

FIJI

LEGAL PRACTITIONERS ACT 1997

**LEGAL PRACTITIONERS (MAGISTRATES' COURTS SCALE OF COSTS)
REGULATIONS 2006**

IN exercise of the powers conferred upon me by sections 76(4) of the Legal Practitioners Act, I make these Regulations -

Citation

1. These Regulations may be cited as the Legal Practitioners (Magistrates' Courts Costs) Regulations 2006.

Schedules of Scale of Costs

2. For the purposes of Order 1 of the Magistrates' Courts Rules, the scale of costs set out in Appendices C and D to the Magistrates' Courts Rules are revoked and substituted with the following Schedules -

SCHEDULE 1

SCALE OF LEGAL PRACTITIONERS' COSTS

Where the sum recovered or the value of property recovered or, in landlord and tenant cases. The annual value of the land or the rent amounts to:-

Over \$4,000 and not exceeding \$8,000	Over \$8,000
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SUMMONSES, etc.:-

	\$ c	\$ c
1. Preparing writ of summons, claims, defence (other than a general denial), counterclaim, including all particulars annexed, or 50.00	75.00	125.00
2. For each copy required for service	3.00	3.00
3. Preparing request for further particulars claim or counter claim, and fair copy	15.00	15.00
4. Preparing further particulars, and fair copy	20.00	20.00
5. For each copy required for copy	3.00	3.00

6.	Preparing witness summons or subpoena (If duces tecum, discretion to taxing masters to allow higher fee)	20.00	20.00
7.	Copy for service, each witness (If duces tecum, discretion to taxing master as under Item (6)	5.00	5.00

NOTICES:-

8.	Preparing notice to produce or admit facts (if necessarily long, such additional allowance as taxing master shall think proper not exceeding \$3.00 per page)	10.00	20.00
9.	Preparing motion paper or any other necessary notice, and fair copy ..	20.00	30.00
10.	Preparing notice of discontinuance fair copy	10.00	10.00
11.	Preparing notice of appointment to tax costs, and fair copy	10.00	10.00

INSTRUCTIONS:

12.	To sue or defend in any proceedings	50.00	100.00
13.	For interrogatories	25.00	40.00
14.	For Affidavit	40.00	60.00
15.	For interlocutory application	50.00	75.00
16.	For trial	100.00	175.00
17.	For proof of each witness allowed on taxation	50.00	100.00
18.	To admit facts or answer interrogatories	30.00	60.00

DRAWING:

19.	Admission of facts, and fair copy	20.00	40.00
20.	Interrogatories or answers thereto, and fair copy or per page	30.00	50.00
21.	Affidavit, and fair copy, or per page	25.00	40.00 15.00
22.	Accounts, statements and other documents when required by the court or the opposing party, per page	10.00	10.00
23.	Bill of costs for taxation, and fair copy..... or per page	20.00 10.00	20.00 10.00
24.	Writ of fieri-facias, committal order or warrant and fair copy	40.00	60.00

COPIES:

25.	Of all documents for which no special provisions made herein, per page	5.00	5.00
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ATTENDANCES:

26.	To enter summons, judgement summons or motion or to file counterclaim, further particulars, answer to interrogatories admission	20.00	40.00
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	of facts, affidavit of documents, particulars of claim in interpleader proceedings etc.		
27.	On adverse party or his barrister and solicitor with copy of any such documents (taxing master to take time and distance into account)	10.00	15.00
28.	To issue subpoena or to discontinue action	10.00	10.00
29.	To apply for costs on receiving notice of discontinuance	5.00	5.00
30.	To inspect documents or produce same for inspection	30.00	50.00
31.	To obtain or give any necessary consent or admission, or to swear an affidavit	10.00	10.00
32.	On hearing of judgement summons	80.00	100.00
33.	On an interlocutory application or any other application not otherwise provided for	100.00	150.00
34.	On trial:		
	(a) When case adjourned, not part heard ;.....	30.00	60.00
	(b) When judgement given in default;.....	40.00	40.00
	(c) When case defended for each hour	75.00	100.00
	but not exceeding per diem	300.00	400.00
35.	To hear reserved judgement	30.00	60.00
36.	To obtain appointment for taxation	10.00	10.00
37.	To tax bill of cost	30.00	40.00
38.	To issue writ of fieri facias	15.00	15.00
	But not to exceed a total of	250.00	300.00
39.	For any other attendances upon the magistrate or clerk or court, or upon the opposite party, upon whom the bailiff or court messenger in interpleader proceedings, not otherwise provided for, or, where, in consequence of done by opposite party during the progress of an action or matter, it becomes necessary to advise or receive instructions from a client; for each attendance the taxing master may deem necessary and not for a purpose which could have been effected at any previous or subsequent attendance allowed	40.00	50.00

