

# **THE ADVOCATES' REMUNERATION AND TAXATION OF COSTS RULES**

(Section 69)

G.N. No. 515 of 1991

## **PART I GENERAL PROVISIONS (rules 1-16)**

### **1. Citation**

These Rules may be cited as the Advocates' Remuneration and Taxation of Costs Rules.

### **2. Application**

These Rules shall apply for the purposes of the remuneration of an advocate of the High Court by his client as well as for the taxation of costs in contentious matters in the High Court and in courts subordinate to the High Court.

### **3. Taxing Officer**

The Taxing Officer for the taxation of bills under these Rules shall be the Registrar, a District or Deputy Registrar of the High Court or such other officer of the court as the Chief Justice may appoint.

### **4. Notice of taxation to be given by Taxing Officer**

Whenever an advocate shall have lodged a bill for taxation with the necessary papers and vouchers, the Taxing Officer shall thereupon issue a notice fixing the time at which the taxation shall take place.

### **5. Objection to taxation procedure**

(1) Where any party objects to a decision of the Taxing Officer, he may refer his objection for the decision of a judge of the High Court.

(2) The objector shall proceed by way of chamber application, supported by an affidavit to be filed within 21 days after the issue of the certified copy of the officer's decision and to be served upon all other parties who were entitled to appear on such taxation.

### **6. Extension of time**

(1) The High Court may by order extend the time fixed under Rule 5.

(2) An application for such an order shall be made by a chamber application giving other interested parties notice in writing or in any other way as the court may direct in not less than seven clear days before the application comes up for hearing.

## **7. Reference to High Court**

With the consent of both parties the Taxing Officer may refer any matter in dispute arising out of the taxation of a bill for the opinion of the High Court.

## **8. Bills not to be altered after being lodged**

No addition or alteration shall be made in costs after a bill has been lodged for taxation except by consent of the parties or by permission or direction of the court or Taxing Officer.

## **9. Taxation of costs as between advocate and client, on application of either party**

(1) In all cases the Taxing Officer may tax costs as between advocate and client without any order for the purpose, upon the application of the client on a written undertaking to pay any balance which the Taxing Officer may certify.

(2) One notice of the date fixed for taxation shall be given to the other party who shall be at liberty to attend and be heard upon such application.

## **10. Default of advocate to attend taxation notice**

Any advocate who, without reasonable excuse after due notice, fails to appear on the date fixed for taxation or any date to which such taxation is adjourned, or who in any way delays or impedes the taxation, or puts any other party to any unnecessary or improper expenses relative to such taxation shall, unless the Taxing Officer otherwise directs, forfeit the fees to which he would otherwise be entitled for drawing his bill of costs and attending the taxation, and shall in addition be liable to pay for any unnecessary or improper expenses to which he has put any party.

## **11. Discretion of Taxing Officer**

Notwithstanding anything contained in these Rules, on every taxation, whether in respect of non-contentious matters or contentious proceedings, the Taxing Officer shall allow all such fees, costs, charges and expenses as shall appear to him to have been necessary and proper, but, save as against the party who incurred the same, no costs shall be allowed which appear to the Taxing Officer to have been incurred or increased through overcaution, negligence or mistake, or by payment of special charges or expenses to witnesses or other persons, or by other unusual expenses.

## **12. Refusal of remuneration**

No advocate shall agree or accept remuneration more than that provided by these Rules.

## **13. Additional remuneration**

(1) Where any business requires and receives exceptional despatch or at the request of the client is attended to after normal business hours the advocate shall be allowed such additional

remuneration as is appropriate in the circumstances.

(2) Such additional remuneration, except in special circumstances, shall be allowable only as between advocate and client.

#### **14. Special fee in certain circumstances**

In business of exceptional importance or unusual complexity, an advocate shall be entitled to receive and shall be allowed as against his client, a special fee in addition to the remuneration prescribed in these Rules:

Provided that in assessing the special fee regard shall be had to—

- (a) the nature of the place and the circumstances in which the business or part thereof is transacted;
- (b) the nature and extent of the pecuniary or other interest involved;
- (c) the nature and quality of labour and responsibility entailed;
- (d) the number, complexity and importance of documents prepared or examined; or
- (e) any other relevant circumstances that may exist.

#### **15. Security for money to become due**

An advocate may accept from his client and his client may give to his advocate security for the amount to become due to the advocate for the remuneration and disbursements in business to be transacted or being transacted by him for interest as prescribed under rule 16 on such amount, but that interest is not to commence until the amount, due is ascertained either by agreement or taxation.

#### **16. Interest charges**

An advocate may charge interest at 12% per annum on his disbursements and allowable costs from the delivery of his bill to the client, provided that such claim for interest is raised before the amount of the bill has been paid or tendered in full.

### **PART II NON-CONTENTIOUS MATTERS (rules 17-38)**

#### **17. Remuneration of advocate certain non-contentious matters**

The remuneration of an advocate as such in respect to business connected with in sales, purchases, leases, mortgages, settlements and other matters of conveyancing and other business not being business in any action or transaction in any court or in chambers of any judge, registrar or magistrate shall be regulated as follows—

- (a) in respect of sales, agreements for leases or conveyances the remuneration of the advocate having the conduct of the business shall be prescribed in Schedule I and II of these Rules and shall be subject to the Rules therein contained;
- (b) in respect of leases, agreements for leases or conveyances reserving rents or agreements for the same, when the transaction shall have been completed, the remuneration of the advocate having the conduct of the business shall be that prescribed in Schedule III of these Rules;
- (c) in respect of any business referred to in paragraphs (a) and (b) which is not completed and in respect of business not hereinbefore provided for, connected with any transaction the remuneration for which if completed is prescribed in Schedules I, II and III hereto but which is not in fact completed, and in respect of other deeds or documents the remuneration for which is not prescribed in Schedules I, II and III, the remuneration shall be regulated according to Schedule VIII hereto, save in the following matters—
  - (i) in respect of business in connection with proceedings in probate and administration, remuneration shall be regulated by Schedule X hereto;
  - (ii) in respect of business in connection with floating of companies, the remuneration shall be regulated by Schedule V hereto;
  - (iii) in respect of business in connection with registration of trade marks, inventions and designs, the remuneration shall be regulated by Schedules VI and VII.

#### **18. Remuneration not to include stamps, auctioneers' charges, etc.**

The remuneration prescribed in this Part does not include stamps, auctioneers' or valuer's charges, agency fees or travelling and hotel expenses, extracts from any register, record or roll, cost of photocopies, stationery, copies of letters and other disbursements reasonably and properly incurred, but includes charges and allowances for the time of the advocate and his clerks.

#### **19. Definition of "folio"**

The word "folio" in these Rules shall mean 100 words, and a single figure or group of figures up to five in number, or an item in account shall for this purpose be counted as one word.

