

Seychelles

## Court Fees (Supreme Court) and Costs Act Chapter 53

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Court Fees (Supreme Court) and Costs Act  
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# Seychelles

## Court Fees (Supreme Court) and Costs Act Chapter 53

Commenced on 7 March 1964

*[This is the version of this document as it was at 1 December 2014 to 9 February 2020.]*

*[Amended by [Court Fees \(Supreme Court\) and Costs \(Amendment of First Schedule\) Rules, 2014 \(Statutory Instrument 16 of 2014\)](#) on 24 February 2014]*

*[Act 8 of 1914; Act [6 of 1921](#); Act [3 of 1959](#); Act [17 of 1969](#); S.I. 59 of 1975; S.I. 95 of 1975; S.I. 72 of 1976; Act [23 of 1976](#); S.I. 7 of 1980; S.I. 37 of 1990; S.I. 38 of 1990; S.I. 71 of 1997; \*S.I. 9 of 2009; S.I. 16 of 2014]*

### 1. Short title

This Act may be cited as the Court Fees (Supreme Court) and Costs Act.

### 2. Definitions

In this Act unless the context otherwise requires

"**Registrar**" means the Registrar of the Supreme Court, and includes the Assistant Registrar in the absence of the Registrar;

"**cause**" shall include any action, suit or other original proceedings in the Supreme Court between a plaintiff and a defendant;

"**matter**" shall include every proceeding in the Supreme Court not in a cause;

"**counsel**" includes any barrister at law, attorney or advocate whose name is on the roll of members of the legal profession admitted to practice in Seychelles;

"**attorney**" means an attorney at law and includes a barrister or advocate when acting as an attorney at law;

"**judgment creditor**" means a party to a cause or matter in whose favour a judgment or order of the court has been given;

"**judgment debtor**" means a party to a cause or matter against whom a judgment or order of the court has been given.

## Part I

### 3. Fees to be taken

The several fees specified in the first schedule hereto (including \*usher's fees) shall be payable in the office of the Registrar on proceedings in the Supreme Court, or before a Judge in chambers or the president of

*[Note: The rule that repealed the First Schedule and brought in the new First Schedule in [SI 9 of 2009](#) should have been made in the exercise of powers conferred on the Chief Justice under section 22 of this Act, but instead purported to be made under section 110(3) of the International Business Companies Act ([Cap 100A](#)). The unofficial revised edition of this Cap published by the Department of Legal Affairs in March 2012 proceeds on the assumption that [SI 9 of 2009](#) is valid.]*

*[Note: See section 23(3) of the Courts Act]*

the family council as the case may be. A table of the aforesaid fees shall be posted in a conspicuous place in the Court House and in the office of the Registrar of the Supreme Court, and such fees shall be paid in the first instance by the party on whose behalf such proceeding is to be taken, on or before such proceeding.

#### **4. Power to alter or add to schedule**

It shall be lawful for the Chief Justice, subject to the approval of the Minister responsible for finance, from time to time to alter, amend or add to the fees contained in the said schedule.

### **Part II – Taxation of costs in the Supreme Court in its civil jurisdiction**

#### **5. Registrar to be taxing master**

The Registrar shall be the taxing master and shall tax in manner hereinafter provided by this Act, all bills of costs

- (a) between party and party in a cause or matter;
- (b) between attorney and client for work done in a cause or matter;
- (c) between attorney and client for work done other than in a cause or matter; and
- (d) counsel's fees.

#### **6. Fees to be allowed on taxation**

Counsel's fees and attorneys' bills of costs shall, subject to the provisions of [section 17](#), be taxed in accordance with the provisions of this Act and of the second schedule hereto and no counsel, attorney or party shall be entitled to recover any larger sum by way of fees or costs than that allowed on taxation except, that in the case of an agreement enforceable under the provisions of [section 17](#), an attorney shall be entitled to recover from a person liable thereunder the amount payable by that person under the terms thereof adjusted where necessary pursuant to review under subsections (3) and (4) of [section 17](#).

#### **7. Discretionary power of court as regards costs**

Nothing in this Act shall detract from the discretionary power of the court to grant or disallow costs in causes or matters or to grant costs only on the amount awarded by the judgment of the court, or to apportion the costs as the court may deem fit.

#### **8. Taxation of bill of costs. When judgment creditor may apply**

A judgment creditor may apply to the taxing master to have his bill of costs taxed, if the judgment debtor fail to pay the amount of such bill within twenty four hours after due delivery of the bill and demand for payment made, unless the judgment debtor has admitted in writing owing the amount of such bill.

#### **9. When an attorney may apply**

An attorney who has done work for a client in a cause or matter or otherwise may apply to the taxing master to have his bills of costs for such work taxed, if the client fail to pay the amount of such bill within twenty four hours after due delivery of the bill and demand for payment made; and except as provided in [section 17](#) no attorney shall sue a client for the recovery of his costs until after his bill of costs has been taxed.

