

S.I. 16 of 2020**COURT ACT****COURT FEES (SUPREME COURT) AND COSTS ACT****(Cap 52)****Court Fees (Supreme Court) and Costs (Amendment of Schedules) Rules, 2020**

In the exercise of the powers conferred by sections 4 and 22 of the Court Fees (Supreme Court) and Costs Act the Chief Justice, with the approval of the Minister responsible for Finance, hereby makes the following rules —

1. These rules may be cited as the Court Fees (Supreme Court) and Costs Rules, 2020.

Citation

2. The First and Second Schedule to the Court Fees (Supreme Court) and Costs Act are hereby repealed and replaced with the following:

Amendment of Schedules

FIRST SCHEDULE**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.
3. The Chief Justice may permit the filing of a suit, action, cause or matter without the payment of the court fees detailed in Part 1 to this Schedule where —

- (a) the request is made in the prescribed Form 1; and
- (b) (i) the requesting party is the Attorney General, a ministry, department or body of the Government of Seychelles; or
- (ii) it is in the interests of ensuring access to justice that court fees be waived.

PART I - GENERAL

1.	Where, on entering plaint, the value of the claim or demand	FEE (SCR)
(a)	Does not exceed R.10,000	1000
(b)	Exceeds R.10,000 but does not exceed R.5000	Additional 1.5% on surplus
(c)	Exceeds R.50,000	Additional 1% on surplus
2.	On filing a petition for divorce or separation where damages are claimed against any co-respondent with item 1	1000
3.	Where an injunction or other judicial relief is sought in addition to damages, an extra fee of	200
4.	On issuing summons to be served with plaint, for each party summoned	75
5.	On issuing writ of execution, or any other writ on the issue of which no separate court fee is payable	200
6.	On issuing order for attachment, warrant or other on the issue of which no separate fee is payable	200
7.	On filing any petition, motion or application originating proceedings on the filing of which no other fee is payable	500
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	300
9.	On filing any petition or application to a Judge in Chambers	200
10.	On filing an ex parte petition, motion or application not originating from proceedings	200

11.	On filing petition for unsatisfied judgment	300
12.	On issue of summons to give personal answers	150
13.	On issue of summons to judgment debtors	150
14.	On issue of summons of garnishee	150
15.	On issue of summons to show cause	150
16.	On filing application for interpleader summons	150
17.	On issue of interpleader summons, for each party summoned	75
18.	On summons to witness, for each witness	75
19.	On attendance of any officer of the court to produce documents to be given in evidence	200
20.	On issue of any summons for the issue of which no separate fee is payable	75
21.	On order amending any pleadings	200
22.	On sealing commissions to take evidence	
(a)	out of the jurisdiction	300
(b)	within the jurisdiction	150
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	200
24.	On taking any bond, recognisance or security for the taking of which no separate fee is payable	200
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)	300
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)	500

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	500
28.	On hearing before the court of ex parte petitions, motions or applications or where an order is made by consent	300
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	300
30.	On sealing any document with the embossed seal of the court unless otherwise provided	100
31.	On every certificate, including apostille, including drawing same	250
32.	On taking any affidavit affirmation, declaration, etc. for use in a proceeding before the court or a Judge in Chambers, for each deponent	100
33.	For any other purpose, for each deponent	100
34.	On making any exhibit referred to therein	50
35.	On filing, or taking off the file, by document for the filing or taking off which no separate fee is payable	100
36.	On every visa of a legal document	100
37.	On every search in any book or records	
(a)	for the first hour or part thereof	100
(b)	for each subsequent hour or part thereof	150
38.	On every extract made by a party searching	100
39.	On entering any final judgment or order in any cause, matter or suit	150
40.	On entering any other judgment or order	150

41.	On entering withdrawal of action upon the record	150
42.	In the case of money paid into court, on the same being paid out	
(a)	when amount is less than R10,000	2% on the amount
(b)	when amount is equal to or exceeds R.10,000	5%
43.(a)	On physical copy of any document, record, evidence or other proceedings	100
(b)	On digital copy of whole document	50
44.	On filing petition or application for the appointment of an expert, appraiser, notary, surveyor, etc.	150
45.	On filing petition for the authorisation of the marriage of a minor	300
46.	On filing petition for amendment of acts of civil status	300
47.	On taking acceptance or renunciation to succession and acts of similar nature	300
48.	On every act of emancipation of a minor	300
49.	On registering instruments of partnership and acts of a similar nature for page thereof	50
50.	For posting up every such instrument or act	50
51.		
(a)	On deposit of will	150
(b)	On endorsing will (including envelope)	200
(c)	On drawing up memorandum of deposit and endorsement	200
52.	On reference of a case to arbitration	200
53.	On entry of any caveat, opposition to the fixing or breaking of seals or special defence	200