#### **20. Remuneration for conveyance on a sale by auction**

The remuneration for deducing title, perusing and completing conveyance on a sale by auction shall be chargeable on each lot of property except that where property held under the same title is divided into lots for convenience of sale and the same purchaser buys several such lots and takes one conveyance and only one abstract of title is delivered, the commission shall be chargeable upon the aggregate prices of the lots.

## **21. Remuneration on attempted sale by auction**

(1) The remuneration on an attempted sale by auction in lots shall be chargeable on the aggregate of the reserved prices.

(2) When property offered for sale by auction is bought in and terms of sale are afterwards negotiated and arranged by the advocate he shall be entitled to charge according to scales in Schedule I on the reserved price for negotiating the same.

(3) When property is bought in and afterwards offered by auction by the same advocate he shall only be entitled to the scale in Schedule I for the first attempted sale, and for each subsequent sale ineffectually attempted he may charge only according to Schedule II hereto.

(4) In case of a subsequent effectual sale by auction the full remuneration for an effectual sale shall be chargeable in addition less one half of the remuneration previously allowed on the first attempted sale.

## **22. Charges where advocate is concerned for both mortgagor and mortgagee or vendor and purchaser**

(1) Where an advocate is concerned for both mortgagor and mortgagee he shall be entitled to charge the mortgagee's advocate's charges and one half the mortgagor's charges.

(2) Where an advocate acts for both vendor and purchaser he shall be entitled to charge purchaser's advocate's charges and one half the vendor's advocates charges, and such charges shall be pooled and paid by the vendor and purchaser equally.

## **23. Scale charges**

Scale charges shall include all work ordinarily incidental to a transaction, and in the case of a conveyance, transfer or mortgage it shall include—

- (a) taking of instructions to prepare the necessary deed or document;
- (b) investigation of title;
- (c) report of title to the client;
- (d) preparation or approval or adjustment of the deed or document;
- (e) settlement of transaction if in the town of the advocate's practice;
- (f) obtaining by correspondence any necessary consent;
- (g) registration of deed; or
- (h) correspondence between advocate and client:

Provided that such charge shall not include—

- (i) prior negotiation necessary or leading to the completion of a bargain;
- (ii) tracing of title deeds or obtaining certified copies thereof;
- (iii) payment of withholding tax or obtaining of exemption thereof;
- (iv) completion of valuation forms for assessment of stamp duties and tax;
- (v) adjudication of stamp duties;
- (vi) personal attendance in obtaining any necessary consent under subparagraph (i);
- (vii) extra work occasioned by special circumstances; or
- (viii) extra work occasioned by change of circumstances emerging while an item of business is in progress, e.g. the death or the bankruptcy of a party to a transaction.

#### **24. Calculation of scale**

In the calculation of scale charges, the basis of a charge shall, unless charges otherwise provided in the Schedules to these Rules, and irrespective of the number of titles involved or documents required to be prepared or approved, be the sum set forth in the deed or document as the price or consideration or, where only a nominal price or consideration is set forth, the value of the subject matter affected by the deed which shall be deemed to be—

- (a) the value fixed for the purpose of stamp duties; or
- (b) the sum at which the property affected has last been passed for estate duty; or
- (c) the last price at which a sale has taken place within 10 years from the date of transaction; or
- (d) the estimated average market value during the preceding three years.

#### **25. Charges where conveyance and mortgage are prepared by one advocate**

(1) Where a conveyance and mortgage of the same property are completed at the same time and are prepared by the same and advocate he shall be entitled to charge only half the fees in Schedule I, for investigating of title and preparing the mortgage deed as shown in Schedule I.

(2) Where a conveyance and mortgage of the same property are completed at the same time, the respective advocate acting for the vendor and purchaser shall charge two-thirds of the appropriate scale fee on the conveyance for preparing and approving the mortgage.

#### **26. Charges for approving draft on behalf of several parties having different interests**

If an advocate approves a draft on behalf of several parties having distinct interests proper to be separately represented, he shall be entitled to one thousand five hundred shillings additional for each such party after the first.

### **27. Scale, how reckoned where property is sold subject to incumbrances**

Where a property is sold subject to incumbrances it is to be deemed part of the purchase money except where the mortgagee purchases, in which case the charge of his advocate shall be calculated upon the price of the equity of redemption.

### **28. Scale: how reckoned on transfers of mortgages**

(1) The above scale as to mortgages shall apply to transfers of mortgages where the title was investigated by the same advocate on the original mortgage or on any previous transfer, but it shall not apply to further charges where the title has been so previously investigated.

(2) On transfers and further charges the remuneration shall be regulated according to Schedule VIII hereto, but the scale for negotiating the loan shall be chargeable on such transfers and further charges where it is applicable.

### **29. Scale for conducting a sale by auction**

(1) The scale for conducting a sale by auction shall apply only in cases where a no commission be paid by the client to an auctioneer, the advocate's remuneration in respect of the auction shall be regulated by Schedule VIII.

(2) The scale for negotiating shall apply to cases where the advocate of a vendor or purchaser arranges the sale or purchase and the price, terms and conditions thereof, and no commission is paid by the client to an auctioneer, estate or other agent, but as to a mortgagee's advocate, it shall only apply subject as hereinafter provided to cases where he arranges and obtains the loan from a person for whom he acts.

### **30. Abstract of title furnished by vendor**

Where the vendor or lessor furnishes an abstract of title it shall be charged for according to Schedule VIII.

### **31. Where advocate is concerned for both vendor and purchaser or lessor and lessee**

Where an advocate is concerned for both vendor and purchaser or lessor and lessee, he may charge the vendor's or lessor's advocate's charges and one half of that of the purchaser's or lessee's advocate's charges.

### **32. Where a mortgagor joins in a conveyance or lease**

Where a mortgagor or mortgagee joins in a conveyance or lease the vendor's or lessor's

advocate may charge one thousand two hundred shillings extra.

**33. Where a party other than vendor or lessor joins a conveyance and is represented by a separate advocate**

Where a party other than a vendor or lessor joins in a conveyance or lease and is represented by a separate advocate the charges of such separate advocate shall be dealt with under Schedule VIII.

**34. Where consideration for conveyance or lease consists of premium and rent**

Where a conveyance or lease is partly in consideration of a money payment or premium and partly of a rent then in addition to the remuneration hereby prescribed in respect of the rent there shall be paid a further sum equal to the remuneration on a purchase at a price equal to such money payment or premium.

**35. Conveyancing documents**

Unless otherwise agreed, all conveyancing documents shall be prepared by the advocate for the parties as follows—

- (a) *conveyance or transfer*:  
advocate of the purchaser or party to whom property is conveyed, transferred or assigned;
- (b) *mortgage or charge*:  
advocate of mortgagee or chargee;
- (c) *release or discharge*:  
advocate or party in whose favour release or discharge is given;
- (d) *lease*:  
advocate of lessor; and
- (e) *all other documents*:  
advocate of the guarantee or obligee unless express provision to the contrary is made elsewhere in these Rules.

