

FIJI

**SUPREME COURT ACT
(CHAPTER 13)**

SUPREME COURT (AMENDMENT) RULES, 1984

IN exercise of the powers conferred upon me by section 25 of the Supreme Court Act, I have made the following Rules:-

Short title, etc.

- 1.-(1) These Rules may be cited as the Supreme Court (Amendment) Rules, 1984.
- (2) The Supreme Court Rules are in these Rules referred to as the Rules.

Commencement

2. These Rules shall come into force on 7 May 1984.

Appendix 1

3. Appendix 1 to the Rules is amended by substituting for the word “five” (twice occurring) in the item relating to Rule 18 of Order 44 the word “ten”.

Appendix 2

- 4.-(1) Appendix 2 to the Rules is amended by inserting immediately after the heading “APPENDIX 2” the expression “(Rule 7 (1))”.
- (2) Appendix 2 to the Rules is amended by substituting for Part 1 the following Part: -

“PART I - GENERAL FEES

NOTE - The fees prescribed in this Part shall be taken in all causes and matters save where different fees are prescribed for the same item in any other part of this Appendix or any Act or rule.

	\$
1. On filing or presenting and sealing any writ, petition, summons or notice of motion for the commencement of any action, cause, matter or proceedings other than an originating <i>ex parte</i> application.....	15.00
(This fee covers the filing of whatever process requires to be filed, the sealing of whatever process requires to be sealed and the issue of whatever process requires to be issued in order to commence the action, cause, matter or proceedings.)	
2. On sealing a concurrent or renewed or amended writ, petition, summons or notice.....	3.00

3. On an originating <i>ex parte</i> application, whether made in Court or in chambers.....	8.00
4. On sealing or issuing any notice of motion, summons, writ, citation, notice, fiat, certificate or other document unless other wise provided for..... (This fee covers both sealing and issuing the same document where this is required.)	4.00
5. On issuing a summons under the Reciprocal Enforcement of Judgments Act or the Foreign Judgments (Reciprocal Enforcement) Act for leave to have a judgment registered.....	4.00
6. On entering an appearance.....	2.00
7. On amending an appearance.....	2.00
8. On filing in the Supreme Court a notice of appeal or a special case or a scheme pursuant to an Act and setting down the appeal or special case or scheme for hearing, other than an appeal from a magistrates' court under the provisions of the Magistrates' Courts Act and the Magistrates' Courts Rules.....	25.00
9. On sealing a notice of appeal from the Chief Registrar or a Deputy Registrar to a judge in chambers.....	5.00
10. On sealing an order for entry for trial of any action, cause, matter or proceedings for hearing in Court (other than a matrimonial cause) and hearing .. (This fee is not payable in respect of an appeal from a magistrate's court.)	25.00
11. On adjourning an originating summons from chambers into Court.....	10.00
12. On setting down a point of law for hearing in Court.....	15.00
(No additional fees will be payable under Item 10 if later entered for trial.)	
13. On setting down a cause on summons or motion for judgment under Order 19 Rule 7.....	10.00
14. On sealing a commission or letter of request for the examination of witnesses abroad.....	10.00
15. On the examination of a witness before an officer of the Court or a special examiner (including the examination of a judgment debtor) or before trial by a judge:-	
(a) In any action, cause, matter or proceedings pending in the Supreme Court.....	8.00
(b) In any other matter.....	25.00