APPEALS		
54.	On filing notice of appeal	700
55.	On taking recognizance of appellant	250
56.	On setting record of appeal	500
57.	On typing record of appeal, for page thereof, in respect of each copy required	50
58.	On sealing and certifying record of appeal	200
JUDICIAL SALES		
59.	On filing every petition or application (unless the fee prescribed under item 69 is payable)	300
60.	On filing memorandum of charges	300
61.	On considering each production	300
62.	On drawing provisional scheme of distribution	400
63.	On closing provisional scheme	
(a)	if not objected to	200
(b)	if objection made	300
64.	On drawing final judgment and copy	200
65.	On drawing notice of posting (with copy)	100
66.	On every certificate of Registrar	200
67.	On each warrant for payment	200
68.	On conduct of sale before the Court where the sale price, or if no sale results, the mise à prix	150
(a)	does not exceed R.10,000	300
(b)	exceeds R.10,000 but does not exceed R.30,000	500
(c)	exceeds R.30,000	700
69.	On hearing any question of amendment of conditions of sale and for making amendment if ordered	350

70.	On a declaration de command	500
71.	On each surenchere	500
72.	On all moneys received or paid or distributed by the Court	5%
PARTITION		
73.	On filing any petition for partition, whether or not proceedings for sale by licitation are pending	500
BANKRUPTCY		
74.	On filing bankruptcy	700
75.	On order of adjudication	200
76.	On filing declaration of insolvency	100
77.	On issue of search warrant, warrant of arrest or commitment or other warrant	200
78.	On examination of bankrupt before the court (no other hearing fee to be charged)	700
79.	On appointment of public sitting for audit or dividend (including hearing)	200
80.	On every application or petition on which no other fee is payable	500
81.	On grant of certificate of conformity (including seal of court)	200
82.	On moving for composition after bankruptcy	700
83.	On filing petition by trader for arrangement	200
TAXATION OF BILL OF COSTS		
84.	On taking of costs on taxed amount of whole bill	3%
85.	On filing notice of appeal from taxation	200
86.	On hearing appeal from taxation	200

PART II - PROCESS OFFICER'S FEES

87.	For calling any cause	50
88.	For serving any summons, warrant, subpoena notice or other document	
(a)	On Mahe, within five kilometres of the Court House	75
(b)	On Mahe, when above five kilometres of the Court House, for every extra kilometre (to be charged both ways)	50
(c)	On Praslin, La Digue and other inner islands	1000
89.	For each person to be served	100
90.	For posting up each notice not exceeding three	100
91.	For conveying any person committed to prison	300
92.	For calling and taking bids on sale of immovable property before the Court when the sale price, or if no sale results, the mise a prix	
(a)	does not exceed R.10,000	300
(b)	exceeds R.10,000 but does not exceed R.30,000	500
(c)	exceeds R.30,000	700
SEIZURE OF MOVABLE PROPERTY		
93.	For every execution of a judgment, order or warrant against goods, including memorandum of seizure	
(a)	within five kilometres of the court house	150.00
(b)	above five kilometres for every extra kilometre (to be charged one way only):	50.00
94.	On making inventory, per hour or part thereof	150
95.	Attendance to deposit money	100
96.	Return of examination of goods	500
97.	Return of money deposited	150
98.	Return of nulla bona	150

99.	Drawing notice of sale to be posted	150
100.	Each copy of notice	100
101.	Return of posting up notice	100
102.	Posting up each notice	100
103.	Attendance at printing office to deposited	100
104.	Attendance at sale for each hour or part thereof	100
105.	Attendance to deposit proceeds of sale	100
106.	On amount of proceeds of sale	2%
107.	For the person in custody of goods seized per diem (including night) (a) to meet this charge, the execution creditor shall deposit R.200 with the Registrar before appointment of custodian; and (b) a further R.500 every seven days after first deposit goods sold or released)	200 200 deposit 500/7 days
108.	For each witness to seizure (in addition there shall be paid by 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)	100
<i>Provided that the total cost charged under this part shall not exceed 10 per cent of the total value of the judgment debt or court award.</i>		
SEIZURE OF IMMOVABLE PROPERTY		
109.	Return of seizure of immovable property	
(a)	for first three hours	500
(b)	every subsequent hour	100
110.	Declaration of seizure to execution debtor	100
111.	Copy of Memorandum	100