**36. Advocate acting on behalf of a building society mortgagee**

(1) Where an advocate acting on behalf of a building society mortgagee makes use of a printed or stereo-typed form of engrossment, mortgage or discharge, the fee payable to the mortgagee's advocate under Schedule I shall be reduced by one-third but not in excess of half of the scale fee.

(2) For the purpose of this Rule, a building society shall be deemed to include an association, corporation or company acting in the making of an advance or the lending of

money on the security of, or for the purposes of purchasing of building, domestic or residential property.

### **37. Advocate acting on behalf of a lessor in two or more leases**

Where an advocate acting on behalf of a lessor who is granting or proposing to grant two or more leases in common form makes use of printed or stereo-typed form engrossment of lease, the fee payable to such advocate in respect of each such lease under Schedule II shall be reduced by one third.

### **38. Bills of costs**

Bills of costs shall be drawn in accordance with scales provided in the Schedules to these Rules.

## **PART III TAXATION OF COSTS IN CONTENTIOUS PROCEEDINGS (rules 39-72)**

### **39. Application of Part III**

This Part shall apply to costs as between advocate and client and between party and party.

### **40. Costs in High Court and subordinate courts**

Bills of costs incurred in contentious proceedings in the High Court of Tanzania and subordinate courts shall be taxable according to the rates in the Tenth, Eleventh and Twelfth Schedules to these Rules.

### **41. Costs may be taxed as between party and party or as between advocate and client**

The costs of any matter or application shall be taxed and paid as the court may direct either as between party and party or as between advocate and client or to be borne by the estate of a minor, lunatic, bankrupt or deceased person, or full costs, charges and expenses may be allowed, or the court may fix a sum to be paid in lieu of taxed costs.

### **42. Costs on an opposed motion**

In the absence of any express direction costs of an opposed motion shall follow the event, and shall be taxed as between party and party.

### **43. Court may determine amount in lieu of taxed costs, etc.**

The Court may at its own motion fix a sum to be paid in lieu of taxed costs and shall at the request of all parties to any proceedings, record as an integral part of the court's final order or judgement therein, the agreement of the parties as to the amount of costs to be paid in pursuance of the order or judgement, unless the court for reasons to be recorded, considers the amount so agreed as exorbitant or unreasonable.

#### **44. Application for costs when not made at the time of the proceeding**

(1) Where any party to, or person affected by, any proceeding desires to make an application for an order that he be allowed his costs, or any part of them incident to such proceeding, and such application is not made at the time of the proceedings, such party or person shall serve notice of his intended application on all parties interested, who may appear on such application and object thereto.

(2) No cost of or incident to such application shall be allowed to the applicant unless the court is satisfied that the application could not have been made at the time of the proceeding.

#### **45. Bills to be taxed on prescribed scale**

All bills of costs shall be taxed on the prescribed scale, unless a Judge of the High Court certifies on special grounds scale arising out of the nature and importance, or the difficulty, or urgency of the case that they are to be taxed on the higher scale.

#### **46. Excessive claim**

When more than one-sixth of the total amount of a bill of costs exclusive of court fees is disallowed, the party presenting the bill for taxation shall not be entitled to the costs of such taxation:

Provided that, at the discretion of the Taxing Officer any instruction fee claimed, may be disregarded in the computation of the amount taxed of that fee in the computation of the one-sixth.

#### **47. Costs of more than one advocate be certified by the Judge**

The costs of more than one advocate may be allowed in cases or matters in which, the Judge at the trial, in the case to of a plaintiff, having regard to the amount recovered or paid in settlement or the relief awarded or the nature, importance or difficulty of the case and, in case of the defendant having regard to the amount sued for or the relief claimed, or the nature, importance or difficulty of the case has certified under his hand that more than one advocate was reasonable and proper, and such certificate may be granted in respect of two members or employees of the same firm.

#### **48. Costs improperly incurred by advocate**

(1) Where it appears to the Court or a Judge that costs have been improperly or without reasonable cause incurred or by reason of—

- (a) undue delay in proceeding under any judgement or order; or
- (b) any misconduct or default of the advocate,

any costs properly incurred have nevertheless proved fruitless to the person incurring the same,

the court or a Judge may call on the advocate by whom such costs have been so incurred to show cause why such costs should not be disallowed as between the advocate and his client, and also as the case may require why the advocate should not repay any costs which his client may have been ordered to pay to any other person, and thereupon may make such order as the justice of the case require.

(2) The court or Judge may, if it or he thinks fit, refer the matter to a Taxing Officer for inquiry and report and direct the advocate in the first place to show cause before such taxing officer.

#### **49. When upon an award may be taxed**

Costs may be taxed upon an award in an arbitration notwithstanding that the time for setting aside the award has elapsed.

#### **50. No notice where defendant has not appeared**

Notice of taxation of costs shall not be necessary in any case in which the defendant has not appeared in person or by advocate.

#### **51. Official Receiver in bankruptcy to have notice**

In bankruptcy matters every person whose bill or charges is or are to be taxed shall, in all cases, give reasonable notice of appointment to tax the same to the Official Receiver, and shall on application furnish him with a copy thereof on payment at the ordinary copying rate per folio, which payment may be charged to the estate.

#### **52. Refusal or neglect in lodging bills**

When any party entitled to costs refuses or neglects to bring in his costs for taxation or to procure the same to be taxed and thereby prejudices any other party, the taxing officer shall be at liberty to certify the costs of other parties and certify such refusal or neglect bills or may allow such party refusing or neglecting a nominal sum or other sum for such costs so as to prevent any other party being prejudiced by such refusal or neglect.

#### **53. Manner of preparing bills for taxation**

- (1) Bills of costs shall be prepared in five columns, as follows—
  - (a) the first or left hand column for dates showing year, month and days;
  - (b) the second for the number of items;
  - (c) the third for the particulars of the service charged for;
  - (d) the fourth for the professional charges;

- (e) the fifth for the Taxing Officer's deduction; and
- (f) disbursements shall be shown separately at the foot of the bill.

(2) Every bill of costs which shall be lodged for taxation shall be endorsed with the name and address of the advocate by whom it is lodged, and also the name and address of the advocate (if any) for whom he is agent.

#### **54. Advocate of petitioner to give credit for deposit**

The Advocate in the matter of a bankruptcy petition presented by the debtor against himself shall, in his bills of costs, give credit for such sum or security, if any, as he may have received from the debtor, as a deposit on account of the costs and expenses to be incurred in and about the filing and prosecution of such petition and the amount of any such deposit shall be noted by the Taxing Officer in his certificate of taxation.

#### **55. Vouchers to be produced on taxation**

(1) Receipts or vouchers for all disbursements charged in a bill of costs together with all documents or drafts or copies thereof shall be produced on taxation.

(2) The preparation of drafts and other documents which are charged for by the folio shall have the folios consecutively numbered in the margin of the same, and the number of the folios shall be endorsed therein in figures.

(3) The length of all documents not vouched by attested copies or other satisfactory evidence shall be certified by the advocate, and if such certificate be erroneous the Taxing Officer may disallow the cost of the document so erroneously certified or any part thereof.

