</p> <p>Court: £105,</p> <p>Court: £150,</p> <p>Court: £135,</p> <p>Court: £220,</p>
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<p>and the Trusts (Guernsey) Law, 2007,</p> <p>(vii) in proceedings under the Insurance Business (Bailiwick of Guernsey) Law, 2002 for the transfer of long term insurance business,</p> <p>(viii) in proceedings relating to an adoption application,</p> <p>(ix) in proceedings relating to disclosure orders and freezing orders,</p> <p>(x) in proceedings relating to interim Injunctions,</p> <p>(xi) in any other proceedings.</p> <p>(b) Each other proceeding filed as a Consent Order.</p> <p>(c) Withdrawal of any cause, application or petition lodged with the Court in proceedings described in this paragraph:</p> <p>(i) up to thirty minutes prior to the scheduled time of the Court sitting ("the withdrawal deadline"),</p> <p>(ii) after the withdrawal deadline with the leave of the Court given <i>séance tenante</i>.</p>	<p>Court: £265,</p> <p>Court: £105,</p> <p>Court: £265,</p> <p>Court: £210,</p> <p>Court: £210.</p> <p>Court: The sum calculated under paragraph (a) above reduced by £35.</p> <p>Greffier: £45,</p> <p>Court: The relevant tabling fee as set out in sub paragraph (a) of this paragraph.</p>
<p>4. Proceedings before the Court requiring a hearing of one hour or more, including:</p>	<p>Court per hour or part thereof: double the appropriate fee specified in column 2 of paragraph 3(a) for the tabling of the cause.</p>

<p>(a) determination on the papers, of a cause, application or petition,</p> <p>(b) at a Vue de Justice,</p> <p>(c) the examination of a witness whose depositions are to be taken in writing or recorded.</p>	
<p>5. Certificate of service by the Sergeant of a summons or notice.</p>	<p>Sergeant: £30.</p>
<p>6. Appointment of, and every subsequent appearance in Court of, the Sergeant as Judicial Attorney.</p>	<p>Sergeant: £50.</p>
<p>7. Filing of written notice of élection de domicile or change of élection de domicile.</p>	<p>Greffier: £45.</p>
<p>8. Inscription of a cause on the Pleading List or Witness List.</p>	<p>Greffier: £70.</p>
<p>9. Tabling a Scheduled Application within the meaning of the Royal Court (Non-contentious Applications) Rules, 1988.</p>	<p>Court: £65.</p>
<p>10. Hearing before a Commissioner for the taking of evidence (including the execution of a request from a court of another jurisdiction for the taking of evidence on commission) whether at the Court or elsewhere.</p>	<p>Court per hour or part thereof at double the appropriate fee specified in column 2 of paragraph 3(a).</p> <p>If the hearing cannot be accommodated within the Royal Court House, the Applicant will also be responsible for the cost of alternative accommodation.</p>
<p>11. As respects Clameurs de Haro:</p> <p>(i) application for</p>	<p>Court: £105,</p>

	<p>endorsement of a clameur by the Bailiff,</p> <p>(ii) registration of a clameur.</p>	<p>Greffier: £50.</p>
12.	<p>Execution of an order of the Court (other than an arrest of wages).</p>	<p>Sheriff: £55 per man hour or part thereof plus the cost of making an inventory of any personalty arrested and of making any copies thereof plus £55 per man hour or part thereof spent in the execution or attempted execution of the order and reporting thereon, including the making of an inventory of any personalty arrested.</p>
13.	<p>Execution of an arrest of wages of a judgment debtor.</p>	<p>Sheriff: £55 plus 5% of any amount recovered.</p>
14.	<p>Attendance by the Sheriff to deliver goods.</p>	<p>Sheriff: £55.</p>
15.	<p>Attendance by the Sheriff at the Court to declare what he has in hand.</p>	<p>Sheriff: £55.</p>
16.	<p>Attendance by the Sheriff at the Court for any other purpose.</p>	<p>Sheriff: £55.</p>
17.	<p>Opposition to the publication of a sale at the instance of the Sheriff.</p>	<p>Sheriff: £55 per publication opposed.</p>
18.	<p>Opposition to, or postponement of, such a sale.</p>	<p>Sheriff: £55 per sale opposed or postponed.</p>