TENDERS		
112.	Memorandum of tenders made	150
113.	Copy of return in item 116	100
114.	Return of amount or object tendered	150
115.	Copy	100
PROTESTS		
116.	Original of protest and copies	200
ATTENDANCES		
117.	Endorsement of any act	200
118.	Attendance at Registration Office	100
GENERAL PROVISION		
119.	Drawing documents for page or fraction part thereof	50
120.	Cost per kilometre (to be charged both ways)	75

PART III - ATTENDANCE OF COURT OR REGISTRAR OUTSIDE THE COURT HOUSE

121.	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	300
(b)	outside Victoria, the actual cost of conveyance plus per day or part thereof	500
122.	On attendance of Registrar or his deputy	
(a)	within Victoria, the actual cost of conveyance plus per day or part thereof	300
(b)	outside Victoria, the actual cost of conveyance plus per kilometre or part thereof	500
123.	On attendance of Registrar or his deputy at the Registration Office.	200
<p>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 reasonable fee payable any amount under Public Service Orders for refund of accommodation, subsistence or travel expenses.</p>		

FORM 1

Paragraph 3

BetweenPlaintiff / Petitioner / Applicant
andDefendant / Respondent

REQUEST FOR WAIVER OF COURT FEES

TO THE HONOURABLE CHIEF JUSTICE

The Plaintiff / Petitioner / Applicant / Defendant/ Respondent in the abovementioned matter hereby requests permission for the waiver of court fees on the following grounds:

- (a) That the the requesting party is the Attorney General, a ministry, department or body of the Government of Seychelles

OR

- (b) That it is in the interests of ensuring access to justice that court fees be waived as detailed in the attached affidavit.

Signed at _____ on this _____ day of _____ 20 ____

Requesting party

FOR COURT USE ONLY:

The Request is hereby granted / denied.

Signed at _____ on this _____ day of _____ 20 ____

Chief Justice

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	FEE (SCR)
(a)	does not exceed R.10,000	500
(b)	exceeds R.10,000 but does not exceed R.30,000	750
(c)	exceeds R.30,000 but does not exceed R.50,000	1000
(d)	exceeds R.50,000	1500
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	300
3.	Instructions to appeal from any order or judgment given in the Magistrates' Court	200
<p>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:</p> <ul style="list-style-type: none"> (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 connection 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 / letter of demand (mise en demeure) when necessary	150
5.	Drawing any plaint, statement of defence, petition, answers, reply or summons to show cause not elsewhere provided	300
6.	Every other pleading (tender of inspection, notice to produce documents etc.) not elsewhere provided for	200
7.	Praecipe to summon witnesses or a party on personal answer	50
8.	For copy of document, per page	10
9.	Drawing any affidavit, affirmation, declaration, etc for use in proceedings before the Supreme Court or in Chambers	100
10.	Drawing notice of denunciation or other notices	100
11.	Drawing application to Court not elsewhere provided for	100
12.	Drawing issue for trial of facts by agreement	100
13.	Drawing brief (to be allowed only when attorney briefs separate counsel)	100
14.	Conference with witness, other than instructing clients, and recording evidence of witnesses, etc.	100
15.	Attendance in Court when matter is called but no hearing takes place, if attorney does not appear as counsel	100
16.	Attendance in Court during trial of a cause or matter, if attorney does not appear as counsel, R.100 per hour not to exceed per diem	500
17.	Attending in Court when reserved judgment is delivered, if attorney does not appear as counsel	200
18.	Conference with co-counsel when necessary, R100 per hour or part thereof but not to exceed per diem	300
19.	Copy of bill of costs to opposite party, per page	50
20.	Conference with adverse attorney, when necessary, per hour	100

Costs before the Judge in chambers and before the Registrar		
21.	Ordinary attendance in Chambers, not to exceed	100
22.	Attendance on a contested application, R.100 per hour not to exceed	500
23.	Attendance to swear affidavit	100
24.	Attendance at taxation of bill of costs before the Taxing Master	100
	If long in the taxing Master's discretion not to exceed	200
25.	Attendance before the Judge in appeal from taxation	150
26.	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 200 to 1000
27.	In defended causes in which there is a contested hearing	
(a)	for the first day or part thereof	1500
(b)	for each subsequent day or part thereof	750
28.	In ordinary motions and applications for unsatisfied judgments before the Supreme Court, at the discretion of the Taxing Master	from 200 to 750
29.	In contested motions before the Supreme Court and in appeals from the Magistrates' Court, per day or part thereof when case taken	1000
30.		
(a)	On any adjournment when case not taken	300
(b)	for attendance when judgment is delivered on a future day after consideration	300
31.	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.	