#### **56. Certificate of Taxing Officer on bills taxed under special order**

When a bill of costs is taxed under any special order of the court, and it appears by such order that the costs are to be paid otherwise than out of the estate of a bankrupt, minor, lunatic or deceased person the Taxing Officer shall note in his certificate of taxation by whom or the order manner in which such costs are to be paid.

#### **57. Reasonable charges and expenses of witnesses**

The Taxing Officer shall allow reasonable charges and expenses incurred by witnesses called to give evidence.

#### **58. Costs where the same advocate is employed by two or more plaintiffs or defendants**

Where the same advocate is employed by two or more plaintiffs or defendants and separate pleadings are delivered or other proceedings had by or for two or more of such plaintiffs or defendants separately, the Taxing Officer shall consider in the taxation of such advocate's bills

of costs, either between party and party or between advocate and client, whether such separate pleadings or other proceedings were necessary or proper, and if he is of opinion that any part of the costs occasioned thereby have been unnecessarily or improperly incurred, the same shall be disallowed.

#### **59. Where parties agree to the costs to be paid**

(1) If, after the disposal of any proceedings by the court, the parties thereto agree to the amount of costs to be paid in pursuance of the court order or judgement therein, the parties may, instead of filing a bill of costs and proceeding to taxation thereof, request the Registrar by letter to record the agreement and, unless he considers the amount agreed upon to be exorbitant, the Registrar shall do so upon payment of the same court fee as is payable on the filing of any document for which no special fee is prescribed.

(2) The agreement when recorded shall have the same force and effect as a certificate of taxation of a Taxing Officer:

Provided that, if the Taxing Officer considers the amount so agreed upon to be exorbitant, he may direct the said cost to be taxed according to these Rules.

#### **60. Final advocate to draw the bill for the whole matter**

(1) Where there has been a change of an advocate or more than one change of advocates, the advocate finally on the record shall draw a single bill for the whole of the matter in respect of which costs have been awarded.

(2) On taxing the bill the taxing officer shall take into account that the bill shall not be larger than if a single advocate had been employed, and that the party taxing the bill shall not obtain indemnity for costs which he has not paid.

#### **61. Costs between party and party where joint executors or trustees defend separately**

In taxing the costs between party and party of joint executors or trustees who defend separately the Taxing Officer shall, unless otherwise ordered by the court or judge, allow but one set of costs for such defendants when he is of the opinion that they ought to have joined in their defence, such costs to be apportioned among them as the Taxing Officer shall deem fit.

#### **62. Appearance in court or chambers of party not interested**

Where any party appears upon any application or proceeding in court or in chambers, in which he is not interested or upon which, according to the practice of the court, he ought not to attend, he shall not be allowed any costs of such appearance unless the court or Judge shall otherwise order.

#### **63. Notice to be given to the Taxing Officer**

At any time after fourteen days from making an order for the payment forthwith of costs

when taxed, any party liable to pay the costs may give not less than one calendar month's notice to the party entitled to tax his bill to do so, and the notice shall be filed and delivered.

#### **64. Certificate of costs of suit**

Notwithstanding anything to the contrary in the these Rules, when a judge of the High Court enters judgment under Order 35 of the Civil Procedure Code \*(1), he may, on application in writing, and without the filing or taxation of any bill of costs, or of notice to any party, sign a certificate of the costs of the suit.

#### **65. Discretion of Taxing Officer in default of appearance of one of the parties or his advocate**

The Taxing Officer may proceed to taxation *ex parte* in default of appearance of one of the parties or his advocate, and to limit or extend the time to any proceedings before him and, for proper cause, to adjourn the hearing of any taxation from time to time.

#### **66. Instructions to include attendance on deponent**

The allowances for "instructions" and "drawing an affidavit in answer to interrogatories" and other special affidavits shall include all attendances on the deponent to settle.

#### **67. Discretion of Taxing Officer in allowing witnesses**

(1) The Taxing Officer shall not be absolutely bound by the scale but shall allow just and reasonable charges and expenses as appear to have been properly incurred in procuring evidence.

(2) A party who is a material and necessary witness may be allowed for his loss of time and expenses as if a stranger to the suit.

(3) When taxing costs, witnesses' expenses shall be supported by a statement signed by the advocate and filed with the bill of costs stating—

- (a) the place of abode and the condition, quality, occupation; or
- (b) rank in life of the witnesses or intended witnesses charged for; or
- (c) the distance they have had to travel, the mode of travel, and if by rail the class in which such witness travelled for the purpose of attending the trial; and
- (d) whether to the knowledge or belief of the deponents they attended as witnesses in any other cause or came upon any other business; and
- (e) also that they were material and necessary witnesses for the party on the trial of the cause, and the notes of their evidence must be produced on taxation.

(4) The allowances in respect of fees to any accountants, merchants, engineers, actuaries

and scientific persons to whom any question is referred shall, save where the court or Judge shall otherwise order, be regulated by the Taxing Officer subject to review by the court.

#### **68. No advocate's costs for suit without notice**

If the plaintiff in any action has not given the defendant notice of his intention to sue, and the defendant pays the amount claimed or found due at or before the first hearing, no advocate's costs will be allowed except on a special order of the Judge.

#### **69. Special reasons for departure from prescribed costs**

The Judge may for special reasons to be certified by him allow costs in addition to the costs provided by the scale or may refuse to allow an advocate's costs or may allow costs at a lower rate than that provided by the scale.

#### **70. Summary proceedings**

(1) Summary proceedings relate to suits under Order XXXVII of the Civil Procedure Code \*(2) or any law substituted therefor, and all action in which the plaintiff has proceeded under a specially endorsed summons.

(2) The sum allowed in the scale shall be in addition to the sum disbursed for court costs in accordance with the scale of court fees for the time being in force prescribing the fees leviable in civil suits.

#### **71. Revocation of Rules**

[Revokes the Advocate's Remuneration and Taxation of Costs Rules 1920 - 1961.]

#### **72. Application of Rules**

Upon the commencement of these Rules they shall apply in all proceedings pending, whether in the High Court or in subordinate courts, and without prejudice to the validity of anything previously done but—

- (a) if and so far as it is impracticable in any of those proceedings to apply the provisions of these Rules, the previous practice and procedure shall be followed;
- (b) in any case of difficulty or doubt a Judge or the Registrar may informally give directions as to the procedure to be adopted.

### **SCHEDULE I SCALE OF CHARGE ON SALES, PURCHASE AND MORTGAGES**

*Vendors' Advocate:*

*Scale Fee*

- (i) For negotiating a sale of immovable property by private contract ..... 3% of the subject matter
- (ii) For deducing title to immovable property and perusing and completing conveyance (including preparation of contract of conditions of sale, if any), the scale shall be as shown here below.