<p>19. (a) Sale by auction or tender before Sheriff or by private treaty by Sheriff.</p> <p>(b) Sale by auction where auction is conducted by Sheriff.</p> <p>(c) Publication of notice of sale of effects of judgment debtor.</p>	<p>Sheriff: 2½% of the proceeds of sale plus the auctioneer's charges and expenses.</p> <p>Sheriff: 10% of the proceeds of sale.</p> <p>Sheriff: Reasonable expenses of such publication.</p>
<p>20. Attendance by the Sheriff at the Court upon being actioned to pay the proceeds of sale.</p>	<p>Sheriff: £55.</p>
<p>21. Saisie proceedings -</p> <p>(a) notifying the person against whom a Preliminary Vesting Order has been obtained of the making of the order and certifying that he has been notified,</p> <p>(b) opposition to, or postponement of a letting,</p> <p>(c) a letting,</p> <p>(d) the hearing of proceedings against the debtor to see the creditor produce an account,</p> <p>(e) notifying the debtor of the making of an Interim Vesting Order and certifying that he has been notified,</p> <p>(f) opening the register of claims,</p> <p>(g) making an entry in the register of claims,</p>	<p>Sheriff: £55,</p> <p>Sheriff: £30 per letting opposed or postponed, Sergeant: £30 per letting opposed or postponed,</p> <p>Sheriff: £55 per property let plus the auctioneer's charges and expenses, Sergeant: £25 per property let,</p> <p>Commissioner: £105, Greffier: £65,</p> <p>Sheriff: £55,</p> <p>Greffier: £55,</p> <p>Greffier: £35,</p>

<p>(h) copies of the register of claims,</p> <p>(i) the hearing of proceedings against claimants for the purpose of marshalling their claims,</p> <p>(j) the hearing of proceedings against claimants to declare whether or not they elect to have the real property of the debtor vested in them for an estate of inheritance,</p> <p>(k) registration of a Final Vesting Order.</p>	<p>Greffier: £6 per A4 side or part thereof,</p> <p>Commissioner: £105, Greffier: £65,</p> <p>Court: £210,</p> <p>Greffier: £55.</p>
<p>22. Registration of petition.</p>	<p>Greffier: £55.</p>
<p>23. Execution of a document relating to a transaction for value before the Court.</p>	<p>Court: £85, Jurats: £65.</p>
<p>24. Execution of a document (including a Power of Attorney, a Will of Realty and a deed poll) where the value of the transaction to which the document relates is not an essential element of the transaction.</p>	<p>Jurats: £55.</p>
<p>25. Making a declaration.</p>	<p>Court: £25.</p>
<p>26. Application to appoint a Commissioner pursuant to Practice Direction No. 2 of 2009.</p>	<p>Court: £65.</p>

<p>27. In désastre proceedings, attending a meeting of creditors for the proving of claims against a debtor whose affairs have been declared to be in a state of désastre.</p>	<p>Commissioner: £105, Greffier: £65, Sheriff: £55.</p>
<p>28. Hearing before a Commissioner in proceedings brought under the Companies (Guernsey) Law 1994 or the Companies (Guernsey) Law, 2008 in respect of the examination of a liquidator's accounts.</p>	<p>Commissioner: £105, Greffier: £65, Sheriff: £55.</p>
<p>29. Hearing before a Commissioner not otherwise provided for in these Rules.</p>	<p>Commissioner: £105, Greffier: £65, Sheriff: £55.</p>
<p>30. Attending at any place outside the Court for the purpose of signing a document.</p>	<p>Jurats: £105.</p>
<p>31. Attending any sale or letting.</p>	<p>Jurats: £105 per property, subject to a maximum fee of £210.</p>
<p>32. Execution of an eviction order.</p>	<p>Sheriff: £55 plus £55 per man hour or part thereof; and, in addition -</p> <ul style="list-style-type: none"> <li>(a) the cost of making an inventory of personalty removed into storage under Rule 2 of the Eviction Procedures Rules, 1989 and the cost of printing copies thereof (if any),</li> <li>(b) the reasonable cost incurred in removing the personalty from the premises subject to the eviction order and transporting it into storage for safe keeping, and</li> <li>(c) the cost of publication of the</li> </ul>