#### **10. Application to tax bill**

Every application to tax a bill of costs shall be in writing signed by the applicant or his attorney, if any and shall be accompanied by one copy of the bill to be taxed and a certified copy of the letter of demand. Such application shall be brought by the applicant or his attorney to the taxing master who must satisfy himself

that service of the bill and letter of demand was duly made. In every bill of costs the professional charges shall be entered in a separate column from the disbursements and every column shall be cast before the bill is brought for taxation.

#### **11. Taxing master to fix date for taxation**

The taxing master on receipt of such application shall fix a date and time for the taxation and shall give a note thereof to the applicant and shall notify the adverse party in writing by a registered letter sent through the post, or in such other manner as the taxing master shall direct, of the time and date fixed for the taxation:

Provided that it shall not be necessary for the taxing master to give such notice as aforesaid, when the bill to be taxed is for work done in a cause or matter and the adverse party has not appeared at the hearing of such cause or matter.

#### **12. When taxing master may proceed *ex parte***

If either the applicant for the taxation or the adverse party fail to attend before the taxing master at the time fixed for the taxation, after due notice thereof and without sufficient excuse, the taxing master may tax the bill *ex parte*.

#### **13. Procedure on taxation**

The taxing master shall retain one copy of every bill of costs brought to him for taxation, and, if the taxation is for work done in a cause or matter, he shall attach such copy to the record of the case. He shall strike out all items disallowed and, if less than the amount of any item claimed is allowed he shall note on the bill the difference not allowed; he shall certify at the foot of the bill over his signature the total amount allowed and the date of taxation. The taxing master shall not allow any claims for disbursements unless receipts for the amounts disbursed are produced to him, or, if it be impossible or highly inconvenient to obtain receipts, unless he is satisfied by affidavit or otherwise that the disbursements have been made, and in every case that such disbursements were necessary.

#### **14. Costs of taxation when one sixth of bill disallowed**

If a bill of costs when taxed be less by a sixth part than the bill delivered, then the judgment creditor or the attorney by whom the application to tax the bill was made, shall not be allowed the costs of the taxation.

#### **15. Excessive number of witnesses, costs may be disallowed**

If the taxing master be of opinion that more witnesses have been summoned for the purpose of proving any particular fact or facts than the circumstances of the case required, he may disallow the costs of such witnesses.

#### **16. Review of taxation by Judge**

Any party to a cause or matter and any attorney or client who is dissatisfied with the taxation of the taxing master may apply by petition to a Judge to review such taxation and the Judge on receipt of such application shall fix a date for reviewing the taxation in his chambers. The Registrar shall give a note of the date and time so fixed to the applicant and shall send to the adverse party or person notice thereof by a registered letter sent through the post, or in such other manner as the Judge may direct. If any party to whom notice has been duly given fail without sufficient excuse to attend at the time fixed by such notice, the Judge may review the taxation in the absence of such party. The Judge after hearing the parties attending shall either confirm the taxation of the taxing master or shall alter it as he may consider fit. The decision of the Judge shall be final and not subject to appeal.

## 17. Taxation of agreements between attorneys and clients

- (1) Notwithstanding any provision of this Act, an attorney may make an agreement in writing with his client respecting the amount and manner of payment for the whole or any part of any past or future services, fees, charges or disbursements, including counsel's fees, in respect of work done or to be done by such attorney, either by a gross sum, or by commission or percentage, or by salary or otherwise and either at the same rate as, or at a greater or less rate than, the rate at which he would otherwise be entitled to be remunerated.
- (2) No such agreement that provides for remuneration at a rate, or in a manner, which either generally or in respect of any item, is different from that at or in which the attorney would otherwise be entitled to be remunerated, shall be enforceable or upheld on taxation, unless
  - (a) it is in writing, dated, and authenticated by signature, mark or other sign by, or on behalf of, the client and any other person liable to make payment thereunder; and
  - (b) the attorney has lodged an authenticated copy of such agreement in the chambers of the Chief Justice, and, in the case of any agreement in this paragraph hereinafter mentioned, has so lodged such copy within fourteen days of the authentication thereof that is to say any such agreement which concern work done or to be done
    - (i) in respect of any cause, matter or proceeding of any kind in any court, whether or not such cause, matter or proceeding is actually commenced; or
    - (ii) for a minor or an interdicted person; or
    - (iii) payment for which may fall to be made by a minor or an interdicted person, or out of any moneys (including the proceeds of any litigation) in which a minor or an interdicted person has any interest.
- (3) The Chief Justice may of his own motion, and shall upon the petition of any party to any agreement the making of which is authorised by subsection (1) of this section, at any time order that such agreement be reviewed by a Judge and thereupon the provisions of such agreement shall be reviewed by a Judge in the same manner, and in accordance with the same procedure, as a taxation may be reviewed under the provisions of [section 16](#) except that no petition, or further petition, as the case may be, shall be required.
- (4) Upon such review, a judge may
  - (a) if of opinion that the agreement is in all respects fair and reasonable having regard to all relevant circumstances, including those existing at the time at which it was made, refuse to review the agreement;
  - (b) if of opinion that the agreement is in any respect unfair or unreasonable, either vary any part of the agreement in such manner as the Judge may see fit and order the amount payable thereunder to be adjusted accordingly, or declare it to be void, and may order the costs covered thereby to be taxed as if the agreement had never been made.
- (5) If the provisions of subsection (2) have been complied with in respect of any agreement referred to in subsection (1), such agreement shall, subject to review as provided for in subsection (3) of this section, be enforceable as if any amount payable in terms thereof (adjusted where necessary pursuant to review in manner aforesaid) were the amount owing under a bill of costs which has been duly taxed in accordance with the provisions of this Act, provided that, if the party sought to be made liable disputes the amount payable, the court before which it is sought to enforce such agreement, shall, if there has been no such review as aforesaid, inform such party of his right to petition for a review and, if such party signifies his intention of so petitioning, afford him a reasonable opportunity for so doing and obtaining a decision on such petition before pronouncing judgment on the claim.