*Purchaser's Advocate:*

- (i) For negotiating a purchase of property by private contract ..... Scale as shown below
- (ii) For investigating title to immovable leasehold property, and preparing and completing conveyance (including perusal and completion of contract, if any) Scale as shown below

*Amount*

*Fees*

Up to 200,000/= ..... 15%

Between ..... 200,000/= - 300,000/=..... 10%

Between ..... 300,000/= - 500,000/= ..... 8%

Between ..... 500,000/= - 1 million/=..... 5%

Between ..... 1 million/= - 3 million/= ..... 3%

Over 3 million shall be charged as if it were for 3 million.

Discharge of mortgages: ..... one-fifth of the fees for mortgages

Assignment of mortgages: ..... same fees as for mortgages

Equitable mortgages: ..... same fees as for mortgages

Discharge of equitable mortgages: ..... one-fifth of the fees for mortgages.

**SCHEDULE II**  
**SCALE OF FEES FOR LEASES OR AGREEMENTS FOR LEASES**

<i>Amount</i>	<i>Fees</i>
Up to 20,000/= .....	30%
Between 20,000/= - 50,000/= .....	25%
Between 50,000/= - 100,000/= .....	20%
Between 100,000/= - 200,000/= .....	15%
Between 200,000/= - 300,000/= .....	12%
Between 300,000/= - 500,000/= .....	10%
Between 500,000/= - 1 million .....	8%
Between 1 million - 3 million .....	5%
Over 3 million .....	3%

For leases of, or over five years, the fees should be increased by one-third.

**SCHEDULE III  
SCALE FEES FOR CONVEYANCES RESERVING A RENT**

½% of the fees prescribed under Schedule II.

**SCHEDULE IV  
SCALE OF FEES FOR DEBENTURES**

<i>Amount</i>	<i>Fees</i>
Up to 200,000/= .....	15%
Between 200,000/= - 300,000/= .....	10%
Between 300,000/= - 500,000/= .....	8%
Between 500,000/= - 1 million .....	5%
Between 1 million - 3 million .....	3%
Between 3 million - 100 million .....	3%

Over Shs. 100 million shall be charged as if it were for Shs. 100 million.

**SCHEDULE V  
SCALE OF FEES FOR FORMATION OF COMPANIES**

<i>Share Capital</i>	<i>Fees</i>
Up to 100,000/=	A minimum of 10,000/=
Shs. 100,000/= - 1 million .....	10,000/=
Shs. 1 million - 10 million .....	5%

Over Shs. 10 million shall be charged as if it were Shs. 10 million.

**SCHEDULE VI  
SCALE OF FEES FOR TRADE MARKS: INSTRUCTIONS, etc.**

<i>1. Applications:</i>	<i>Shs.</i>	<i>Cts.</i>
(a) Instructions to register one trade mark in one class .....	1,300	00
(b) Instructions to register second and further trade marks in the name of the same proprietor simultaneously per trade mark in one class .....	3,100	00
 <i>2. Registered Users:</i>		
(a) Instructions to file an application to enter one registered user of one registered trade mark or more than one registered trade mark of the same proprietor incorporated and subject to the same conditions and restrictions in each case:		
(i) For the first or single registered trade mark .....	2,600	00
(ii) For the second registered trade mark and any subsequent registered trade mark .....	1,100	00

(b)	Drawing statement of case statutory declaration in support and application depending on the amount of work involved but not less than .....	2,100 00
(c)	Drawing registered user agreement depending on the amount of work involved but not less than .....	3,100 00
(d)	Instruction to file an application for cancellation of a registered user in respect of one registered trade mark or more than one registered trade mark of same proprietor–	
(i)	For the first or single registered trade mark .....	1,600 00
(ii)	For the second registered trade mark and any subsequent registered trade mark .....	1,100 00
(e)	Drawing application for cancellation and statement of grounds depending on amount of work involved but not less than .....	1,100 00
(f)	And for each subsequent trade mark included in the same application for cancellation the ground for cancellation being the same .....	400 00
(g)	Instructions to file an application for variation of term of appointment of registered user .....	2,600 00

*3. Assignments:*

(a)	Instruction to file an application to register subsequent proprietor of one registered trade mark (or more than one registered trade mark standing in the same name under the same devolution of title and filed simultaneously with or without goodwill)–	
(i)	For the first registered trade mark .....	1,600 00
(ii)	For the second registered trade mark and any subsequent registered trade mark .....	1,100 00
(b)	Instructions to file application for directions by the Registrar for advertisement of the assignment of trade marks in use without goodwill and according to the advertisement thereof–	

(i)	For one registered trade mark assigned .....	1,600 00
(ii)	For every other registered trade mark assigned under the same devolution of title simultaneously	1,100 00
(c)	Instructions to apply for extensions of time in which to apply for directions to advertise .....	1,100 00
 <i>4. Renewals:</i>		
(a)	Instructions to renew the registration of one trade mark in one class .....	1,600 00
(b)	Instructions to renew the registration of a good and further trade mark in the name of the same proprietor simultaneously .....	1,100 00
(c)	Instructions to restore the registration of one trade mark in one class .....	2,100 00
 <i>5. Change of Name:</i>		
(a)	Instructions to register change of name of the registered proprietor in respect of one trade mark in one class .....	1,100 00
(b)	Instruction to register change of name of the registered proprietor in respect of second and further trade marks simultaneously for each change of name per trade mark in one class .....	600 00
 <i>6. Change of Address:</i>		
(a)	Instructions to register change of address of the registered proprietor in respect of one trade mark in one class .....	1,600 00
(b)	Instructions to register change of address of the registered proprietor in respect of second and further trade marks simultaneously for each change of address per trade mark in one class .....	600 00
 <i>7. Alterations or Amendments:</i>		

(a)	Instructions to amend or alter one registered trade mark in one class .....	1,600	00
(b)	Instructions to amend or alter second and further registered trade marks simultaneously in one class per trade mark per class .....	600	00

8. *Searches and Copies:*

(a)	Attendance to search the register or a file at the registry and advising thereon per quarter hour or part thereof by–		
(i)	an advocate .....	750	00
(ii)	an unqualified employee .....	600	00
(b)	Instructions to obtain Registrar's preliminary advice including drawing the prescribed form .....	1,100	00
(c)	Instructions to obtain registry certified copies of documents–		
(i)	one copy of any document .....	1,100	00
(ii)	second and additional copies of same document obtained simultaneously .....	400	00

9. *Opposition and Rectification Proceedings:*

(a)	Instructions to enter opposition or to defend opposition proceedings or to apply for rectification or to defend rectification proceedings whose such opposition or proceedings are conducted before the Registrar, such fee as the Taxing Officer in the exercise of the discretion and taking into consideration the nature and importance of the opposition of rectification, the value of the trade mark to the parties concerned, the amount of evidence filed and the time required for the preparation thereof, the general conduct of the proceedings and all other relevant circumstances shall decide but not less than .....	5,100	00
(b)	Attendance before the Registrar conducting opposition or rectification proceedings		

(i)	every whole day .....	3,100	00
(ii)	every half day or part thereof .....	1,600	00
(c)	On interlocutory matters, taking judgement, etc. every 15 minutes or part thereof .....	850	00

