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COURT OF APPEAL LAW

(2006 Revision)

GRAND COURT LAW

(2006 Revision)

SUCCESSION LAW

(2006 Revision)

COURT FEES RULES

(2008 Revision)

Revised under the authority of the Law Revision Law (1999 Revision).

The Court Fees Rules, 2006 made the 9th June, 2006 and the 29th August, 2006 (*sic*) and the Court Fees (Amendment) Rules, 2007 made the 30th May, 2007 and the 31st May, 2007 (*sic*).

Consolidated and revised this 13th day of May, 2008.

COURT FEES RULES

(2008 Revision)

ARRANGEMENT OF RULES

1. Citation and application
 2. Presumption against liability
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Third Schedule: Bailiff fees
Fourth Schedule: Probate and administration fees

COURT FEES RULES

(2008 Revision)

- Citation and application 1. (1) These rules may be cited as the Court Fees Rules (2008 Revision).
- (2) The Court hearing fees prescribed in these rules shall apply to every proceeding (other than a matrimonial proceeding or a proceeding relating to the enforcement of maintenance) which is pending or commenced in the Court on or after the 9th July, 2007.
- 1995 Revision (3) Words and expressions used in these rules which are also used in the Grand Court Rules (1995 Revision) shall have the same meaning in these rules as in the Grand Court Rules (1995 Revision), except that-
- (a) “Court” means the Grand Court or the Cayman Islands Court of Appeal, as the context may require; and
- (b) “proceedings” include an appeal and every step taken in an appeal.
- Presumption against liability 2. (1) A party to a proceeding which is pending or commenced on or after the 18th September, 2006 is liable, in respect of any step taken or document filed in respect of such proceeding, to pay only those fees specified in the Schedules.
- (2) There is no fee for the administration of an oath by the Clerk of the Court.
- 1999 Revision (3) A party to whom a legal aid certificate has been granted under section 3 of the Legal Aid Law (1999 Revision) shall not be liable to pay a fee under these rules.
- (4) No fee shall be payable in respect of any criminal appeal or any interlocutory proceeding in a criminal appeal.
- (5) No fee shall be payable in respect of an application or appeal relating to the adoption, custody or welfare of a child.
- Fixed fees 3. (1) The fee prescribed in paragraph 1 of the First Schedule shall be payable by the person seeking to issue an originating process.
- (2) The fee prescribed in paragraph 2 of the First Schedule shall be payable by the party seeking to commence an appeal.

(3) The fees prescribed in paragraphs 3 to 6 and 11 of the First Schedule shall be payable by the party seeking to file a document specified in those paragraphs.

(4) The fee prescribed in paragraph 7 of the First Schedule shall be payable by any person seeking to inspect the Register of Writs, originating process, the Register of Judgments or any Court file which has to be retrieved from the archives and returned to the Court office in order to be inspected.

(5) The fees prescribed in paragraph 8 of the First Schedule shall be paid for the supply of copy documents pursuant to the Grand Court Rules Order 63, rule 7(3) or rule 8(3).

(6) The fees prescribed in paragraphs 9 and 10 of the First Schedule shall be paid for the supply of transcripts of proceedings.

(7) The fees prescribed in paragraph 1 of the Third Schedule shall be payable at the time a person seeks to instruct a bailiff to effect service upon a person.

(8) The fees prescribed in the Fourth Schedule shall be paid in respect of non-contentious probate administration matters.

4. (1) In addition to the fixed fee prescribed by paragraph 1 of the First Schedule, a person seeking to issue a writ indorsed with a claim for a debt or liquidated demand in accordance with Grand Court Rules Order 6, rule 2(b), shall pay an *ad valorem* fee calculated in accordance with the scale set out in paragraph 1 of the Second Schedule. *Ad valorem fees*

(2) A party seeking to file a counterclaim in which he claims payment of a debt or makes a liquidated demand, shall pay an *ad valorem* fee calculated in accordance with the scale set out in paragraph 1 of the Second Schedule.

(3) In addition to the fixed fee prescribed by paragraph 2 of the First Schedule, a party seeking to file a notice of appeal against a judgment for a money sum shall pay an *ad valorem* fee calculated in accordance with paragraph 3 of the Second Schedule.

(4) In addition to the fixed fee prescribed by paragraph 6 of the First Schedule, a party seeking to file a judgment or order for damages shall pay an *ad valorem* fee calculated in accordance with the scale set out in paragraph 2 of the Second Schedule.

