

Orders of the Royal Court

**IV
2016**

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 5th day of December, 2016 before John Russell Finch, Esquire, Judge of the Royal Court; present:- Susan Mowbray, Barbara Jean Bartie, John Ferguson, Esquire, Claire Helen Le Pelley, Peter Sean Trueman Girard, Esquire, Constance Helyar-Wilkinson, Terry George Snell, Esquire, Margaret Ann Spaargaren, Terry John Ferbrache, David Allan Grut, Jonathan Grenfell Hooley and David James Mortimer, Esquires, Jurats.

No. IV Order, 2016

ENTITLED

THE MATRIMONIAL CAUSES (COSTS AND FEES) ORDER, 2016

The Matrimonial Causes (Costs and Fees)

Order, 2016

THE ROYAL COURT, in exercise of the powers conferred on it by sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007^a as amended, and all other powers enabling it in that behalf, hereby orders:-

Amendment of the 2002 Ordinance.

1. The Matrimonial Causes (Costs and Fees) Ordinance 2002^b ("**the 2002 Ordinance**") is amended as follows.

2. In section 3 of the 2002 Ordinance –

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

(b) in subsection (3) for "2016" substitute "2018".

3. For the Schedule to the 2002 Ordinance, substitute the following Schedule -

^a Order in Council No. VII of 2008; amended by No. VIII of 2010; Ordinance No. VII of 2008; No. IV of 2011; No. XLIII of 2013; No. XLIII of 2014; No. IX of 2016.

^b Ordinance No. III of 2002; O.R.C. No. IV of 2012; No. III of 2014.

"SCHEDULE

Section 2

1. DESCRIPTION OF PROCEEDING OR MATTER	2. FEES PAYABLE TO COURT, GREFFIER & SERGEANT
1. All Applications.	Court: £109.
2. Hearing of trials of causes, applications or issues, other than interim injunctions, whether defended or undefended.	Court: £99 per hour or part thereof.
3. Issuing of commission.	Greffier: £42.
4. Issuing of a copy of decree or order.	Greffier: £26.
5. Examination by the Court of person who should have made sworn declarations.	Court: £57.
6. Filing of document, including any item of correspondence, but not including petition and supporting documents filed therewith.	Greffier: £16.
7. Application for final order (including one copy).	Court: £57.
8. Hearing of interim injunctions.	Court: £218 per hour or part thereof.
9. Issuing of Vesting Orders.	Court: £109.
10. Witnessing a declaration of a rescission of Judicial separation.	Greffier: £26.
11. Filing for inspector's report of medical inspection of parties.	Greffier: £26.
12. Issuing a copy of inspector's report of medical inspection of parties.	Greffier: £5 per A4 side or part thereof.

13. Notices: publication in La Gazette Officielle.	Greffier: £99 and cost of publication.
14. Filing of petition, including supporting documents filed therewith.	Greffier: £109.
15. Filing of petition, supplemental, including supporting documents filed therewith.	Greffier: £47.
16. Service of any document including a notice of petition.	Sergeant: £166 for expedited or special service at request of Advocate or in cases where acknowledgement of service required; £57 otherwise.
17. Service: certificate of service.	Sergeant: £32.
18. Service: sealing document to be served.	Greffier: £16.
19. Service: transmission of document to be served to His Excellency the Lieutenant-Governor.	Sergeant: £166.
20. Service: certificate of transmission of document to be served to His Excellency the Lieutenant-Governor.	Sergeant: £32.
21. 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.	Court: £166 per hour or part thereof (in excess of the first hour)
22. Reserving or setting down a date for a trial of cause or issue.	<p>1. Court: £109 and</p> <p>2. £166 per day or part thereof set down.</p> <p>Provided that:-</p> <p>(a) if and only if the date is vacated on the 14th day before the appointed day (or earlier), the fee at 2 above shall be refunded;</p> <p>(b) the fee at 2 above shall be</p>

	credited against any fee chargeable under paragraph 1.
<p>23. (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: £52 per hour or part thereof during which access to the recording is granted.</p> <p>Greffier: £32 per hour or part thereof.</p> <p>Greffier: £68.</p>
<p>24. Video Conferencing -</p> <p>(a) Video Conference booking fee.</p> <p>(b) Set-up and test video link.</p>	<p>Court: £57.</p> <p>Court: £109 Set-up and test video link, for the first 15 minutes (or part thereof), use of equipment and attendance of court officer.</p> <p>£32 subsequent 15 minutes (or part thereof) including use of equipment and attendance of court officer.</p> <p>Additional technical assistance will be charged at £68 per hour (or part thereof).</p> <p>Transmission costs will be charged at cost.</p>
<p>25. 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>Greffier: £68.</p> <p>Court: £130.</p> <p>Greffier: £130.</p>

(d) Filing of Response by receiving party.	Greffier: £130.
(e) Fixing of date for taxation hearing.	Court: £130.
(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.	160 per hour or part thereof (in excess of the first hour).
(g) Taxation hearing.	Court: £388 per hour or part thereof.
(h) Other Applications.	Greffier: £130.".

Interpretation.

4. (1) In this Order, 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 this Order 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^b applies to the interpretation of this Order.

Repeal.

5. The Matrimonial Causes (Costs and Fees) Rules, 2014^c are repealed.

Transitional provision.

6. This Order shall have effect in relation to costs and fees incurred on or after the date of commencement specified in Article 8, whether the proceeding or matter in relation to which the costs or fees were incurred began or occurred before, on or after that date.

Citation.

7. This Order may be cited as the Matrimonial Causes (Costs and Fees) Order, 2016.

Commencement.

8. This Order shall come into force on 1st January, 2017.

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

^c O.R.C. No. III of 2014.