*10. Miscellaneous Matters:*

(a)	Instructions to advise on registrability of a mark or on a point of law of practice such fee as may be reasonable in the circumstances, but not less than	300	00
(b)	Attendance on the Registrar for every fifteen minutes or part thereof–		
(i)	for argument .....	850	00
(ii)	for filing papers .....	300	00
(c)	Correspondence where charged for separately–		
(i)	per letter .....	200	00
	or per folio .....	70	00
(ii)	receiving and perusing letters per letter .....	60	00
	or per folio .....	35	00
(d)	Drawing all other necessary documents (notices of opposition statutory declaration, counter statements etc) per folio .....	250	00
(e)	Perusing documents, pleadings, statutory declarations etc.	35	00
(f)	All other necessary attendance (including attendances to take minutes of evidence of witnesses other than the party for whom the advocate is acting) per quarter hour or part thereof .....	850	00

The fees in items 1, 2, 3, 4, 5, 6 and 7 above are inclusive, unless otherwise provided, of drawing statutory forms and authorisations as necessary and of all necessary routine correspondence with the client but they do not cover additional matters shown in items 8 and 9 and work occasioned by objections or queries by the Registrar or third parties or by any other complication or unusual delay which matters shall be charged for separately.

**SCHEDULE VII  
SCALE OF FEES FOR TRADE MARKS:  
REGISTRATION, ASSIGNMENT, EXTENSION, etc.**

*1. Registrations:*

Instructions to register a patent including form of authorisation and stamping it, drawing and lodging application .....	2,100	00
--	-------	----

*2. Assignments:*

Instruction to register an assignment of a patent including drawing form of authorisation and stamping it and assignment, drawing and lodging application .....	1,600	00
---	-------	----

*3. Extensions:*

Instructions to register an extension of a patent including drawing term of authorisation and stamping it and making application for extension .....	1,600	00
--	-------	----

*4. Searches:*

Attending for searching at the Registry of patents for every 15 minutes—

(i)	by an advocate .....	850	00
(ii)	by an unqualified employee .....	600	00

**SCHEDULE VIII  
SCALE OF FEES IN RESPECT OF BUSINESS THE REMUNERATION  
FOR WHICH IS NOT OTHERWISE PRESCRIBED**

*1. Instructions:*

Such fee for instructions as having regard to the care and labour required, the number and length of the papers to be perused, the nature or importance of the matter, the amount or value of the subject matter involved, the interests of the parties, complexity of the matter and all other circumstances of the case as it may be fair and reasonable, but so that due allowance shall be given for other charges raised under this Schedule.

<i>2. Drawing and Perusing etc.</i>	<i>Per folio Shs. Cts.</i>
For drawing .....	250.00
For engrossing .....	50.00
For fair copying .....	40.00
For perusing .....	50.00
<i>3. Attendance:</i>	
(i) In ordinary cases, per 15 minutes or part thereof .....	750.00
(ii) On routine telephone calls within Tanzania for 3 minutes or part thereof (in other cases the Taxing Officer may increase or diminish the charges if for any special reason he sees fit) .....	200.00
<i>4. Time Engaged:</i>	
Where charge is so based in lieu of charges per item of work done per hour or part thereof .....	3,000.00
<i>5. Correspondence:</i>	
Letters .....	80.00
or per folio .....	80.00
Receiving and perusing letters .....	60.00
or per folio .....	40.00
<i>6. Opinions:</i>	
For formal written opinion, such fee as may be reasonable in the circumstances, having regard to the same considerations as set out above for the assessment of instructions.	

7. *Journey from Home:*

For every day of not less than seven hours employed ..... 10.00

Provided that the Taxing Officer may increase or diminish the above allowance if for any special reason he sees fit.

8. *Debt Collection:*

In respect of non-contentious debt collection matters an advocate may enter into a general agreement with a client to charge therefor upon the following inclusive scale in lieu of charging per item for work done:

Provided that in any case where not more than one letter of demand has been written the scale shall be reduced by one-half subject to a minimum fee of Shs. 1,000/= and provided further that where the letter of demand is followed by the institution of proceedings at the instance of the same advocate, the scale for debt collections shall be 5% of the total debt to be collected. The scales for DEBENTURES should apply to CHATTELS TRANSFERS.

9. *Summary Suits* .....

3% of the value of the subject matter of the suit both in the High Court and subordinate courts.

**SCHEDULE IX  
SCALE OF FEES FOR CONTENTIOUS PROCEEDINGS  
FOR LIQUIDATED SUM IN ORIGINAL AND APPELLATE JURISDICTION**

<i>Amount</i>	<i>Fees</i>
For any claim not exceeding 20,000/=	25% - 30%
Between 20,000/= and 50,000/=	20% - 25%
Between 50,000/= and 100,000/=	15% - 20%
Between 100,000/= and 200,000/=	12% - 15%
Between 200,000/= and 500,000/=	8% - 10%
Between 500,000/= and 1 million	5% - 8%
Between 1 million and 3 million	3% - 7%

Over 3 million ..... 3%

Provided that where the defendant does not dispute the claim and does not file a defence, the scale of fees should be two-thirds of the fees above.

**SCHEDULE X  
SCALE OF FEES FOR PROBATE AND ADMINISTRATION**

*1. Instruction Fees*

- (a) To apply for grant of probate of written will, or proof of oral will, or letters of administration with or without will annexed, the proceedings not being contested, where the gross capital value of property comprised in the grant–

<i>Amount</i>		<i>Fees</i>
<i>Exceeds</i>	<i>But does not exceed</i>	
	100,000/=	5,100/=
100,000/=	500,000/=	10,000/=
Over 1 million		2%

- (b) To apply for re-sealing a grant, the proceedings not being contested: four-fifths of the fee provided under paragraph (a).
- (c) To lodge a caveat or a renunciation of a right ..... 2,100.00
- (d) To lodge an objection to a grant, or a citation or other application or proceeding under any provision of the law of probate and administration not otherwise provided for in this Schedule, such sum as the taxing officer shall consider reasonable, but not less than ..... 2,100.00
- (e) To render an inventory on account, including estate duty affidavit, corrective estate duty affidavit and inventory included in or annexed to an affidavit in support of petition ..... 1% of net estate

2. *Drawing:*

Each form or document prescribed under or required by the law of probate and administration ..... 160.00

3. *Copies:*

Per folio ..... 30.00

4. *Perusing* ..... 30.00 per folio

5. *Letters and Attendances:*

Including those necessary in ascertaining the particulars, extent and identity of an estate, and the raising and settlement of estate duty—

(a) Letters despatched..... 110.00

or per folio..... 70.00

(b) Letters received and perused ..... 50.00

or per folio..... 30.00

(c) Attendances—

(i) in ordinary cases of 15 minutes or part thereof ..... 760.00

(ii) routine telephone calls within Tanzania for three minutes or part thereof ..... 110.00

(iii) in other cases the taxing officer may increase or reduce the above charges if, for any special reason, he sees fit.