32.	For appearance before any Arbitrator, Commissioner or Referee, when necessary, at the discretion of the Taxing Master, per day	from 500 to 1500
33.	For settling special affidavit, in any case in which the Taxing Master may consider the assistance of counsel to be absolutely required	150
34.	For drawing or settling grounds of appeal at the discretion of the Taxing Master	from 500 to 1500
35.	For consultation :	
(a)	when the matter at issue does not exceed R.10,000 in value,	from 500 to 750
(b)	when it exceeds R.10,000 but does not exceed R.30,000	from 750 to 1000
(c)	when it exceeds R.30,000 but does not exceed R.50,000	from 1000 to 1500
(d)	when it exceeds R.50,000	2000
(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	1000

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	300
2.	Drawing petitions, affidavit, or other necessary document for	100
3.	Drawing particulars of sale (memorandum of charges)	at the discretion of the Taxing Master from 200 to 1000
4.	Drawing notice for Government Gazette	100
5.	Drawing notice for local newspaper	100
6.	Drawing notice for placards	100
7.	Attendance at reading of memorandum of charges (Cashier des Charges)	300

8.	Attendance in Court on objections	300
9.	Attendance to require certificate that purchase has not complied with the conditions of sale (Folle Enchère)	100
10.	Any other necessary attendance	100
11.	Perusal of any necessary document	100
12.	Drawing petition praying for a subrogation	200
13.	Copies of petition including Judge's order	50
14.	Petition to withdraw from intended sale any object or property comprised in the seizure (Demande en Distraction)	100
15.	Copies of petition referred to in item 14 with Judge's order. For each copy	50
16.	Petition setting forth alleged grounds of nullity in the proceedings by levy	100
<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 (mise à prix) of the property to be sold does not exceed R.100,000 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 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	200
18.	Attendance to bid if an attorney be so employed and does not become purchaser	200
19.	Attendance to bid if an attorney be so employed and becomes purchaser	300
20.	Attendance to declare name of purchaser (déclaration de command)	100

21.	Attendance to open biddings (Surenchère)	200
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	150
	For each copy	50
Attorney's Costs in Attribution of Price and Order		
23.	Taking instructions	500
24.	Attendance with praecipe to obtain order to summon parties	100
25.	Attendance at Mortgage Office for certificate of inscription	100
26.	Renewal of certificate when required	100
27.	Every act of production including attendances	300
28.	Notice to each creditor or his attorney	100
29.	Every copy	50
30.	Attendance to oppose claim produced	300
31.	Notice to inscribed creditor and the party levied on of claims produced after the time prescribed by law	100
32.	Attendance to strike off one or more mortgages comprised in the same judgment or order if an attorney be employed	100
33.	Petition for substitution of another person with the carriage of the proceedings	100
34.	Petition for substitution of a plaintiff or defendant	100
35.	Drawing extract of deed of sale or donation to be notified to registered mortgagees by the purchaser or mortgagee	200
36.	For every mortgage extracted	50
37.	For perusal of any document	50

38.	For every necessary attendance	100
39.	Drawing notice for Government Gazette	100
40.	Drawing notice for local newspaper	100
41.	Drawing notice for placards	100
Costs in Distribution by Way of Contribution		
42.	Attendance with praecipe to obtain order	100
43.	Every act of production (including attendance)	300
44.	Drawing notices with summons to opposite party	100
45.	For each copy, per page	50
46.	Attendance to oppose scheme of distribution (including petition)	300
47.	For every necessary attendance	100
48.	For perusal of any document	50
General Items		
49.	Any necessary attendance not provided for or allowed under any other item	100
	If long, per hour	200
50.	Letter not included under any other item	200
	If long	300
	If similar	50

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 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, specialised 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.

MADE this 24th day of January, 2020.

**M. TWOMEY
CHIEF JUSTICE**