LETTERS, etc.:

40.	Letter before action	30.00	30.00
41.	Letter in lieu of attendance which could properly be allowed under Item 39	20.00	20.00
42.	Pursuing any necessary documents, per page	10.00	10.00
43.	Inclusive sum to cover -		

Instructions, for commons;

Instructions for affidavit;

Drawing affidavit and fair copy;

Attending, swearing;	150.00	200.00
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Copy to serve;

Preparing summons and fair copy;

Copy to serve

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| 44. For attending to apply for payment out of money paid into court, or to obtain a judgement or to obtain a judgement or against the garnishee where the garnishee does not dispute the debt and judgement debtor does not oppose
..... | 30.00 60.00 |
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NOTE: Any step or attendance not specifically provided for by Items 43 and 44 shall be according to the general scale

TRAVELLING ALLOWANCES AND EXPENCES:

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| 45. For every day or portion of a day during which, in the opinion of taxing master, a legal practitioner is necessarily engaged in travelling from his place of business within Fiji to the place of trial and returning therefrom, and for everyday which, in the opinion of the taxing master, a legal practitioner is necessarily detained at the place of trial, prior to or subsequent to the trial, such an amount per diem as the taxing master may think reasonable, not exceeding | 175.00 200.00 |
| 46. In respect of travelling expenses, a legal practitioner shall be entitled to charge a reasonable sum for expenses of conveyance to and from the court, when he resides more than three miles from the court. If a legal practitioner attends in more than one cause, he will be entitled to a proportionate allowances, under this and the preceding item, in each cause only. | |

NOTE: No allowance shall be made in respect if Item 45 or 46 if another legal practitioner has his place of business at the place of trial and his services were available, unless special circumstances are shown.

GENERAL:

Where the work done is non-contentious business or judgement is given for some relief other than any of those specifically provided for in this scale, such costs shall be allowed under this scale as the court or magistrate may direct.

SCALE OF LEGAL PRACTITIONERS FIXED COSTS
(Exclusive of Court Fees)

PART I:-DEFENDED CASES	\$
Where the subject matter or amount recovered does not exceed \$2,000	300.00
Where the subject matter or amount recovered exceeds \$2,000 but does not exceed \$3,000	450.00
Where the subject matter or amount recovered exceeds \$3,000 but does not exceed \$4,000	600.00

PART II:-UNDEFENDED CASES

Where the subject matter or amount recovered does not exceed \$2,000	40.00
Where the subject matter or amount recovered exceeds \$2,000 but does not exceed \$5,000	60.00
Where the subject matter or amount recovered exceeds \$5,000 but does not exceed \$10,000	80.00
Where the subject matter or amount recovered exceeds \$10,000 but does not exceed \$15,000	100.00

PART III:-FAMILY LAW ACT

On an undefended petition, an amount not exceeding	100.00
On a defended petition, an amount not exceeding	400.00
On taking an affidavit, affirmation or declaration for each person making the same	5.00
And in addition, for each exhibit therein referred to and required to be marked	1.00

Dated at Suva this 23rd day of June 2006.

Q. B. BALE
Attorney General and Minister for Justice
