

Orders of the Royal Court

**V
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. V Order, 2016

ENTITLED

THE MAGISTRATE'S COURT (FEES) (AMENDMENT) RULES, 2016

The Magistrate's Court (Fees) (Amendment) Rules, 2016

THE ROYAL COURT, in exercise of the powers conferred on it by section 33 of the Magistrate's Court (Guernsey) Law, 2008^a, and all other powers enabling it in that behalf, hereby orders:-

Amendment of Rules of 1981.

1. In the Magistrate's Court (Fees) Rules, 1981, as amended^b -
 - (a) in Rule 2(1), for "£100" substitute "£104", and
 - (b) for the Schedule, substitute the Schedule set out in the Schedule to these Rules.

Interpretation.

2. (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.

^a Order in Council No. XVIII of 2009; amended by Ordinance No. XXII of 2009; No. IX of 2016.

^b Orders of the Royal Court 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; No. V of 2012; No. IV of 2014.

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

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,

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 payable to witnesses 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, 2016.

Commencement.

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

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

SCHEDULE

Rule 1(b)

"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>(a) for recovery of a sum of money,</p> <p>(b) for arrest of wages,</p> <p>(c) in any other case.</p>	<p>Sergeant: £57,</p> <p>Sergeant: £57,</p> <p>Sergeant: £57.</p>
<p>2. Preparation and dispatch of a letter before action ("LBA") for the recovery of a debt.</p>	<p>Sergeant: £11.</p>
<p>3. 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>4. (1) Hearing of cause or application (per hour or part thereof) -</p> <p>(a) for recovery of a sum of money,</p> <p>(b) for arrest of wages,</p> <p>(c) in any other case.</p> <p>(2) For second and each subsequent adjournment of a cause or application.</p>	<p>Court: £120,</p> <p>Court: £57,</p> <p>Court: £57.</p>

	Court: £32.
<p>5. Execution of arrest of personalty -</p> <p>(a) where judgment is for recovery of a sum of money -</p> <p>(i) not exceeding £1,000,</p> <p>(ii) exceeding £1,000, but not exceeding £2,500,</p> <p>(ii) exceeding £2,500, but not exceeding £5,000,</p> <p>(iv) exceeding £5,000,</p> <p>(b) in any other case.</p>	<p>Sheriff: £68,</p> <p>Sheriff: £88,</p> <p>Sheriff: £99,</p> <p>Sheriff: £109,</p> <p>Sheriff: £88:</p> <p>Provided that where the time taken in enforcing the execution of an arrest of personalty described in subparagraphs 5(a) and 5(b) exceeds two hours, then an additional fee shall be payable of £57 per hour for each subsequent hour or part thereof.</p>
<p>6. Execution of arrest of wages in respect of</p> <p>(a) judgment debtor,</p> <p>(b) maintenance orders,</p> <p>(c) compensation orders.</p>	<p>Sheriff: £32 plus 5% of amount recovered,</p> <p>Sheriff: £32 plus 5% of amount recovered,</p> <p>Sheriff: £32 plus 5% of amount recovered.</p>
<p>7. 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>8. Publication of notice of sale of effects of judgment debtor.</p>	<p>Sheriff: reasonable expenses of publication.</p>
<p>9. 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) not exceeding £1,000,</p> <p>(ii) exceeding £1,000 but not exceeding £2,500,</p> <p>(iii) exceeding £2,500 but not exceeding £5,000,</p> <p>(iv) exceeding £5,000,</p> <p>(b) report issued in pursuance of request for execution of arrest of personalty for recovery of unpaid compensation,</p> <p>(c) in any other case.</p>	<p>Sheriff: £47,</p> <p>Sheriff: £68,</p> <p>Sheriff: £78,</p> <p>Sheriff: £88,</p> <p>Sheriff: £63,</p> <p>Sheriff: £68:</p> <p>Provided that where the time taken in issuing the Report described in subparagraphs 9(a), 9(b) and 9(c) exceeds two hours, then an additional fee shall be payable of £57 per hour for each subsequent hour or part thereof.</p>
<p>10. 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: £3.50 for the first and £1.50 for each additional page.</p>

11. Provision of official transcript.	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.
12. Certificate of service by Sergeant of summons or notice.	Sergeant: £32.
13. (a) Listening to original magnetically taped recording of proceedings (reel to reel or part thereof). (c) Listening to digital recording of proceedings. (d) Provision of CD recordings of hearings.	Greffier: £52 per hour or part thereof during which access to the recording is granted. Greffier: £32 per hour or part thereof. Greffier: £68.
14. Photocopying of documents (other than where covered by a specific fee above).	Greffier: £0.50 per A4 side.
15. Certificate of Conviction.	Greffier: £63.

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