### **18. Agreement to exclude any further claim for costs**

Such an agreement shall be deemed to exclude any further claim of the attorney beyond the terms of the agreement in respect of any services, fees, charges or disbursements in relation to the conduct and completion of the work in reference to which the agreement is made, unless any such services, fees, charges or disbursements are expressly excepted by the agreement.

### **19. Void agreements**

Any provisions or conditions in any such agreement with respect to any purchase by an attorney of the interest, or any part of the interest of his client in any suit or other contentious proceeding to be brought or maintained or whereby the attorney may be relieved from any responsibility to which he would otherwise be subject as such attorney shall be null and void.

### **20. Change of attorney, taxation of agreement**

If after any agreement as aforesaid shall have been made, the client shall change his attorney before the conclusion of the work to which such agreement shall relate (which he shall be at liberty to do notwithstanding such agreement) the attorney, party to such agreement, shall no longer be entitled to act under such agreement, but he may apply by petition to a Judge in chambers to tax such agreement and upon such taxation, the attorney shall not be deemed entitled to the full amount of the remuneration agreed to be paid to him, unless it shall appear that there has been no default, negligence, improper delay or other conduct on his part affording reasonable ground to the client for such change of attorney, and the Judge shall decide having regard to all the circumstances under which the change of attorney has taken place, how such attorney is entitled to be paid. The decision of the Judge shall be final and not subject to appeal.

### **21. Costs of the Republic**

- (1) The Republic shall be entitled to have and to recover costs and costs may be given and recovered against the Republic in all causes and matters of the Supreme Court, to the like extent and in the same manner as costs may be had and recovered by and against any other party.
- (2) Such costs shall include counsel's fees when the Attorney General or any barrister has appeared as counsel on behalf of the Republic.
- (3) All costs awarded to the Republic may be recovered by the Attorney General and shall be paid into the Consolidated Fund and form part of revenue of the Republic of Seychelles.

### **22. Chief Justice may frame further schedules and rules**

The Chief Justice may, with the approval of the Minister responsible for finance, alter, amend or add to the fees contained in the second schedule and may also with the like approval make rules for more effectually carrying out the purposes and provisions of this Part.

## **First Schedule (Section 3)**

### **Fees to be taken in the office of the Registrar of the Supreme Court (civil side) under section 3**

1. In any case where no fee has been provided under a particular heading, the fee prescribed for the corresponding item under the general heading shall be payable.
2. In addition to the fees hereinafter prescribed, the Court may allow fees to interpreters, costs of conveyance and such other necessary incidental expenses as the circumstances of the case may require.

### Part I – General

1.	Where, on entering plaint, the value of the claim or demand	
(a)	Does not exceed R.10,000	R.750
(b)	Exceeds R.10,000 but does not exceed R.5000	Additional 1% on surplus
(c)	Exceeds R.50,000	Additional 1/2 % on surplus
2.	On filing a petition for divorce or separation where damages are claimed against any co-respondent with item 1	R.750
3.	Where an injunction or other judicial relief is sought in addition to damages, an extra fee of	R.100
4.	On issuing summons to be served with plaint, for each party summoned	R.30
5.	On issuing writ of execution, or any other writ on the issue of which no separate court fee is payable	R.100
6.	On issuing order for attachment, warrant or other on the issue of which no separate fee is payable	R.100
7.	On filing any petition, motion or application originating proceedings on the filing of which no other fee is payable	R.375
8.	On filing any other petition, motion or application to be heard before the court on the filing of which no other fee is payable	R.185
9.	On filing any petition or application to a Judge in Chambers	R.100
10.	On filing an <i>ex parte</i> petition, motion or application not originating from proceedings	R.100
11.	On filing petition for unsatisfied judgment	R.185
12.	On issue of summons to give personal answers	R.60
13.	On issue of summons to judgment debtors	R.100