16. On entering or sealing any order made in chambers.....	4.00
17. On entering or sealing a judgment, decree or order (other than a decree in a matrimonial cause) given, directed or made in Court.....	10.00
(This includes the fee for settling the judgment, decree or order.)	
18. On entering or sealing a judgment without an order or pursuant to an order made in chambers.....	5.00
19. On sealing a writ of subpoena (to include not more than three names).....	3.00
20. On sealing a writ of execution (including a writ of attachment).....	3.00
21. On sealing a garnishee order <i>nisi</i> or a charging order <i>nisi</i>	5.00
22 On filing any document unless otherwise provided for.....	2.00
(This fee is not payable on filing document already stamped with a fee prescribed in this Appendix or on filing a notice withdrawing a cause or an appeal.)	
23. On any one search.....	1.00
24. For any certificate unless otherwise provided for.....	2.00
25. (a) For supplying a typed, carbon or duplicated copy of any judgment, order, decree, document or proceedings – per page (with a minimum fee of \$0.50).....	0.40
(Provided that the Chief Registrar may, for special reason, waive this fee in whole or in part.)	
(b) For a copy, other than a photocopy, in a foreign language or for a copy of a plan, map, section, drawing, photograph or diagram.....	The reasonable costs thereof as certified by the Chief Registrar
26. For supplying a transcript, or a duplicated of carbon copy thereof, of notes of proceedings - per page (with a minimum fee of \$1.00).....	0.40
(Provided that the Chief Registrar may, for special reason, waive this fee in whole or in part.)	
27. For supplying a photocopy of any document, per page.....	0.20
	0.20

28. For certifying or marking any document as an office copy or a true copy – per page (with a minimum fee of \$1.00 and maximum fee of \$10.00).....	
29. Upon an application for the production of records or documents to be given in evidence:-	
(a) where the records or documents are sent by post.....	2.00
(b) where an officer is required to attend whether on subpoena or no, his reasonable expenses and in addition for each day or part of a day he is necessarily absent from his office.....	10.00
30.(a) On administering any oath or declaration (except in Court) or taking an affidavit or an affirmation: for each deponent	1.00
(b) In addition for each exhibit required to be marked	0.50
31. On taking a recognizance or a bond or vacating the same.....	3.00
32. On filing a bill of costs and obtaining an appointment to tax: -	
For a bill not exceeding \$100.....	7.00
For a bill exceeding \$100 but not exceeding \$200.....	10.00
For a bill exceeding \$200.....	16.00
(This fee is to be paid on the amount claimed in the bill. No additional fee is payable for the taxation.)	
33. On a certificate of allocatur.....	1.00
34. On sealing or issuing a commission to take oaths or affidavits in the Supreme Court.....	25.00
3. 5. Where the Chief Registrar or a Deputy Registrar is required to perform any duties away from his office:-	Reasonable expenses.”
For his travelling, lodging and subsistence:.....	

(3) Appendix 2 to the Rules is amended by substituting for Part 3 the following Part:-

“PART 3 – COURT FEES IN PROBATE ACTIONS, PROCEEDINGS AND MATTERS

(CONTENTIOUS AND NON-CONTENTIOUS BUSINESS)

38. On the issue of a grant of Probate or Letters of Administration with or without the Will annexed:

If the net real and personal estate is sworn to be under the value of :-

\$

\$

2,000	3.00
4,000	6.00
6,000	8.00
8,000	10.00
10,000	12.00
12,000	14.00
14,000	16.00
16,000	18.00
18,000	20.00
20,000	22.00
24,000	24.00
28,000	26.00
32,000	28.00
36,000	30.00
40,000	34.00
50,000	40.00
60,000	46.00
70,000	50.00
80,000	54.00
90,000	58.00
100,000	66.00
120,000	72.00
140,000	78.00
160,000	84.00
180,000	90.00
200,000	96.00
240,000	102.00
280,000	108.00
320,000	114.00
360,000	120.00
400,000	128.00
500,000	136.00
600,000	144.00
750,000	152.00
800,000	162.00
1,000,000	172.00

For every additional \$200,000 or any fractional part or \$200,000 a further and additional fee of..... \$ 30.00

39. On the issue of a duplicate or triplicate Probate of Letters of Administration with or without the Will annexed..... 4.00

40. On the issue of double or cessate Probate or Letters of Administration with or without the Will annexed, *de bonis non* or cessate..... 6.00