6. *Actual Administration of a Testamentary or Other Estate or Trust:*

(a) Such annual or semi-annual fee as may be reasonable in the circumstances, having regard to the care and labour required, the number and length of the papers to be perused, the value and complexity of the estate, the interests of the parties and all other relevant circumstances; or by agreement of client and advocate.

(b) An annual commission of such amount as the taxing officer shall consider reasonable, having regard to all the circumstances, but not exceeding in aggregate the following rates—

- |       |   |               |
|-------|---|---------------|
| (i)   | on the estimated net capital value of the estate .....                                | 1½% per annum |
| (ii)  | on the amount of the income of the estate .....                                       | 2% per annum  |
| (iii) | on the capital value of any portion of the estate which is realised or invested ..... | 3% per annum  |
- or by agreement of client and advocate.
- (c) An amount based upon Schedule VIII provided that–
- |      |   |
|------|---|
| (i)  | in relation to a shorter period than a year or half year, a fee under paragraph (b)(i) shall be calculated with reference to that period;   |
| (ii) | a fee charged under paragraph (a) or (b) shall include all necessary correspondence received and sent and attendance relative thereto and the preparation of the set of inventory and accounts for that year but any additional inventories or accounts required or formal documents filed or proceedings taken under the Probate and Administration of Estates Act *(3) shall be charged for separately under the appropriate paragraphs of this Schedule. |

**SCHEDULE XI**  
**COSTS OF PROCEEDINGS IN THE HIGH COURT AND SUBORDINATE COURTS**

*1. Instruction Fees:*

The fee for instructions in the suit shall be as prescribed in these paragraphs.	Shs.
(a) To present or oppose a petition for winding up a company .....	10,000.00
(b) To support a petition for winding up a company .....	2,100.00
(c) To present a petition for dissolution of marriage, nullity, judicial separation–	
(i) Where the proceedings are not defended .....	5,100.00

(ii)	Where the proceedings are defended or to defend such proceedings: such sum as the Taxing Officer shall consider reasonable but not less than .....	10,100.00
(iii)	To apply for ancillary relief–	
	if application heard together with petition or answer, as the case may be .....	2,100.00
	if application not heard together with petition or answer as the case may be .....	3,100.00
(iv)	To apply for custody or access .....	3,100.00
(v)	To present or defend an application to a judge under the Law of Marriage (Matrimonial Proceedings) Rules or the Adoption of Children Act *(4) covered by the above .....	2,100.00
(d)	To present or oppose such an application for adoption–	
(i)	such sum as the Taxing Officer shall consider reasonable but not less than .....	10,100.00
(ii)	to present or oppose an application under the Adoption Ordinance or substitute legislation .....	5,100.00
(e)	To institute and conduct or to defend garnishee proceedings: Such sum as the Taxing Officer in his discretion shall consider proper but not less than .....	510.00
(f)	To present an application for leave for a prerogative order: Such sum as the Taxing Officer shall consider reasonable but not less than .....	2,100.00
(g)	To present or oppose an application for a prerogative order: Such sum as the Taxing Officer shall consider reasonable but not less than ....	6,100.00
(h)	To sue or defend in any case not provided for above: (as shown below)	
(i)	To present or oppose an appeal in any case not provided for above: (as shown below)	
(j)	For applications, notices of motion or chamber applications, (including appeals from taxation) (as shown below)	

- unopposed .....	1,100.00
- opposed .....	3,100.00

Provided that–

- (i) The Taxing Officer, in the exercise of his discretion, shall take into consideration the other fees and allowances to the advocate (if any) in respect of the work to which any such allowance applies, the nature and importance of the cause or matter, the amount involved, the interest of the parties, the general conduct of the proceedings, and all other relevant circumstances;
- (ii) in any case in which a certificate for more than one advocate shall have been given by the judge, the instructions fee allowed on taxation as between party and party shall be increased by one third and other charges shall be doubled where requisite;
- (iii) for the purpose of assessing an instructions fee in a suit for the possession of premises with or without a claim for arrears of rent or mesne profits, the value of the subject matter shall be taken to be one year's rent of the premises (or, where no rent has been shown but mesne profits) together with the arrears of rent or mesne profits (if any) is found due.

2. Copies:

(a) Plaint, written statement of defence, affidavit, petition of appeal, cross objections to petition, interrogatories, replies to interrogatories, agreement in satisfaction of suit, or for reference to arbitration, exhibit, bill of costs and every other document (whether for court or opposing party) per folio	30.00
(b) The actual cost of copies of judge's notes bespoke from day to day as a case proceeds may be allowed if certified for by the trial judge.	
(c) Printing actual costs, supported by vouchers, shall be allowed (subject to Rule 56).	
(d) In special cases in addition to preparing and making copies of any account or other document, not being notes or observations relating to the evidence of witnesses only, which may be necessary for the judge's or advocate's use at trial; such sum as may be reasonable not exceeding per folio	110.00
(e) Other copies: per folio .....	30.00

3. *Service:*

(a) Within three kilometres of the court .....	70.00
(b) Every additional kilometre over these: such amount as is reasonable, not exceeding per kilometre .....	30.00
(c) By post, if authorised .....	40.00

4. *Plans, Models, etc.*

Plans, charts, photographs or models for use of judge at trial: such sum as may be reasonable under the circumstances.

5. *Translation:*

Such sum as is reasonable but not less than per folio .....	70.00
---	-------

6. *Costs in Unopposed Execution Proceedings:*

Costs in execution proceedings which are not opposed except on the grounds of the judgement debtor's inability to pay or grounds analogous thereto—

(a) Instructions to execute decree and drawing necessary application ..	1,100.00
(b) Attendance at court filing application.....	110.00
(c) Attending court to peruse order.....	160.00

**SCHEDULE XII  
BANKRUPTCY PROCEEDINGS:  
PETITIONING DEBTOR'S ADVOCATE'S COSTS  
INSTRUCTIONS FOR PETITION**

**INSTRUCTION FEES AS PRESCRIBED IN CONTENTIOUS MATTERS IN SCHEDULE IX**

	Shs.
Instructions to apply for discharge .....	1,100.00

A Certificate of the Official Receiver as to the value which the assets are likely to realise shall be produced to the Taxing Officer and the allowance for instructions for petition made accordingly.

In cases where a composition is accepted and confirmed by the court the value of the assets shall be taken at the amount required for the purposes of composition.

**PETITIONING CREDITOR'S ADVOCATE'S BILL OF COSTS**

Instructions for petition to adjudicate debtor bankrupt .....	As per scales prescribed in contentious matters
Instructions for appointment of interim receiver of a bankrupt's estate .....	210.00
Where the debtor disputes the statements in the petition, further instruction .....	610.00

**DEBTOR'S ADVOCATE'S COSTS**

Where the court allows costs to the debtor on dismissal of petition in bankruptcy:

Instruction to oppose petition .....	1,100.00
--------------------------------------	----------

The scale of costs in bankruptcy matters is supplemental to all other scales of costs as provided by rules of court for taxation, and the Taxing Officer shall in taxing bills of costs in such matters tax all acts, appearances, and work done not provided for in the above scale according to such scale or scales in force for the time being for the taxation of costs.