14.	On issue of summons of garnishee	R.60
15.	On issue of summons to show cause	R.100
16.	On filing application for interpleader summons	R.60
17.	On issue of interpleader summons, for each party summoned	R.30
18.	On summons to witness, for each witness	R.30
19.	On attendance of any officer of the court to produce documents to be given in evidence	R.100
20.	On issue of any summons for the issue of which no separate fee is payable	R.60
21.	On order amending any pleadings	R.100
22.	On sealing commissions to take evidence	
(i)	out of the jurisdiction	R.185
(ii)	within the jurisdiction	R.100
23.	On drawing up any order, decree, judgment, warrant, memorandum or notice or any other document for the drawing up of which no separate fee is payable	R. 100
24.	On taking any bond, recognisance or security for the taking of which no separate fee is payable	R.100
25.	On holding any enquiry ordered to be made or taking any account by an officer of the court for each day or part thereof (including report)	R.185
26.	On hearing of every plaint or other original proceeding before the court for each day or part thereof (to be paid before the hearing by the party originating the proceedings):	R.300
27.	On every adjournment of the hearing of a cause or matter at the request of either party where no hearing fee has become payable provided that, for extraordinary cause beyond the control of any party requesting the adjournment, the court may exempt such party from payment of this fee	R.100

28.	On hearing before the court of <i>ex parte</i> petitions, motions or applications or where an order is made by consent	R.100
29.	On moving the Court for judgment or making any incidental applications to the court or a Judge for which no separate fee is payable	R.100
30.	On sealing any document with the embossed seal of the court unless otherwise provided	R.60
31.	On every certificate, including drawing same	R.100
32.	On taking any affidavit affirmation, declaration, etc. for use in a proceeding before the court or a Judge in Chambers, for each deponent	R.30
33.	For any other purpose, for each deponent	R.30
34.	On making any exhibit referred to therein	R.25
35.	On filing, or taking off the file, by document for the filing or taking off which no separate fee is payable	R.30
36.	On every visa of a legal document	R.30
37.	On every search in any book or records	
(1)	for the first hour or part thereof	R.30
(2)	for each subsequent hour or part thereof	R.50
38.	On every extract made by a party searching	R.30
39.	On entering any final judgment or order in any cause, matter or suit	R.60
40.	On entering any other judgment or order	R.50
41.	On entering withdrawal of action upon the record	R.50
42.	In the case of money paid into court, on the same being paid out	
(a)	when amount exceeds R.25 but does not exceed R.100	R.30

(b)	when amount exceeds R.100	5%
43.	On office copy of any document, record, evidence or other proceedings for every thirty lines or fractional part thereof	R.25
44.	On taking down evidence of witnesses in non-appealable cases, when required by either party, for every thirty lines or fractional part thereof	R.25
45.	On filing petition or application for the appointment of an expert, appraiser, notary, surveyor, etc.	R.60
46.	On filing petition for the authorisation of the marriage of a minor	R.30
47.	On filing petition for amendment of acts of civil status	R.60
48.	On taking acceptance or renunciation to succession and acts of similar nature	R.60
49.	On every act of emancipation of a minor	R.60
50.	On registering instruments of partnership and acts of a similar nature for every thirty lines or fractional part thereof	R.30
51.	For posting up every such instrument or act	R.30
52.		
(1)	on deposit of will	R.60
(2)	on endorsing will (including envelope)	R.100
(3)	on drawing up memorandum of deposit and endorsement	R.100
53.	On reference of a case to arbitration	R.100
54.	On entry of any caveat, opposition to the fixing or breaking of seals or special defence	R.100
<b>Appeals</b>		
55.	On filing notice of appeal	R.375

56.	On taking recognizance of appellant	R.185
57.	On setting record of appeal	R.185
58.	On typing record of appeal, for every thirty lines or fractional part thereof, in respect of each copy required	R.30
59.	On sealing and certifying record of appeal	R.100
<b>Judicial sales</b>		
60.	On filing every petition or application (unless the fee prescribed under item 70 is payable)	R.100
61.	On filing memorandum of charges	R.100
62.	On considering each production	R.100
63.	On drawing provisional scheme of distribution	R.185
64.	On closing provisional scheme	
(a)	if not objected to	R.100
(b)	if objection made	R.185
65.	On drawing final judgment and copy	R.100
66.	On drawing notice of posting (with copy)	R.50
67.	On every certificate of Registrar	R.100
68.	On each warrant for payment	R.100
69.	On conduct of sale before the Court where the sale price, or if no sale results, the <i>mise à prix</i>	
(a)	does not exceed R.10,000	R.100
(b)	exceeds R.10,000 but does not exceed R.30,000	R.185
(c)	exceeds R.30,000	R.225