41. On the issue of a grant of Probate of a Codicil or Codicils, or Letters of Administration with a Codicil or Codicils annexed, being a Codicil or Codicils to a Will already proved..... 2.00

42. For re-sealing a grant or sealing an exemplification or copy under the British and Colonial Probates Act exclusive of the fees, if any, for every issuing and collating the will and other documents filed with the same but including sealing..	6.00
43. For giving notice of re-seal.....	1.00
44. For making alternations in grants of Probates or Letters of Administration in pursuance of the order of a judge.....	2.00
45. For revocation of a grant.....	2.00
46. For impounding a grant, or releasing an impounded grant (inclusive fee).....	4.00
47. For noting a re-swearing of value and certificate or security (inclusive fee.....	2.00
48. For noting on a grant and the record the addition of a personal representative (including filing and affidavit).....	2.00
49. For noting on record of grant that an executor to whom power was reserved has renounced (inclusive fee).....	2.00
50. For the entry or withdrawal of a caveat.....	1.00
51. On the issue of a warning to a caveat.....	1.00
52. For service by the Chief Registrar of a warning to a caveat.....	1.00
53. For settling the abstract of citation for advertisement, or other advertisement..	1.00
54. For settling and sealing a citation (inclusive fee).....	2.00
55. On sealing extra copies of the citation: for each copy.....	2.00
56. On the issue of an exemplification, in addition to the fees for collating.....	2.00
57. For collating Wills and other documents, per page.....	1.00
58. For 3 photocopies of Will for endorsement on grant, copy grant and copy oath, including impressing the seal of the Court, per page.....	0.20
59. For noting renunciations, or any other necessary matter on the record of a grant.....	2.00
60. For perusing and settling oaths to lead to grant of Probate or Letters of Administration with or without Will of other instruments – per page.....	1.00
61. For perusing deeds and other documents when necessary – per page.....	0.50
62. On filing of an affidavit including renunciation, power of Attorney, novation and authority.....	2.00

63. For certifying a copy of grant.....	1.00
64. For supplying of forms for probate or letters of administration, per form.....	0.20
65. On filing of Oath of Executor or Administrator.....	2.00
66. On filing of Administration Bond.....	2.00
67. On filing of Justification of Sureties.....	2.00
68. On filing of Supplementary Affidavits.....	2.00

Appendices 3 and 4 replaced

4. Appendices 3 and 4 to the rules are revoked and replaced by the following Appendices:-

“APPENDIX 3

(Rule 7 (2))

SHERRIFS FEES

SERVICE

1. For receiving and entering process for service.....	2.00
2. For service of any process:	
(a) within 3 km from the nearest Deputy Sheriff’s office.....	3.00
(b) exceeding 3 km from the nearest Deputy Sheriff’s office, for every additional km, in addition to (a).....	0.25

FIERI FACIAS

3. Receiving and entering Writ of Execution.....	2.00
4. Receiving and entering order of suspension of execution	2.00
5. On every enlargement of return.....	1.00
6. Poundage for every \$20.00.....	2.00
7. Precept to bailiff.....	2.00
8. Seizure of collection of the sum endorsed on the Writ of Execution without seizure:	
(a) within 3 km of nearest Deputy Sheriff’s office.....	4.00
(b) exceeding 3 km from the nearest Deputy Sheriff’s office, for every	