(5) The amount of any *ad valorem* fee payable under the Second Schedule shall be assessed by the Clerk of the Court prior to issuing the writ, filing the judgment or order or filing the notice of appeal, as the case may be.

(6) The *ad valorem* fee prescribed in paragraph 2 of the Third Schedule shall be paid by a judgment creditor following execution of a writ of *feri facias*, and such fee shall be deducted from the net proceeds of sale.

(7) The *ad valorem* fee prescribed in paragraph 3 of the Third Schedule shall be paid by the judgment creditor following sale of any property by the bailiff pursuant to an order of the Court, and such fee shall be deducted from the net proceeds of sale.

(8) In addition to the fixed fees prescribed by paragraph 11 of the First Schedule, a party applying for taxation of a bill of costs shall pay an *ad valorem* fee calculated at the rate of one per cent of the sum in issue; and for the purposes of this rule, “the sum in issue” is that part of the bill of costs which has not been agreed by the paying party.

(9) Any person who is dissatisfied with an assessment of *ad valorem* fees made by the Clerk of the Court, the bailiff or the taxing officer may apply by letter for such assessment to be reconsidered by a Judge, in which case the decision of the Judge shall be final and binding upon the parties.

Court hearing fees

5. (1) Subject to subrule (5), in addition to the fixed fees prescribed by paragraphs 1 to 6 of the First Schedule, a party who -

- (a) makes an application including an interlocutory application; or applies to fix the hearing of any cause or matter; or
- (c) lodges an appeal,

shall pay a Court hearing fee of seven hundred and fifty dollars in the Grand Court and one thousand five hundred dollars in the Court of Appeal for each day or part of a day during which the application, trial or appeal is heard.

(2) A party who makes the application or lodges the appeal shall be liable to pay the hearing fee unless the Court orders payment by another party.

(3) When listing an interlocutory summons for a hearing or making an application to fix a trial date or lodging an appeal, as the case may be, the amount payable in respect of a Court hearing fee shall be provisionally assessed on the basis of the estimated length of the hearing.

(4) In the event that the actual length of the hearing is more than the estimated length, the party liable to pay the hearing fee shall pay the additional

amount due as soon as reasonably possible or within five working days after the conclusion of the hearing.

(5) In the event that the hearing does not take place or lasts less than the estimated length, the Clerk of the Court shall reimburse the amount overpaid as soon as reasonably possible or within five working days after the conclusion of the hearing.

(6) The party liable to pay a hearing fee in respect of the trial or interlocutory hearing of an action shall be given credit for the amount of any *ad valorem* fees paid by the party pursuant to rule 4(1) or (2) and the Second Schedule, paragraphs 1 and 2; and such credit shall be given by dividing the *ad valorem* fee by the amount of the hearing fee and ascribing the number of days accordingly.

(7) An appellant liable to pay a hearing fee in respect of the hearing of an appeal shall be given credit for the amount of any *ad valorem* fees paid by the party pursuant to rule 4(1) or (2) and the Second Schedule, paragraphs 1 and 2; and such credit shall be given by dividing the *ad valorem* fee by the amount of the hearing fee and ascribing the number of days accordingly.

6. (1) Subject to subrule (3), no originating process shall be issued unless the prescribed fees have been paid. Enforcement

(2) No execution shall be issued on any judgment or order unless all of the applicable fees prescribed by these rules have been paid.

(3) Nothing in these rules shall prevent any person from making an application to the Court or using any affidavit (or any draft or copy thereof) upon his undertaking to issue the appropriate originating process or file the original affidavit, and any such undertaking shall be deemed to include an undertaking to pay the applicable prescribed fees.

FIRST SCHEDULE

FIXED FEES

1. Originating process -

upon issuing every writ, petition, originating summons or originating notice of motion or application for grant of probate or letters of administration or the resealing thereof \$200

2. Appeals -

upon issuing every notice of appeal in a civil proceeding \$200

3. Interlocutory process -

upon issuing every summons or notice of motion \$100

4. Pleadings -

upon filing every statement of claim, defence, counterclaim, reply or other pleading \$200

5. Affidavits -

upon filing every affidavit \$25

6. Order -

upon filing every judgment or order \$25

7. Searches -

upon making every search, irrespective of the number of years searched \$20

8. Copies-

upon supplying photocopies and certified copies 50c. per page and \$20 per document

9. Transcripts-upon supplying-

a court reporter's transcript	\$2 per page
a certified transcript of a judge's notes	\$10 per page
additional copies	50c. per page