70.	On hearing any question of amendment of conditions of sale and for making amendment if ordered	R.150
71.	On a declaration de command	R.185
72.	On each surenchere	R.185
73.	On all moneys received or paid or distributed by the Court	5%
<b>Partition</b>		
74.	On filing any petition for partition, whether or not proceedings for sale by licitation are pending	R.300
<b>Bankruptcy</b>		
75.	On filing bankruptcy	R.375
76.	On order of adjudication	R.100
77.	On filing declaration of insolvency	R.60
78.	On issue of search warrant, warrant of arrest or commitment or other warrant	R.100
79.	On examination of bankrupt before the court (no other hearing fee to be charged)	R.375
80.	On appointment of public sitting for audit or dividend (including hearing)	R.100
81.	On every application or petition on which no other fee is payable	R.100
82.	On grant of certificate of conformity (including seal of court)	R.100
83.	On moving for composition after bankruptcy	R.375
84.	On filing petition by trader for arrangement	R.100
<b>Taxation of bills of costs</b>		
85.	On taking of costs on taxed amount of whole bill	3%

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86.	On filing notice of appeal from taxation	R.100
87.	On hearing appeal from taxation	R.100

**Part II – Process officer's fees**

88.	For calling any cause	R.25
89.	For serving any summons, warrant, subpoena notice or other document	
(a)	within 2 miles of the Court House	R.30
(b)	above two miles, for every extra mile (to be charged both ways):	R.25
<p>Provided that, for service in Praslin or La Digue, a fixed fee of R.600 will be payable  <i>[proviso to item 89 amended by <a href="#">SI 16 of 2014</a> with effect from 24 February 2014]</i></p>		
90.	For each person to be served	R.25
91.	For posting up each notice not exceeding three	R.25
92.	For conveying any person committed to prison	R.100
93.	For calling and taking bids on sale of immovable property before the Court when the sale price, or if no sale results, the <i>mise on prix</i>	
(a)	does not exceed R.10,000	R.100
(b)	exceeds R.10,000 but does not exceed R.30,000	R.185
(c)	exceeds R.30,000	R.375
<b>Seizure of movable property</b>		
94.	For every execution of a judgment, order or warrant against goods, including memorandum of seizure	
(a)	within two miles of the court house	R.100
(b)	above two miles for every extra mile (to be charged one way only):	R.30

95.	On making inventory, per hour or part thereof	R.50
96.	Attendance to deposit money	R.50
97.	Return of examination of goods	R.185
98.	Return of money deposited	R.50
99.	Return of <i>nulla bona</i>	R.50
100.	Drawing notice of sale to be posted	R.50
101.	Each copy of notice	R.25
102.	Return of posting up notice	R.50
103.	Posting up each notice	R.30
104.	Attendance at printing office to deposited	R.30
105.	Attendance at sale for each hour or part thereof	R.50
106.	Attendance to deposit proceeds of sale	R.50
107.	On amount of proceed of sale	2%
108.	For the person in custody of goods seized per diem (including night) (to meet this charge, the execution creditor shall deposit R.150 with the Registrar before appointment of custodian and a further R.350 every seven days after first deposit goods sold or released)	R100
109.	For crier and bell ringing per diem	R.60
110.	For each witness to seizure (in addition there shall be paid by	R50



	the execution creditor in advance, and allowed as costs of execution, all reasonable expenses for the removal of goods seized and other expenses incidental to such seizure)	
<b>Seizure of immovable property</b>		
111.	Return of seizure of immovable property	
(a)	for first three hours	R.185
(b)	every subsequent hour	R.50
112.	Declaration of seizure to execution debtor	R.50
113.	Copy of Memorandum	R.50
<b>Tenders</b>		
114.	Memorandum of tenders made	R.65
115.	Copy of return to in item 116	R.50
116.	Return of amount or object tendered	R.65
117.	Copy	R.50
<b>Protests</b>		
118.	Original of protest and copies	R.100
<b>Attendances</b>		
119.	Visa of any act	R.50
120.	Attendance at Registration Office	R.50
<b>General provision</b>		

121.	Drawing documents for every thirty lines or fractional part thereof	R.50
122.	Mileage per mile (to be charged one way only)	R.25

### Part III – Attendance of court or Registrar outside the Court House

123.	On attendance of court (including attendance of registrar or his deputy) where necessary at any place outside the court house	
(a)	within Victoria, the actual cost of conveyance plus per day or part thereof	R.185
(b)	outside Victoria, the actual cost of conveyance plus per day or part thereof	R.300
124.	On attendance of Registrar of his deputy	
(a)	within Victoria, the actual cost of conveyance plus per day or part thereof	R.100
(b)	outside Victoria, the actual cost of conveyance plus per mile or part thereof	R.30
125.	On attendance of Registrar or his deputy at the Registrar's Office.	R.30

When the Court or a Judge or the Registrar or his deputy is required to travel outside Victoria, there shall be paid in addition to any other fee payable any amount under Public Service Orders for refund of accommodation, subsistence or travel expenses.

