

GUERNSEY STATUTORY INSTRUMENT

2016 No. **54**

**The Court of Appeal (Civil Division) (Costs and Fees)
(Guernsey) (Amendment) Rules, 2016**

Made

22nd November, 2016

Coming into operation

1st January, 2017

THE BAILIFF OF GUERNSEY, in exercise of the powers conferred upon him by sections 18(2) and 44 of the Court of Appeal (Guernsey) Law, 1961^a, hereby orders:-

Amendment of Principal Rules.

1. The Court of Appeal (Civil Division) (Costs and Fees) (Guernsey) Rules, 2012^b (the "**Principal Rules**") are amended as follows.

2. In rule 3 of the Principal Rules -

(a) in paragraph (2), for "£244" substitute "£253", and

(b) in paragraph (3), for "2016" substitute "2018".

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

"SCHEDULE

^a Ordres en Conseil Vol. XVIII, p. 315; Order in Council No. III of 2012; Ordinance No. XXXIII of 2003.

^b G.S.I. No. 66 of 2012; amended by G.S.I. No. 18 of 2015.

1. DESCRIPTION OF PROCEEDING OR MATTER	2. FEES PAYABLE TO COURT, REGISTRAR OR SERGEANT
1. Setting down appeal or filing of application for leave to appeal. Including an application for leave to appeal to the Judicial Committee of the Privy Council	Registrar: £295.
2. Lodging of Appellant's Case or Respondent's Case.	Registrar: £ 233.
3. Appointment of date of hearing of an appeal or of any application for leave to appeal	Court: £233.
4. Preparatory reading by a judge and writing of judgment in respect of any proceedings. No fee shall be payable for the first hour of such reading time or the first hour of such writing time.	Court: The Court retains discretion to charge £166 per hour or part thereof (in excess of the first hour).
5. Preparatory arrangements relating to the attendance of judges for the hearing of the appeal or hearing of any application.	Court: In the event that the hearing or application does not take place for whatever reason, the Court retains discretion to charge for actual non recoverable travel and accommodation costs incurred and all incidental and ancillary costs relating thereto.
6. Hearing of applications to Court (where three judges are sitting), including determination of an application on the papers.	Court: £864 per hour or part thereof, provided however that a reduced fee of £435 shall be

	payable if a hearing takes less than 30 minutes in total.
7. Hearing of applications to single judge or to presiding judge of court below, including determination of an application on the papers.	Court: £295 per hour or part thereof.
8. Hearing of appeal.	Court: £864 per hour or part thereof.
9. Drafting order of Court, of judge thereof or of presiding judge of court below upon an application.	Registrar: £63.
10. Drafting order of Court upon an appeal to the Judicial Committee of the Privy Council	Registrar: £63.
11. Certification of the Record prior to dispatch to the Registrar of the Judicial Committee of the Privy Council.	Registrar: £166.
12. Personal service of notices or other documents.	Sergeant: £166 for expedited or special service at request of Advocate or in cases where acknowledgement of service required; £52 otherwise.
13. Certificate of service.	Sergeant: £26.
14. Preparation of official transcript.	Registrar: £10 per A4 side or part thereof.
15. Copy of whole or any part of official transcript.	Registrar: £1.50 per A4 side or part thereof.
16. Photocopying of documents	Registrar: £0.50 per A4 side

<p>17. (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>Registrar: £50 per hour or part thereof during which access to the recording is granted.</p> <p>Registrar: £32 per hour or part thereof.</p> <p>Registrar £68.</p>
<p>18. Taxation proceedings:</p> <p>(a) Filing of request for taxation or of request for further time for submission of request for taxation.</p> <p>(b) Determination of request to appoint judge/commissioner or grant further time</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, 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>Registrar: £68.</p> <p>Court: £130.</p> <p>Registrar: £130.</p> <p>Registrar: £130.</p> <p>Court: £130.</p> <p>Court: £166 per hour or part thereof (in excess of the first hour).</p> <p>Court: £388 per hour or part thereof.</p> <p>Greffier: £125.".</p>

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Interpretation.

4. (1) In these Rules, unless the context requires otherwise -

"enactment" means any Law, Ordinance or subordinate legislation, and

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect,

(2) Any reference in these Rules to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

(3) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Rules.

Transitional provisions.

5. These Rules shall have effect in relation to Court fees, Advocates' fees and other recoverable costs incurred (whether before, on or after the date of commencement specified in Rule 7) -

(a) in respect of any appeal commenced, but not finally determined or disposed of, before that date, and

(b) in respect of any appeal commenced on or after that date,

^c Ordres en Conseil Vol. XIII, p. 355.

and for the purposes of this Rule an appeal shall be considered to have commenced when a notice of appeal or application preliminary to an appeal is delivered to the Registrar.

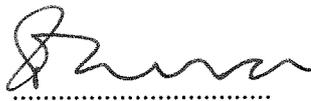
Citation.

6. These Rules may be cited as the Court of Appeal (Civil Division) (Costs and Fees) (Guernsey) (Amendment) Rules, 2016.

Commencement.

7. These Rules shall come into force on the 1st January, 2017.

Dated this 22nd day of November, 2016



R.J. Collas
Bailiff of Guernsey