additional km, in addition to (a).....	0.25
9. For man:	
(a) in actual physical possession, <i>per diem</i>	10.00
(b) in walking possession, <i>per diem</i>	2.00
10. In the event of a <i>nulla bona</i> return being rendered after due inquiries: for time spent making inquiries.....	5.00
11. Commission on sale (for every \$20 or part thereof).....	2.00
12. Delivery of goods in replevin:	
(a) within 3 km of the nearest Deputy Sheriff's office.....	4.00
(b) exceeding 3km from the nearest Deputy Sheriff's office, for every additional 3km, in addition to (a).....	0.25
13. For taking a replevin bond.....	6.00
14. For assignment of replevin bond.....	4.00
15. For taking a bond of indemnity.....	6.00
16. When goods or animals are removed, for warehousing and taking charge of the same (including feeding of animals) \$2.00 for each \$40 or part thereof of the value of the goods or animal removed or of the sum endorsed on the writ of execution, which ever is the less. No fee for keeping possession of the goods or animals is to be charged after they have been removed.	
17. For work done by the Sheriff's officer in inquiring into any claim for rent or claim to the goods.....	5.00
18. Preparing notice to execution creditor to admit or dispute claim and sending same by post.....	2.00
19. For taking and handling over possession of property specified in writ of possession:-	
(a) per man, <i>per diem</i>	10.00
<i>and</i>	
(b) travelling expenses, per km.....	0.30

ARREST

20. Receiving or entering a Writ or Warrant.....	2.00
21. Precept to bailiff.....	2.00
22. For every arrest or collection of the amount endorsed on the warrant by way of payment or deposit without arrest:	
(a) within 3 km of Deputy Sheriff's office.....	5.00

(b) exceeding 3 km from the nearest Deputy Sheriff's office for additional km, in addition to (a).....	0.25
23. For conveying to court or to prison from place of arrest, not exceeding <i>per diem</i> , in addition to reasonable travelling expenses actually incurred.....	5.00
24. On a release on bail or a bond, where authorised and filing bail bond.....	2.00
25. For assignment of bail bond.....	2.00

GENERAL

26. Receiving and entering any process not authorised for	2.00
27. For executing a search warrant in bankruptcy or process for possession, attachment or committal or for collecting any sum entered on any process without execution:-	
(a) within 3 km from the nearest Deputy Sheriff's office.....	4.00
(b) exceeding 3 km from the nearest Deputy Sheriff's office per 3 km, in addition to (a).....	0.25
28. For any duty not herein provided for.....	Such sum as the Court may allow.
29. Reasonable expenses, additional or otherwise, necessarily incurred in all matters, including subsistence allowance payable to bailiff.	
30. For Sheriff or his Deputy attending court on the hearing of interpleader proceedings:	
per hour or part thereof.....	5.00

APPENDIX 4

(Rule 7 (3))

PART 1 – SCALE OF COSTS

	<i>Lower Scale \$</i>	<i>Higher Scale \$</i>
1. Instructions for and writing letter before action or defence.....	5.00	10.00
2. Instructions to sue inclusive of preparation, issue, service on one party and affidavit of service of a writ of summons (one defendant only).....	20.00	25.00
3. For obtaining and filing any necessary authority or consent.....	5.00	6.00
4. For taking instructions to sue from each additional plaintiff	5.00	6.00
5. On judgment in default of appearance or defence where no application to the Court or a judge is required including entry of a		

consent judgment or a judgment after discontinuance	10.00	15.00
6. On any judgment whether in default of appearance or defence or under O.XIV where application to the Court or a judge is required.....	10.00	20.00
7. (a) Instructions to defend inclusive of preparation, filing and service of appearance in respect of one defendant.....	16.00	20.00
(b) For each additional defendant represented.....	5.00	6.00
8. In addition to Item 7 for each defendant for whom a guardian <i>ad litem</i> is appointed.....	3.00	4.00
9. Instructions for Statement of Claim inclusive of preparation, filing and service.....	20.00	30.00
10. Instructions for Statement of Defence or Counterclaim or Defence and Counterclaim inclusive of preparation, filing and service.....	20.00	30.00
11. Instructions for Reply or subsequent pleading or Defence to Counterclaim or Reply and Defence to Counterclaim inclusive of preparation, filing and service.....	5.00	10.00
12. Instructions for Summons for Directions inclusive of preparation, filing, service, appearance and order, and also subsequent incidental notices such as a notice requiring discovery of documents: but not including a notice for further directions which if certified for is to be treated as a fresh summons for directions.....	10.00	15.00
13. (a) Instructions for and preparation of list of documents and service thereof.....	8.00	15.00
(b) Affidavit verifying list if required.....	3.00	5.00
14. (a) Instructions for interrogatories inclusive of preparation of application and proposed interrogatories, filing and service of same, attendance on support, preparing, filing and serving order and pursuing answers.....	20.00	35.00
(b) Instructions to oppose application for interrogatories and attendance in chambers	10.00	25.00
15. If the interrogatories settled by the order exceed 2 pages then for each additional page or part thereof	1.00	2.00
16. Instructions for answers to interrogatories inclusive of preparation, swearing, filing and service of affidavit.....	10.00	15.00
17. If foregoing answers exceed 2 pages then for each additional page or part thereof.....	1.00	2.00