## Second Schedule

### Fees

#### Part I – Party and party costs

##### Attorney's costs

1.	Instructions to sue or defend any cause or matter before the Supreme Court not elsewhere provided for, including letter before action, when the value of the subject in litigation or of the claim or demand	
(a)	does not exceed R.10,000	R.200
(b)	exceeds R.10,000 but does not exceed R.30,000	R.300
(c)	exceeds R.30,000 but does not exceed R.50,000	R.400
(d)	exceeds R.50,000	R.500
When the value is not determined, the fee for instruction shall be chargeable according to one of the above scales to be fixed by the Court or the Taxing Master.		
2.	Instructions to appeal from any interlocutory or final order or judgment	R.150
3.	Instructions to appeal from any order or judgment given in the Magistrates' Court	R.100
Items 1, 2 and 3 are intended to cover the doing of any work for which no specific provision is made elsewhere, necessarily or properly done in preparing for a trial, hearing or appeal, or before a settlement of the matter in dispute, including		
(a)	taking instructions to sue, defend, or appeal or for any pleading, particular of pleading or affidavit or matter referred to the Registrar;	
(b)	considering the facts and law;	
(c)	attending on and corresponding with client;	
(d)	arranging to obtain reports or advice from experts and plans, photographs and models;	
(e)	making search in public records or elsewhere for relevant documents;	
(f)	inspecting any property or place material to the proceedings;	

- (g) perusing pleading, affidavits and other relevant documents;
- (h) where the cause or matter does not proceed to trial or hearing, work done in connexion with the negotiation of a settlement; and
- (i) the general care and conduct of the proceedings.

The amount to be allowed under titles 1, 2 and 3 may be increased in appropriate cases in accordance with the order or certificate of the Court or a Judge.

4.	Preparing a notice ( <i>mise en demeure</i> ) when necessary	R.40
5.	Drawing any plaint, statement of defence, petition, answers, reply or summons to show cause not elsewhere provided for every 30 lines or part thereof	R.50
6.	Every other pleading (tender of inspection, notice to produce documents etc.) not elsewhere provided for, for every 30 lines or part thereof	R.25
7.	Praecipe to summon witnesses or a party on personal answer	R.15
8.	For copy of document, for every 30 lines or part thereof	R. 5
9.	For a carbon copy	R. 5
10.	Drawing any affidavit, affirmation, declaration, etc for use in proceedings before the Supreme Court or in Chambers, for every 30 lines or part thereof	R.15
11.	Drawing notice of denunciation or other notices, for every 30 lines or part thereof	R.15
12.	Drawing application to Court not else where provided for, for every 30 lines or part thereof	R.15
13.	Drawing issue for trial of facts by agreement, for every 30 lines or part thereof	R.10

14.	Drawing brief (to be allowed only when attorney briefs separate counsel), for every 30 lines or part thereof	R.10
15.	Conference with witness, other than instructing clients, and recording evidence of witnesses, etc. for every 30 lines or part thereof (with a minimum of R.10 per each witness)	R.10
16.	Attendance in Court when matter is called but no hearing takes place, if attorney does not appear as counsel	R.30
17.	Attendance in Court during trial of a cause or matter, if attorney does not appear as counsel, R.50 per hour not to exceed per diem	R.300
18.	Attending in Court when reserved judgment is delivered, if attorney does not appear as counsel	R.35
19.	Conference with counsel when necessary, R.25 per hour or part thereof but not to exceed per diem	R. 150
20.	Copy of bill of costs to opposite party, per lines or part thereof	R.10
21.	Conference with adverse attorney, when necessary, per hour	R.35
<b>Costs before the Judge in chambers and before the Registrar</b>		
22.	Ordinary attendance in Chambers, not to exceed	R.30
23.	Attendance on a contested application, R.50 per hour not to exceed	R.300
24.	Attendance to swear affidavit	R.15