**BANKRUPTCY PROCEEDINGS DRAWING**

Concise statement, plaint, written statement, interlocutory application, notice of motion or chamber application originating summons, affidavit, petition of appeal, interrogatories, agreement for compromise, adjustment or satisfaction of suit, or for reference to arbitration (under two folios) .....	160.00
The like over two folios additional per folio after the first two .....	70.00
Drawing creditor's or debtor's petition that debtor be adjudicated bankrupt per folios Shs. 30/= but not less than	110.00
Drawing notice of objections by debtor to creditor's petition where the court allows costs to the debtor on dismissal of creditor's petition, per folio Shs. 30/= but not less than .....	110.00
All other necessary documents under two folio .....	70.00
The like over two folios, per folio .....	30.00
Every agreement raising questions of law or fact for the decision of the court (unless certified by the judge to be allowed at a higher rate) .....	410.00
Bill of costs, per folio .....	30.00

### **COPIES**

Of plaint, written statement, affidavit, petition of appeal, cross objections to petition, interrogatories, replies to interrogatories, agreement in satisfaction of suit, or for reference to arbitration, exhibit, bill of costs and every other necessary document (whether for court or opposing party) per folio .....	30.00
The actual cost of copies of Judge's notes from day to day as a case proceeds may be allowed if certified by the trial Judge. Actual cost of printing supported by vouchers shall be allowed.	

### **ATTENDANCES**

- |  |        |
|--|--------|
| (a) On any necessary application to or attendance on the Registrar ...   | 760.00 |
| (b) Where there are several deponents, or it is necessary for the purpose of having an affidavit sworn or to employ an agent: Reasonable allowance may be made on special grounds by the Taxing Officer. |        |

(c)	To inspect or produce for inspection, pursuant to a notice per half hour or part thereof provided that no allowance shall be made for any notice or inspection where it is shown that there was not good and sufficient reasons for giving the same .....	310.00
(d)	At office of court or upon opposite party on his advocate not otherwise provided for, which may be necessary: such fee as is reasonable but not less than .....	20.00
(e)	Where in consequence of anything done by the opposite party it becomes necessary to advise or receive instructions from a client in the progress of an action or matter, for each necessary attendance: Such fee as is reasonable but not less than .....	210.00
(f)	At court on settlement of issues or for order, to make or oppose any application or motion before the Judge or District Registrar in chambers	300.00
(g)	For the second or any further day's attendance on any such application or motion, if specially allowed by the order of the Judge or Registrar .....	300.00
(h)	At a meeting of creditors of a bankrupt per half hour or part thereof	300.00
(i)	On behalf of petitioning creditor at court on presentation of petition that debtor be adjudicated bankrupt .....	750.00 per 30 minutes
(j)	On petitioning creditor or receiver after receiver appointed and giving him all necessary information .....	750.00 per 30 minutes
(k)	In court or in chambers on any matter on a date fixed by the court for hearing when case cannot be taken and notice has been given on the previous day that case will not be taken.....	750.00 per 30 minutes
(l)	To hear a deferred judgement or to obtain judgement on an arbitrator's award or commissioner's report when the award or report is not disputed .....	750.00 per 30 minutes
(m)	In court on order day when summons unserved.....	750.00 per 30 minutes

(n)	In court to ask for judgement where claim admitted before the hearing	750.00 per 30 minutes
(o)	In court for orders if defendant served and plaintiff proves his case or defendant appears and admits the claim and judgement is given	750.00 per 30 minutes
(p)	At office of court or Registrar to bespeak or receive copies of proceedings or approving draft decree .....	750.00 per 30 minutes
(q)	With judge or with judge and assessors on a view out of court: The same fees as for attendance in court conducting case, in addition to all expenses properly incurred in getting to and from the place viewed	750.00 per 30 minutes
(r)	Before a commissioner for adjustment of accounts .....	750.00 per 30 minutes
(s)	Before an arbitrator: Same fees as for conducting a case in court ...	750.00 per 30 minutes
(t)	Before Taxing Officer on taxation .....	750.00 per 30 minutes
(u)	Special not otherwise provided for at Taxing Officer's discretion .....	750.00 per 30 minutes
(v)	Examining and taking minutes of evidence of each witness afterwards allowed on taxation .....	750.00 per 30 minutes
	In special cases, in addition, for preparing and making copies of any account or other documents not being notes or observations relating to the evidence of witnesses only which may be necessary for the judge's or advocate's use at the trial: Such sum as may be reasonable, not exceeding .....	750.00 per 30 minutes

**PERUSALS**

(a)	Of pleadings, memo of appeal interrogatories and answers thereto, notice to admit or produce, petition to wind up company, petition in bankruptcy, notice of motion in court, originating summons or other necessary document not specifically provided for .....	30.00
	or per folio .....	30.00
(b)	Of affidavits, per folio 25 cents but not less than .....	25.00
(c)	Of notices and other formal documents .....	30.00
(d)	Of necessary letter .....	30.00
	Exhibits attached to affidavits will not as a rule be allowed for unless they are required to be read in detail as part of the affidavit.	
(e)	For reading and correcting proofs of printed matter per folio .....	30.00

**COSTS IN SUITS FOR DEBT OR LIQUIDATED DEMAND**

The cost of a suit for a debt or liquidated demand in money with or without interest due on a contract expressed or implied where the amount claimed is paid either into court or to the plaintiff before the date fixed in the summons for the first attendance of the defendant:

(a)	Where there is one defendant .....	2,100.00
(b)	For each defendant after the first .....	210.00
(c)	If substituted service is effected the following additional costs shall be charged .....	1,300.00

In the event of the suit being defended these costs shall not apply.

**SERVICE**

(a)	Within three kilometres of the court .....	70.00
(b)	Every additional kilometre over three: such amount as is reasonable	
(c)	By post if authorised .....	40.00

**PLANS, MODELS ETC.**

Plans, charts, photographs or models for use of judge at trial: Such sum as may be reasonable.

**TRANSLATION**

Of necessary documents or accounts, per folio..... 70.00

**ALLOWANCE TO WITNESSES**

The allowance shall be for the number of days a witness was necessarily absent from home for the purpose of the trial in going, remaining and returning–

(1) Public employees: According to their allowances while on official duty.

(2) Others: According to their income.

(3) Professional men in practice: 1600.00 per day.

**GENERAL MATTERS**

Consultation fees ..... 250.00 per 15 minutes

## **Endnotes**

### **1 (Popup - Popup)**

Cap. 33

### **2 (Popup - Popup)**

Cap. 33

### **3 (Popup - Popup)**

Cap. 352

### **4 (Popup - Popup)**

Cap. 335