18. Instructions for notice to produce documents or admit facts or documents or any similar notice not otherwise provided for inclusive of preparation, filing and service.....	5.00	10.00
19. If any such notice shall exceed 2 pages then for each additional page or part thereof.....	1.00	2.00
20. Production or inspection of documents pursuant to notice inclusive of all service incidental thereto.....	5.00	10.00
21. Instructions for admission of facts pursuant to notice inclusive of preparation, filing and service.....	10.00	15.00
22. (a) Application for entry of action for trial and attendance thereat.....	15.00	20.00
(b) If pleadings exceed 5 pages for each page of pleadings in excess.....	0.50	1.00
23. Instructions for and preparing for trial inclusive of instructions for and preparation of brief.....	20.00	25.00
24. Attendance at trial of an action or proceeding	35.00	100.00
25. Brief fee to extra barrister and solicitor in respect of any proceeding if certified for per day.....	20.00	45.00
26. Refreshers to barrister and solicitor in respect of any proceeding per day.....	20.00	45.00
27. Originating Summonses or petitions inclusive of all services from instructions to completion as certified for an inclusive of barrister and solicitor's fee thereon for first day of hearing.....	50.00	100.00
28. Instructions to defend originating summons inclusive of all services from appearance to completion and inclusive also of barrister and solicitor's fee thereon for first day hearing.....	40.00	100.00
29. (a) Instructions for and attendance on summonses, motions, and other applications inclusive of all services from instructions to completion not otherwise provided for in this scale.....	15.00	20.00
(b) In addition for each adjourned hearing (unless a refresher fee is allowed).....	8.00	15.00
(c) In addition if necessary affidavits exceed 3 pages then for each additional page of part thereof.....	1.00	2.00
30. Preparing and settling a special case.....	20.00	30.00
31. Argument on special case or question of law as certified for...	25.00	100.00

32. Taking accounts, making inquiries and other similar proceedings before the Chief Registrar or in chambers per hour....	10.00	15.00
33. Matrimonial suits. In accordance with each step in action of this scale, <i>mutatis mutandis</i>		
34. Appeals from inferior courts or from Chief Registrar or Deputy Registrar or other persons or bodies not otherwise provided for inclusive of all services from instructions to completion (but excluding special applications such as for a stay of execution in an appeal).....	45.00	100.00
35. Payment into or out of court.....	5.00	5.00
36. Instructions for taxation of costs as between party and party inclusive of all services from instructions to completion	10.00	15.00
37. Instructions for any form of execution authorised by any rule of Order 45, 46 and 47 where no application of the Court or a judge is required inclusive of all services from instructions to completion.....	10.00	15.00
38. Instructions for execution where an application to the Court or a judge is required, inclusive of all services from instructions to completion.....	10.00	25.00
39. Instructions for attachment of debts under Order 49 inclusive if all services from instructions to completion but exclusive of execution under Rule 4 or of any trial under Rules 5 or 6 the costs of which execution or trial may be separately allowed.....	10.00	15.00
40. Subpoena <i>ad testificandum</i> and <i>duces tecum</i> including issue and service for each witness.....	8.00	8.00
41. For preparing and entering a caveat or preparing and issuing a warning thereto.....	10.00	10.00
42. Service fees: in addition to the above fees the following fees for service may be added in appropriate cases and where service by post is not authorised:-		
(a) for service at a distance of more than 3 km from the nearest place of business of the serving barrister and solicitor; per km in excess of 3 km.....	0.25	0.25
(b) If a bailiff is employed - all necessary and reasonable charges properly incurred and paid		
(c) Where in consequence of the distance involved it is necessary to instruct another barrister and solicitor to arrange for service to be effected.....	5.00	5.00
43. In any case a judge of the Supreme Court either at the trial or		