25.	Attendance at taxation of bill of costs before the Taxing Master	R.30
	If long in the taxing Master's discretion not to exceed	R.45
26.	Attendance before the Judge in appeal from taxation	R.75
27.	In undefended causes or matters, and any defended cause in which judgment is given without a contested hearing,	at the discretion of the Taxing Master from R.100 to R.500
28.	In defended causes in which there is a contested hearing	
(a)	for the first day or part thereof	R.700
(b)	for each subsequent day or part thereof	R.500
29.	In ordinary motions and applications for unsatisfied judgments before the Supreme Court,	at the discretion of the Taxing Master from R.75 to R.500
30.	In contested motions before the Supreme Court and in appeals from the Magistrates' Court, per day or part thereof when case taken	R.500
31.		
(a)	On any adjournment when case not taken	R.100
(b)	for attendance when judgment is delivered on a future day after consideration	R.100
32.	In any case where Counsel attend at Chambers, no further costs for such attendance shall be allowed, as between party and party, than the sum that would be allowed, for the attendance of an attorney, unless the Judge shall certify for such further allowance. The same rule shall	

	apply to attendance before the Registrar except where he shall, in his discretion, think fit to certify for allowance as for counsel.	
33.	For appearance before any Arbitrator, Commissioner or Referee, when necessary,	at the discretion of the Taxing Master, per day from R.200 to R.750
34.	For settling special affidavit, in any case in which the Taxing Master may consider the assistance of counsel to be absolutely required	R.75
35.	For drawing or settling grounds of appeal	at the discretion of the Taxing Master from R.200 to R.600
36.	For consultation:	
(a)	when the matter at issue does not exceed R.10,000 in value, from	R.100 to R.500
(b)	when it exceeds R.10,000 but does not exceed R.30,000 from	R.300 to R.500
(c)	when it exceeds R.30,000 but does not exceed R.50,000, from	R.450 to R.800
(d)	when it exceeds R.50,000	R.1000
(e)	when the value of the matter at issue is not determined, the fee shall be chargeable according to one of the above scales at the discretion of the Taxing Master, but in no case shall exceed R.750.	
When the attorney on the record, being himself a barrister or admitted to practice as such, has himself performed the functions of counsel, he may be allowed fees to counsel.		

## Part II – Costs as between attorney and client

Sales by licitation or levy		
(A)	Where the property has not been sold before the Court.	
1.	Instructions	R.100
2.	Drawing petitions, affidavit, or other necessary document for, every 10 line or part thereof	R.10
3.	Drawing particulars of sale (memorandum of charges)	at the discretion of the Taxing Master from R.200 to R.500
4.	Drawing notice for <i>Government Gazette</i>	R.25
5.	Drawing notice for local newspaper	R.25
6.	Drawing notice for placards	R.25
7.	Attendance at reading of memorandum of charges ( <i>Cashier des Charges</i> )	R.75
8.	Attendance in Court on objections	R.100
9.	Attendance to require certificate that purchase has not complied with the conditions of sale ( <i>Folle Enchère</i> )	R.25
10.	Any other necessary attendance	R.25
11.	Perusal of any necessary document, for every 30 lines or part thereof	R.10
12.	Drawing petition praying for a subrogation	R.50
13.	Copies of petition including Judge's order	R.15
14.	Petition to withdraw from intended sale any object or property comprised in the seizure ( <i>Demande en Distraction</i> )	R.50
15.	Copies of petition referred to in item 14 with Judge's order For each copy	R.15



16.	Petition setting forth alleged grounds of nullity in the proceedings by levy	R.50
<p>Before admitting any party to proceed in his alleged grounds of nullity he shall, if required by the Judge, be bound to furnish security for the costs of such proceedings and in no case shall the costs of either party fall upon the estate. When the valuation or reserved price (<i>mise à prix</i>) of the property to be sold does not exceed R.10,000 only two thirds of the above costs will be allowed. When an attorney is substituted by another before the sale takes place, each attorney will be allowed fees in accordance with the foregoing scale in respect of the work done by that attorney.</p>		
(B)	When the property is actually sold in Court, the attorney prosecuting the sale shall not be allowed any of the above fees, but he shall only be entitled to claim the fees allowed by Cap 94 the Immovable Property (Judicial Sales) Act.	
(C)	Other Costs at or after Sale.	
17.	Attendance at the bidding by the attorney of party levied on	R.100
18.	Attendance to bid if an attorney be so employed and does not become purchaser	R.100
19.	Attendance to bid if an attorney be so employed and becomes purchaser	R.115
20.	Attendance to declare name of purchaser ( <i>déclaration de command</i> )	R.30
21.	Attendance to open biddings ( <i>Surenchère</i> )	R.115
22.	Notice with summons to the party to whom the property was adjudicated, to the party having the carriage of the sale, and to the party levied on, or their respective attorneys	R.100
	For each copy	R.10
<b>Attorney's costs in attribution of price and order</b>		
23.	Taking instructions	R.100
24.	Attendance with practice to obtain order to summon parties	R.25
25.	Attendance at Mortgage Office for certificate of inscription	R.20
26.	Renewal of certificate when required	R.20