10. Coroner's proceedings-

upon supplying a certified copy of the verdict, depositions and exhibits	\$20 plus 50c. per page
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11. Taxation-

Upon lodging an application for taxation or applying for a costs certificate	\$20
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SECOND SCHEDULE

AD VALOREM FEES

1. Claim for liquidated sum -

upon issuing every writ or counterclaim indorsed with a claim for a debt or liquidated demand, a sum equivalent to -

- one per cent of the principal sum claimed in excess of \$10,000;
- one-half per cent of the principal sum claimed in excess of \$100,000; and
- one-quarter per cent of the principal sum claimed in excess of \$1,000,000:

Provided that -

- (a) claims for interest and costs shall be disregarded;
- (b) in the case of a writ or a counterclaim indorsed with alternative claims, the *ad valorem* fee shall be assessed upon the highest claim;
- (c) if a writ or counterclaim is amended to increase the amount claimed, the *ad valorem* fee shall be re-assessed upon the higher claim, and the balance shall be paid upon re-issuing the writ or counterclaim as amended;

- (d) no *ad valorem* fee shall be repaid in the event that a writ or counterclaim is amended so as to reduce the amount claimed; and
- (e) the *ad valorem* fee payable shall not, in any case, exceed the sum of \$15,000.

2. Judgment for damages -

upon entering judgment for damages, a sum equivalent to -

one per cent of the principal sum awarded in excess of \$10,000;
one-half per cent of the principal sum awarded in excess of \$100,000;
and
one-quarter per cent of the principal sum awarded in excess of \$1,000,000:

Provided that -

- (a) awards of interest and costs shall be disregarded;
- (b) credit shall be given for any *ad valorem* fee paid under paragraph 1; and
- (c) the total amount of the *ad valorem* fees payable in respect of any one action shall not exceed \$15,000.

3. Appeal against a money judgment -

upon filing a notice of appeal against a money judgment, a sum equivalent to-

one per cent of the principal amount of the judgement appealed against in excess of \$10,000;
one-half per cent of the principal amount of the judgement appealed against in excess of \$100,000; and
one-quarter per cent of the principal amount of the judgement appealed against in excess of \$1,000,000:

Provided that -

- (a) awards of interest and costs shall be disregarded;
- (b) no credit shall be given for any *ad valorem* fees paid under paragraph 1 or 2; and
- (c) the total amount of the *ad valorem* fees payable in respect of any one appeal shall not exceed \$10,000.

4. Judgments given by the Court of Appeal -

upon entering judgment by the Court of Appeal, a sum equivalent to -

one per cent of the principal sum awarded in excess of \$10,000;
one-half per cent of the principal sum awarded in excess of \$100,000;
and

one-quarter per cent of the principal sum awarded in excess of \$1,000,000:

Provided that -

- (a) awards of interest and costs shall be disregarded;
- (b) credit shall be given for any *ad valorem* fee paid under paragraph 3; and
- (c) the total amount of the *ad valorem* fees payable in respect of any one appeal shall not exceed \$10,000.

THIRD SCHEDULE

BAILIFF FEES

1. Service of documents -

Upon instructing the bailiff to serve any documents upon a person (per person) within the district of

(a) George Town	\$30
(b) West Bay	\$50
(c) Bodden Town	\$60
(d) East End	\$75
(e) North Side	\$75
(f) Cayman Brac and Little Cayman	\$125.

2. Sale of levies -

for the sale of levies including advertisements, catalogues and commission, and delivery of goods 10 % of the net proceeds of sale.

3. Sale by bailiff in cases other than levies -

in cases other than levies, where the bailiff, by order of a Court, acts as auctioneer to conduct any sale of property, real or personal, ordered by the Court to be sold, including advertisements, catalogues and commission 5% on the first \$1,000 net proceeds 3% on any sum in excess of \$1,000.

4. Receipt by bailiff of money instead of levy

upon receipt of money instead of levy 5% of money received.

FOURTH SCHEDULE

PROBATE AND ADMINISTRATION FEES

1. Applications -

upon making every application for probate, letters of administration or the resealing of a foreign grant \$200

2. Affidavits -

upon filing every affidavit \$25

Grants, Orders and Citations -

upon making every grant of probate or letters of administration or other order of issuing any citation \$25

Caveats -

upon lodging any caveat \$200

Inventories and Accounts -

upon filing any inventory or account \$25.

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Carmena Watler
Clerk of Cabinet

(Price \$2.40)