

Seychelles

Courts Act

## Magistrates' Court (Fees and Costs in Civil Proceedings) Rules Statutory Instrument 48 of 1960

Legislation as at 1 December 2014

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## Magistrates' Court (Fees and Costs in Civil Proceedings) Rules

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# Seychelles

## Courts Act

### Magistrates' Court (Fees and Costs in Civil Proceedings) Rules Statutory Instrument 48 of 1960

Commenced on 4 July 1960

*[This is the version of this document at 1 December 2014.]*

*[Amended by [Magistrates' Court \(Fees and Costs in Civil Proceedings\)  
\(Amendment\) Rules, 2014 \(Statutory Instrument 15 of 2014\)](#) on 24 February 2014]*

*[Repealed by [Magistrates' Court \(Fees and Costs in Civil Proceedings\)  
Rules, 2020 \(Statutory Instrument 17 of 2020\)](#) on 10 February 2020]*

*[S.I. 48 of 1960; S.I. 116 of 1968; S.I. 6 of 1980; S.I. 16 of 1981; S.I. 36 of 1990; S.I. 10 of 2009; S.I. 15 of 2014]*

#### 1. Citation

These rules may be cited as the Magistrates' Court (Fees and Costs in Civil Proceedings) Rules.

#### 2. Interpretation

In these rules unless the context otherwise requires the words and expressions used shall have the meanings ascribed to them in rule 2 of the Magistrates' Court (Civil Procedure) Rules.

#### 3. Court and process servers' fees

The several fees specified in the First Schedule to these rules shall be payable in the office of the clerk of the court on civil proceedings in the court. 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. Advocate's fees

The advocacy fees to be allowed as between party and party and included in the judgment in civil proceedings in the court shall be in the discretion of the court but shall not exceed the scale set out in the Second Schedule to these rules.

#### 4A. Disbursements

- (1) A party entitled to claim advocacy fees under rule 4, in accordance with the scale set out in the Second Schedule, is also entitled to recover disbursements necessarily incurred in pursuing or defending the claim, and shall include those disbursements in a separate paragraph in the bill of costs.
- (2) Every disbursement claim under subrule (1) shall be supported by a receipt or, if it is impracticable or inconvenient to obtain a receipt, by affidavit or other evidence sufficient to satisfy the clerk that the disbursement has been made.

*[rule 4A was inserted by [SI 15 of 2014](#) with effect from 24 February 2014]*

## 5. **Witnesses' fees**

Notwithstanding anything to the contrary in the witnesses Tariff Act and in rules of court made thereunder, there shall be paid to witnesses summoned in civil case in the court the same expenses and allowances as would be payable to such witnesses if they had been summoned in a criminal case.

**First Schedule (Rule 3)**

1. Entering plaint including issue and service of summons within two miles of the court house and incidental matters, where the value of the claim or demand	(a) does not exceed R10,000	2% of the value, subject to minimum fee of R100
	(b) exceeds R10,000 but does not exceed R50,000	Additional 1% on surplus
	(c) exceeds R50,000	Additional ½% on surplus
<i>[item 1 was amended by <a href="#">SI 15 of 2014</a> with effect from 24 February 2014]</i>		
2. On filing any petition, motion or application, whether to the court or in Chambers including application to a Magistrate	R70	
3. On issuing order for attachment, warrant or other order	R70	
4. On order amending any pleadings	R50	
5. On issue of summons to give personal answers	R50	
6. On issue of summons to provisional Garnishee	R30	
7. On summons to witness (each witness)	R25	
8. On attendance of any officer of the court to produce or documents to be given in evidence	R60	
9. On issue of any summons unless otherwise provided	R25	
10. On drawing up any order, decree, judgment, warrant, memorandum or notice or any other document not specially provided	R60	
11. On taking any bond, recognizance of security unless otherwise provided	R50	
12. On every hearing of any plaint or other original proceeding before the court for each day or party thereof (to be paid before the hearing by the party originating the proceedings) provided that, when judgment is consented to before the hearing actually commences no hearing fee shall be charged	R100	

13. On every adjournment of the hearing of a cause or matter at the request of either party when no hearing fee has become payable, provided that for extraordinary cause shown at the time of the request for adjournment to be beyond control of any part so requesting, the court may exempt such party from payment of this fee	R50
14. On hearing before the court of <i>ex parte</i> petition, motions or applications or where an Order is made or judgment given by consent	R60
15. On moving the court for judgment or making any other incidental application to the Court or a magistrate not otherwise provided for	R50
16. On taking affidavit, affirmation, declaration etc	
(a) for use in proceeding before the court or a magistrate in chambers, for each deponent	R30
(b) for any other purpose, for each deponent	R30
17. On making any exhibit referred to in any affidavit, affirmation or declaration referred to in Item 16(b)	R25
18. On filing or taking off the file, any document unless otherwise provided	R15
19. In the case of money paid into court, on the same being paid out where the amount exceeds R25	
(a) up to R100	R25
(b) above R100	2%
20. An office copy of every document, record evidence, or other proceedings, for every thirty lines or fractional part thereof in respect of each copy required	R25
21. Usher's fee for serving any summons, warrant, sub-poena, notice or other document (a) within 2 miles of the court	R25
(b) above 2 miles for every extra miles charge each way	R15
<p>Provided that for service in Praslin or La Digue of a document issued in Mahe and vice versa, a fixed fee of R600 respectively will be payable.</p> <p><i>[item 21 was amended by <a href="#">SI 15 of 2014</a> with effect from 24 February 2014]</i></p>	

Appeals	
22. On filing notice of appeal	R110
23. On taking recognizance of appellant	R50
24. On typing record of appeal, for every 30 lines or fractional party thereof, in respect of each copy required	R25
25. Memorandum for appeal	R30

## Second Schedule

### Advocate fees

Where the total amount of the claim including interest but excluding costs, or the value of the matter

As estimated in the plaint		
(a) does not exceed R1000		no fees shall be allowed
(b) exceeds R1000 but does not exceed R10,000 fees may be allowed as	Drawing plaint or defence and generally preparing for trial	R150
	Drawing application or motion paper	R50
	Attending summons to answer	R70
	Attending trial on each occasion when witness or arguments are heard;	
	(a) half day or less	R150
	(b) full day	R300
	Attending on delivery of reserved judgment	R70
	Attending where adjournment granted at instance of another party	R70
(c) exceeds R10,000 fees may be allowed as	Drawing plaint or defence and generally preparing for trial	R225
	Drawing application or motion paper	R70
	Attending summons to answer	R70
	Attending trial on each occasion when witness or arguments are heard	
	(a) half day or less	R300
	(b) full day	R600



	Attending on delivery of reserved judgment	R70
	Attending where adjournment granted at instance of another party	R70