27.	Every act of production including attendances	R.100
28.	Notice to each creditor or his attorney	R.25
29.	Every copy, for every 30 lines or part thereof	R.10
30.	Attendance to oppose claim produced	R.150
31.	Notice to inscribed creditor and the party levied on of claims produced after the time prescribed by law	R.25
32.	Attendance to strike off one or more mortgages comprised in the same judgment or order if an attorney be employed	R.25
33.	Petition for substitution of another person with the carriage of the proceedings	R.25
34.	Petition for substitution of a plaintiff or defendant	R.25
35.	Drawing extract of deed of sale or donation to be notified to registered mortgagees by the purchaser or mortgagee	R.100
36.	For every mortgage extracted	R.15
37.	For perusal of any document	R.15
38.	For every necessary attendance	R.25
39.	Drawing notice for <i>Government Gazette</i>	R.25
40.	Drawing notice for local newspaper	R.25
41.	Drawing notice for placards	R.25
<b>Costs in distribution by way of contribution</b>		
42.	Attendance with praecipe to obtain order	R.25
43.	Every act of production (including attendance)	R.100
44.	Drawing notices with summons to opposite party	R.25

45.	For each copy, for every 30 lines or part thereof	R.10
46.	Attendance to oppose scheme of distribution (including petition)	R.150
47.	For every necessary attendance	R.25
48.	For perusal of any document	R.15
<b>General items</b>		
49.	Any necessary attendance not provided for or allowed under any other item	R.15
	If long, per hour	R.25
50.	Letter not included under any other item	R.25
	If long	R.50
	If similar	R.10

### Miscellaneous

In respect of any work for which a fee allowable on taxation as between party and party is prescribed in Part I of the Schedule (including counsel's fees) the Taxing Master shall on taxation allow the same fee on a taxation as between attorney and client, provided that the Taxing Master may in his discretion in a taxation as between attorney and client allow costs—

- (a) in relation to items not mentioned in Part I, or
- (b) of an amount higher than that prescribed in Part I.

In respect of any work, contentious or non-contentious, for which fees allowable on taxation or otherwise are not prescribed in this Schedule or otherwise by law, the Taxing Master shall on taxation have regard to any fee allowable on taxation in this Schedule or otherwise by law in so far as he is satisfied that the work and responsibility involved can be reasonably compared with the work and responsibility involved in the work for which any such fee is claimed.

In respect of any other work, contentious or non-contentious, of any kind performed by an attorney for his client (such as acting as mandator and negotia) for which fees allowable on taxation or otherwise are not prescribed in this Schedule or otherwise by law, the Taxing Master shall allow such sum as may be fair and reasonable having regard to all the circumstances of the case, the fees prescribed elsewhere in this Schedule for work of a general nature and the other provisions of this Schedule.

## Part III – General

### Disbursements

In addition to fees for work done by an attorney, the bill of costs may include costs payable in discharge of a liability properly incurred by the attorney on behalf of the party to be charged with the bill, including counsel's fees where the attorney has not himself performed work usually performed by counsel:

- (i) unless before taxation its amount has been agreed by the attorney instructing counsel; and
- (ii) before the Taxing Master issues his certificate a receipt for the fee signed by counsel is produced to him.

When, under this Schedule or otherwise, any fee is fixed according to the amount claimed or in issue and the party supporting that claim or issue has succeeded thereon, the fee allowed to that party shall be fixed in accordance with the amount awarded or assessed by the Court or Judge in respect of that claim or issue.

When in any proceedings in the Supreme Court the subject matter of the claim or the amount recovered is within the jurisdiction of the Magistrates' Court, the fees allowed as between party and party shall not exceed the total amount that would have been allowed between party and party had proceedings been brought in the Magistrates' Court, except in accordance with the order or certificate of the Court or a Judge.

### Taxing Master's discretion

In exercising any discretion under this Schedule or otherwise vested in him, the Taxing Master shall have regard to all relevant circumstances, and in particular to—

- (a) the complexity of the item or of the cause or matter in which it arises and the difficulty or novelty of the questions involved;
- (b) the skill, specialized knowledge and responsibility of, and the time and labour expended by, the attorney or counsel;
- (c) the number and importance of the documents (however brief) prepared or perused;
- (d) the place and circumstances in which the business involved is transacted;
- (e) the importance of the cause or matter to the client;
- (f) where money or property is involved, its amount or value;
- (g) any other fees and allowances payable to the attorney or counsel in respect of other items in the same cause or matter, but only where work done in relation to those items has reduced the work which would otherwise have been necessary in relation to the item in question.

### Matters not provided for

Upon any taxation where any question arises as to any matter for which provisions is not made in this Act or Schedule or otherwise by law, or as to the proper application of any such provision as is so made, the principles to be applied in England for the time being in deciding similar questions, shall, subject to the provisions of this Act and Schedule and of any other law for the time being applicable, be applied in deciding such questions.