



In the Royal Court of the Island of Guernsey

The

Orders of the Royal Court

VII
2018

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 18th day of December, 2018 before John Russell Finch, Esquire, OBE, Judge of the Royal Court; present:- Barbara Jean Bartie, Claire Helen Le Pelley, David Percy Langley Hodgetts, Esquire, LVO, Niall David McCathie, Terry John Ferbrache, Steven John Morris, David James Mortimer, Alan Stevenson Boyle and David John Robilliard, Esquires, Jurats.

No. VII Order, 2018

ENTITLED

THE MATRIMONIAL CAUSES (COSTS AND FEES) ORDER, 2018

The Matrimonial Causes (Costs and Fees) Order, 2018

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 "£253" substitute "£268", and

(b) in subsection (3) for "2018" substitute "2020".

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. No. IV of 2016.

"SCHEDULE

Section 2

1. DESCRIPTION OF PROCEEDING OR MATTER	2. FEES PAYABLE TO COURT, GREFFIER & SERGEANT
1. All Applications.	Court: £115.
2. Hearing of trials of causes, applications or issues, other than interim injunctions, whether defended or undefended.	Court: £105 per hour or part thereof.
3. Issuing of commission.	Greffier: £44.
4. Issuing of a copy of decree or order.	Greffier: £27.
5. Examination by the Court of person who should have made sworn declarations.	Court: £60.
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: £60.
8. Hearing of interim injunctions.	Court: £231 per hour or part thereof.
9. Issuing of Vesting Orders.	Court: £115.
10. Witnessing a declaration of a rescission of Judicial separation.	Greffier: £27.
11. Filing for inspector's report of medical inspection of parties.	Greffier: £27.
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: £105 and cost of publication.
14. Filing of petition, including supporting documents filed therewith.	Greffier: £115.
15. Filing of petition, supplemental, including supporting documents filed therewith.	Greffier: £49.

16. Service of any document including a notice of petition.	Sergeant: £176 for expedited or special service at request of Advocate or in cases where acknowledgement of service required; £60 otherwise.
17. Service: certificate of service.	Sergeant: £33.
18. Service: sealing document to be served.	Greffier: £16.
19. Service: transmission of document to be served to His Excellency the Lieutenant-Governor.	Sergeant: £16.
20. Service: certificate of transmission of document to be served to His Excellency the Lieutenant-Governor.	Sergeant: £33.
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: £176 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: £115 and</p> <p>2. £176 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 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. (b) Listening to digital recording of proceedings. (c) Provision of CD recordings of hearings.	<p>Greffier: £55 per hour or part thereof during which access to the recording is granted.</p> <p>Greffier: £33 per hour or part thereof.</p> <p>Greffier: £72.</p>

<p>24. Video Conferencing -</p> <p>(a) Video Conference booking fee.</p> <p>(b) Set-up and test video link.</p>	<p>Court: £60.</p> <p>Court: £115 Set-up and test video link, for the first 15 minutes (or part thereof), use of equipment and attendance of court officer.</p> <p>£33 subsequent 15 minutes (or part thereof) including use of equipment and attendance of court officer.</p> <p>Additional technical assistance will be charged at £72 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>(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: £72.</p> <p>Court: £137.</p> <p>Greffier: £137.</p> <p>Greffier: £137.</p> <p>Court: £137.</p> <p>£176 per hour or part thereof (in excess of the first hour).</p> <p>Court: £411 per hour or part thereof.</p> <p>Greffier: £137."</p>

Repeal.

4. The Matrimonial Causes (Costs and Fees) Order, 2016^b are repealed.

Transitional provision.

5. 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.

6. This Order may be cited as the Matrimonial Causes (Costs and Fees) Order, 2018.

Commencement.

7. This Order shall come into force on 1st January, 2019.

^b O.R.C. No. IV of 2016.