on notice of motion made within 14 days after judgment is pronounced may certify for an increase in any of the above charges, of such amount as he thinks fit having regard to all the circumstances of the case.

44. Fees which may be taken by Commissioners for Oaths shall be as in Item 30 of Appendix 2.

45. For preparation by the Chief Registrar of an apostille in pursuance of the Hague Convention, 1961..... 5.00

46. For any business not covered by the above scales such as instructions, letters, telephone calls, attendances, etc. the charges in respect thereof shall be calculated on the basis of the scale of costs in the Supreme Court in England subsisting at January 1967, but with the addition of 100% increase.

PART II – FIXED COSTS

A. Fixed costs are applicable only to the following cases:-

- (1) where the claim is for a debt or liquidated sum in excess of \$600.00;
- (2) where possession of land is claimed except in suits between landlord and tenant for possession of land or houses where the annual value or rent does not exceed \$800.00;
- (3) in any other case where the Chief Registrar authorises the endorsement or recovery of such fixed costs, not exceeding those set out in this part, as he may think fit.

B. Save where expressly otherwise provided the fixed costs allowed in this part include the Court fees and other disbursements recoverable from the other party.

EIGHT-DAY COSTS

\$

1. The amount of costs indorsed on a writ of summons claiming a liquidated demand only, under Order 6, Rule 2(1) (b), whether indorsed with a statement of claim or not shall be:-	
If one defendant.....	40.00
For each extra defendant.....	5.00
2. In addition to the above the following may be added to provide for the contingency of substituted service.....	15.00
3. Where service out of the jurisdiction is ordered the following additional allowances shall be added.....	25.00

JUDGMENT IN DEFAULT OF APPEARANCE OR OF DEFENCE FOR A DEBT OR LIQUIDATED AMOUNT ONLY OR FOR POSSESSION OF LAND

(The following sums apply whether or not the statement of claim is indorsed on the writ)

4. On entering judgment for debt or liquidated amount.....	25.00
For each extra defendant served.....	5.00
5. On entering judgment for possession of land only or for possession of land and a liquidated sum.....	25.00
For each extra defendant served.....	5.00
6. Additional allowances applicable, unless taxation is ordered:-	
(1) Where substituted service ordered and effected.....	15.00
(2) Where service is ordered and effected out of the jurisdiction.....	25.00
(3) Moneylender's cases -	
Application for leave to enter judgment under Order 83, Rule 4..	15.00
(4) If separate judgments against more than one defendant are necessary entered, for each such additional judgment.....	10.00

JUDGEMENT UNDER ORDER 14

7. (a) Upon entering judgment after obtaining an order for judgment under Order 14 unless taxation is ordered.....	45.00
(b) For each extra defendant.....	5.00
8. In addition, for each adjourned hearing unless taxation is ordered.....	8.00

GARNISHEE PROCEEDINGS

(Order 49)

JUDGMENT CREDITOR'S COSTS

9. The costs which may be endorsed on the Garnishee Order <i>Nisi</i> shall be.....	25.00
---	-------

ON ISSUING A WRIT OF FIERI FACIAS, ORDER OF COMMITTAL OR WARRANT

10. The costs which may be endorsed on the Writ, Order or Warrant in addition to Court fees endorsed thereon shall be.....	10.00".
--	---------

Dated 27th day of April 1984.

T. U. TUIVAGA
Chief Justice