	notice under Rule 3(1) of the said Rules
33. Filing of an affidavit.	Greffier: £55.
34. Payment into Court.	Greffier: £85.
35. Reserving or setting down a date for trial in any matter.	(1) Court: £105, and (2) £160 per half day set down. Provided that -  (a) if and only if the date is vacated on the 14 <sup>th</sup> day before the appointed day (or earlier), the fee at (2) above shall be refunded,  (b) the fee, at (2) above, shall be credited against any fees chargeable under paragraph 4.
36. Acts of Court (including Pleadings) and Certificates  (i) Certified copies (excluding the original certified copy provided to the Plaintiff/Applicant following proceedings specified elsewhere in these Rules),  (ii) Uncertified copies.	Greffier: £7 for the first page of each document and £1.50 for each additional page,  Greffier: £3.50 for the first and £1.50 for each additional page.
37. Collated copies of a deposition or transcript of evidence.	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>38. (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: £50 per hour or part thereof during which access to the recording is granted.</p> <p>Greffier: £30 per hour or part thereof.</p> <p>Greffier: £65.</p>
<p>39. Video Conferencing</p> <p>(a) Video Conference booking fee.</p> <p>(b) Set-up and test video link.</p>	<p>Court: £55.</p> <p>Court: £160 Set-up and test video link, for the first 15 minutes (or part of), use of equipment and attendance of court officer.</p> <p>£30 subsequent 15 minutes (or part of) including use of equipment and attendance of court officer.</p> <p>Additional technical assistance will be charged at £65 per hour (or part thereof).</p> <p>Transmission costs will be charged at cost.</p>
<p>40. Instantaneous transcript production i.e Live Notes.</p>	<p>Court: £105 per day or part thereof.</p>
<p>41. Photocopying of documents.</p>	<p>Greffier: £0.50 per A4 side.</p>
<p>42. Memorandum of Conviction.</p>	<p>Greffier: £60.</p>
<p>43. Application to the Bailiff for leave to serve a summons signed by the applicant in person.</p>	<p>Court: £105.</p>

<p>44. Taxation proceedings -</p> <p>(a) filing of request for taxation,</p> <p>(b) determination of request to appoint judge/commissioner,</p> <p>(c) filing of Points of Dispute by paying party,</p> <p>(d) filing of Response by receiving party,</p> <p>(e) fixing of date for taxation hearing,</p> <p>(f) preparatory reading by a judge and writing of judgment in respect of any proceedings, unless the judge otherwise directs and provided that no fee shall be payable for the first hour of such reading time or the first hour of such writing time,</p> <p>(g) taxation hearing,</p> <p>(h) other Applications.</p>	<p>Greffier: £65,</p> <p>Court: £125,</p> <p>Greffier: £125,</p> <p>Greffier: £125,</p> <p>Court: £125,</p> <p>Court: £160 per hour or part thereof (in excess of the first hour),</p> <p>Court: £375 per hour or part thereof,</p> <p>Greffier: £125.</p>
<p>45. Litigation searches.</p>	<p>Greffier: £20 per search per half hour or part thereof or, where premium service agreed, £30 per search per half hour or part thereof."</p>

**Transitional provisions.**

4. The Principal Rules, as amended by 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 to the Principal Rules, and

- (b) which occurs or begins on or after the date of commencement of these Rules specified in Rule 6,

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

**Citation.**

5. These Rules may be cited as the Royal Court (Costs and Fees) (Amendment) Rules, 2014.

**Commencement.**

6. These Rules shall come into force on the 1<sup>st</sup> January, 2015.