

S.I. 17 of 2020**COURT ACT***(Cap 52)**(Section 44)***Magistrates' Court (Fees and Costs in Civil Proceedings)
Rules, 2020**

- | | |
|---|--|
| <p>1. These rules may be cited as the Magistrates' Court (Fees and Costs in Civil Proceedings) Rules, 2020.</p> | <p>Citation</p> |
| <p>2. The Magistrates' Court (Fees and Costs in Civil Proceedings) Rules, S.I. 48 of 1960, as amended are hereby repealed.</p> | <p>Repeal of
S.I. 48 of 1960</p> |
| <p>3. In these rules unless the context otherwise requires the words and expressions used shall have the meanings ascribed to them in rule 2 of the Magistrates' Court (Civil Procedure) Rules.</p> | <p>Interpretation</p> |
| <p>4. (a) The several fees specified in the First Schedule to these rules shall be payable in the office of the clerk of the court on civil proceedings in the court. Such fees shall be paid in the first instance by the party on whose behalf such proceeding is to be taken, on or before such proceeding.</p> | <p>Court and
process
servers' fees</p> |
| <p>(b) The Chief Justice may permit the filing of a suit, action, cause or matter without the payment of the court fees specified in the First Schedule where —</p> | |
| <p>(i) the request is made in the prescribed Form 1; and</p> | |
| <p>(ii) the requesting party is the Attorney General, a ministry, department or body</p> | |

of the Government of Seychelles; or it is in the interests of ensuring access to justice that court fees be waived.

Attorney's fees

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

Bill of costs may include costs payable

6. 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.

Fees allowed be fixed in accordance with amount awarded

7. When, under these Rules 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.

Disbursements

8. (a) A party entitled to claim attorney's fees under rule 4, in accordance with the scale set out in the Second Schedule, is also entitled to recover disbursements necessarily incurred in pursuing or defending the claim, and shall include those disbursements in a separate paragraph in the bill of costs.

(b) Every disbursement claim under subrule (a) shall be supported by a receipt or, if it is impracticable or

inconvenient to obtain a receipt, by affidavit or other evidence sufficient to satisfy the clerk that the disbursement has been made.

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

Witnesses' fees

10. 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 —

Taxing
Master's
Discretion

- (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.

Taxing master to decide questions arising to any matter

11. Upon any taxation where any question arises as to any matter for which provision is not made in this Act or Schedule or otherwise by law, or as to the proper application of any such provision, the Taxing Master shall decide such questions which is appealable to a Judge.

FIRST SCHEDULE

(RULE 4)

The fees and percentages set out in this Schedule shall be taken and paid in respect of all civil causes, matters and proceedings in the court, and in respect of applications and proceeding in the Supreme Court, preparatory or incidental to, or consequential upon, a civil appeal to the court —

		FEES (SCR)
1.	Entering plaint including issue and service of summons within two kilometers of the court house and incidental matters, where the value of the claim or demand —	(a) does not exceed R10,000 5% of the value, subject to minimum fee of 300 (b) exceeds R10,000 but does not exceed R50,000 Additional 1.5% on surplus (c) exceeds R50,000 Additional 1% on surplus
2.	On filing any petition, motion or application, whether to the court or in chambers including application to a Magistrate	150
3.	On issuing order for attachment, warrant or other order	150
4.	On order amending any pleadings	100
5.	On issue of summons to give personal answers	150
6.	On issue of summons to provisional garnishee	150
7.	On summons to witness (each witness)	75
8.	On attendance of any officer of the court to produce or documents to be given in evidence	200
9.	On issue of any summons unless otherwise provided	75
10.	On drawing up any order, decree, judgment, warrant, memorandum or notice or any other document not specially provided	100
11.	On taking any bond, recognisance of security unless otherwise provided	100
12.	On every hearing of any 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) provided that, when judgment is consented to before the hearing actually commences no hearing fee shall be charged	300

13.	On every adjournment of the hearing of a cause or matter at the request of either party when no hearing fee has become payable, provided that for extraordinary cause shown at the time of the request for adjournment to be beyond control of any party so requesting, the court may exempt such party from payment of this fee	200
14.	On hearing before the court of ex parte petition, motions or applications or where an order is made or judgment given by consent	150
15.	On moving the court for judgment or making any other incidental application to the Court or a magistrate not otherwise provided for	150
16.	On taking affidavit, affirmation, declaration etc (a) for use in proceeding before the court or a magistrate in chambers, for each deponent (b) for any other purpose, for each deponent	100 100
17.	On making any exhibit referred to in any affidavit, affirmation or declaration referred to in Item 16(b)	50
18.	On filing or taking off the file, any document unless otherwise provided	50
19.	In the case of money paid into court, on the same being paid out: (a) up to R10,000 (b) when amount is equal to or exceeds R10,000	2% on the amount 5%
20. (a)	On physical copy of any document, record, evidence, or other proceedings	50
(b)	On digital copy of whole document	50
21.	Process servers fee for serving any summons, warrant, subpoena, notice or other document (a) On Mahe, within five kilometres of the court house (b) On Mahe, when above five kilometers of the courthouse, for every extra kilometer (to be charged both ways) (c) On Praslin, La Digue and other inner islands	75 50 500

SECOND SCHEDULE
ATTORNEY COST

1.	Instructions to sue or defend any cause or matter before the Magistrates Court not else where provided for, including letter before action, when the value of the subject in litigation or of the claim or demand	
(a)	does not exceed R.10,000	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.	Drawing any plaint, statement of defence, or pleading not elsewhere provided	500
3.	Drawing application or motion paper	200
4.	Drawing any affidavit, affirmation, declaration, etc for use in proceedings before the Magistrates Court or in Chambers, per page	100
	For copy of document, per page	10
5.	Attendance in court when matter is called but no hearing takes place	100
6.	Attending trial of uncontested matter on each occasion when witnesses are called or arguments are heard	
	(a) Half day or less	500
	(b) Full day	750
7.	Attending trial of contested matter on each occasion when witnesses are called or arguments are heard	
	(c) Half day or less	750
	(d) Full day	1500
8.	Attending on delivery of reserved judgment	200
9.	Attending where adjournment granted at instance of another party	200
	Copy of bill of costs to opposite party	50
	Attendance at taxation of bill of costs before Taxing Master	100
	Attendance before the Judge in appeal from taxation	150

FORM 1

Paragraph 4(b)

BetweenPlaintiff / Petitioner / Applicant and
.....Defendant / 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

MADE this 24th day of January, 2020.

**M. TWOMEY
CHIEF JUSTICE**
