

**FIJI**

**LEGAL PRACTITIONERS ACT 1997**

**LEGAL PRACTITIONERS (HIGH COURT COSTS) REGULATIONS 2006**

IN exercise of the powers conferred upon me by section 76(4) of the Legal Practitioners Act, I make the following Rules -

*Citation*

1. These Regulations may be cited as the Legal Practitioners (High Court Costs) Regulations 2006.

*Schedule 1*

2. For the purposes of Order 62 rule 13 of the High Court Rules 1988, the scale of costs set out in Appendix 4 to the High Court Rules are revoked and substituted with the following Schedule -

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**SCHEDULE 1**

**SCALE OF COSTS – STANDARD BASIS - 0.62, r.13)**

**(DISCRETION OF TAXING OFFICER)**

	<i>Lower Scale \$</i>	<i>Higher Scale \$</i>
1. Instructions to sue inclusive of writing letters preparation, issue, service on one party and affidavit of service of a writ of summons.	\$75.00	\$125
2. 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.	\$25.00	\$50.00
3. On any judgment whether in default of appearance or defence or under 0.14 application to the Court where a judge is required.	\$100.00	\$300.00
4. (a) Instructions to defend inclusive of preparation, tiling and service of appearance in respect of one defendant. (b) For each additional defendant represented.	\$75.00 same	\$125.00 same
5. In addition to Item 4 for each defendant for whom a guardian	\$15.00	\$20.00

*ad litem* \$15.00 \$20.00 is appointed.

6.	Instructions for Statement of Claim inclusive of preparation, filing and \$125.00 \$300.00 service.	\$125.00	\$300.00
7.	Instructions for Statement of Defence or Counterclaim or Defence and Counter-Claim inclusive of preparation, filing and service.	\$75.00	\$250.00
8.	Instructions for Reply or subsequent pleadings or Defence to Counterclaim or Reply and Defence to Counter-Claim inclusive of preparation filing and service.	\$40.00	\$100.00
9.	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 it to be treated as a fresh summons for directions.	\$50.00	\$50.00
10.	(a) Instructions for and preparation of list of documents and service thereof.	\$75.00	\$150.00
	(b) Affidavit verifying list if required.	\$20.00	\$30.00
11.	(a) Instructions for interrogatories inclusive of preparation of application and proposed interrogatories, filing and service of same, attendance in support, preparing, filing and serving order and perusing answers.	\$75.00	\$150.00
	(b) Instructions to oppose application for interrogatories and attendance in chambers.	\$50.00	\$75.00
12.	If the interrogatories settled by the order exceed 2 pages then for each additional page or part thereof.	\$10.00	\$15.00
13.	Instructions for answers to interrogatories inclusive of preparation, swearing, filing and service of affidavit.	\$50.00	\$100.00
14.	If foregoing answers exceed 2 pages then for each additional page or part thereof.	\$10.00	\$15.00
15.	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.	\$25.00	\$50.00
16.	If any such notice shall exceed 2 pages then for each	\$10.00	\$15.00

additional page or part thereof.

17.	Production or inspection of documents pursuant to notice inclusive of all services incidental thereto.	\$25.00	\$50.00
18.	(a) Application for entry of action for trial and attendance thereat	\$50.00	\$100.00
	(b) If pleadings exceed 5 pages for each page of pleadings in excess.	\$1.00	\$3.00
19.	Instructions for and preparing for trial inclusive of instructions for and preparation of brief.	\$150.00	\$3.00
20.	Attendance at trial of an action or proceeding per day.	\$300.00	\$600.00
21.	Brief fee to extra barrister and solicitor in respect of any proceeding if certified for per day.	\$300.00	\$600.00
22.	(a) Originating summonses or petitions inclusive of all services and inclusive of barrister and solicitor's fee for first day of hearing.		
	(b) In addition for each adjourned hearing (unless a refresher fee is allowed)		
	(c) In addition if necessary affidavit exceed 3 pages then for each additional page or part thereof	\$500.00	\$1,000.00
23.	Instructions to defend originating summons inclusive of all services inclusive of barrister and solicitor's fee thereon for fee thereon for first day of hearing.	\$400.00	\$800.00
24.	(a) Instructions for and attendance on summonses, motions and other application inclusive of all services from instructions to completion not otherwise provided for	\$150.00	\$300.00
	(b) In addition for each adjourned hearing (unless a refresher fee is allowed)	\$50.00	\$75.00
	(c) In addition if necessary affidavit exceed 3 pages then for each additional page or part thereof.	\$4.00	\$10.00
25.	Preparing and setting a special case	\$100.00	\$200.00
26.	Arguments on special case or question of law as certified for.	\$250.00	\$500.00

27.	Taking accounts, making inquiries and other similar proceedings before the Chief Registrar or in chambers per hour.	\$40.00	\$80.00
28.	Matrimonial suits. In accordance with each step in action of this scale, <i>mutates mutandis</i> .		
29.	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 for a stay of execution in an appeal).	\$400.00	\$800.00
30.	Payment into or out of Court.	\$10.00	\$20.00
31.	Instructions for taxation of costs as between party and party inclusive of all services from instructions to completion.	\$100.00	\$200.00
32.	Instructions for any form of execution authorised by any rule of Order 45, 46 and 47 where no application to the Court or a judge is required inclusive of all services from instructions to completion.	\$50.00	\$75.00
33.	Instructions of execution where an application to the Court or a judge is required inclusive of all services from instructions to completion.	\$75.00	\$100.00
34.	Instructions of attachment of debts under Order 49 inclusive of all services from instructions to completion but exclusive of execution under rule 4 or of any trial under rule 5 or 6 the costs of which execution or trial may be separately allowed.	\$40.00	\$80.00
35.	<i>Subpoena ad testificandum</i> and <i>duces tecum</i> including issue and service for each witness.	\$20.00	\$40.00
36.	For preparing and entering a caveat or preparing and issuing a warning thereto.	\$25.00	\$50.00
37.	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;	0.50	

(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. \$15.00 \$30.00

- 38. In any case a judge of the High Court either at the trial or on notice if made within 14 days after judgment is pronounced may certify an increase in any of the above charges to such amount as he thinks having regard to all the circumstances of the case.
- 39. Fees which may be taken by Commission for Oaths shall be as in Item 30 of Appendix 2.
- 40. For any business not covered by the above scales such as instructions, letters, telephone calls, attendances, air fares etc the charges in respect thereof shall be as the Chief Registrar may determine.
- 41. Where a Judge, Chief Registrar or Deputy Registrar is required to perform any duties away from his/her office for travelling, lodging and subsistence.

**FOURTEEN-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 .....	250.00
For each extra defendant.....	50.00

- 2. In addition to the above the following may be added to provide for the contingency of substituted service ..... 100.00
- 3. Where service out of the jurisdiction is ordered the following additional allowances shall be added ..... 150.00

Made this 23rd day of June, 2006.

**Q.B. BALE**  
Attorney General and Minister for Justice

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