

CAYMAN ISLANDS



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COURT FEES (AMENDMENT) RULES, 2007

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ARRANGEMENT OF RULES

1. Citation, commencement and application
2. Interpretation
3. Amendment of rule 3-fixed fees
4. Amendment of rule 5-Court hearing fees
5. Amendment of Schedule 1- fixed fees
6. Insertion of new Schedule 4- probate and administration fees
7. Repeal

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COURT FEES (AMENDMENT) RULES, 2007

These Rules are made by the Rules Committee of the Court of Appeal pursuant to section 34 of the Court of Appeal Law (1996 Revision) and by the Rules Committee of the Grand Court (with the approval of the Governor in Cabinet) in accordance with the powers conferred by section 19(3) (c) of the Grand Court Law (1995 Revision) and by section 44 of the Succession Law (2006 Revision).

Citation, commencement and application

1. (1) These Rules shall be cited as the Court Fees (Amendment) Rules, 2007.

(2) These Rules shall come into operation on the 9th day of July, 2007, referred to in this Rule as the “commencement date”.

(3) The provisions of these new Rules shall apply to every proceeding which is pending or commenced in the Court on or after the commencement date.

(4) The court hearing fees prescribed in these new Rules shall apply to every hearing which takes place on or after the commencement date, notwithstanding that the hearing date may have been fixed prior to the commencement date.

(5) In this rule the words “new Rules” mean the principal Rules as amended by these Rules.

Interpretation

2. 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.

Amendment of rule 3-fixed fees

3. The Court Fees Rules, 2006, in these Rules referred to as “the principal Rules”, are amended in rule 3 by inserting after paragraph (7) the following paragraph-

“(8) The fees prescribed in Schedule 4 shall be paid in respect of non-contentious probate administration matters.”.

Amendment of rule 5 - Court hearing fees

4. The principal Rules are amended in rule 5 as follows -

(a) by revoking paragraph (1) and substituting the following paragraph-

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

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

shall pay a court hearing fee of \$750 in the Grand Court and \$1,500 in the Court of Appeal for each day or part of a day during which the application, trial or appeal is heard.”; and

(b) by revoking paragraph (5) and substituting the following paragraph-

“(5) In the event that a hearing does not take place or lasts less than the estimated length, the Clerk of the Court shall reimburse the party liable to pay the hearing fee with the amount overpaid as soon as reasonably possible or within 5 working days of the conclusion of the hearing; but the Clerk of the Court shall retain fees for one day’s hearing where a hearing does not take place and where the party liable to pay the hearing fee did not give to the listing officer at least two weeks’ notice of vacation of that hearing.”.

Amendment of Schedule 1- fixed fees

5. The principal Rules are amended in paragraph 5 of Schedule 1 by deleting the words “other than an affidavit filed in support of an application for the grant of probate or letters of administration or the resealing thereof.”.

Insertion of new Schedule 4- probate and administration fees

6. The principal Rules are amended by inserting after Schedule 3 the following Schedule-

“SCHEDULE 4

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
3. Grants, Orders and Citations -	
upon making every grant of probate or letters of administration or other order or issuing any citation	\$25
4. Caveats -	
upon lodging any caveat	\$200
5. Inventories and Accounts -	
upon filing any inventory or accounts	\$25.”.

Repeal

7. The Probate and Administration Rules (2001 Revision) are amended by repealing the Second Schedule.

Approved by the Governor in Cabinet the 12th day of June, 2007

Carmena Watler

Clerk of the Cabinet

MADE by the Rules Committee of the Grand Court on the 30th day of May, 2007.

The Hon. Anthony Smellie, QC, Chief Justice

The Hon. Sam Bulgin, QC, Attorney General

Mr. Andrew J. Jones, QC, Legal Practitioner

Mr. Graham F. Ritchie, QC, Legal Practitioner

AND MADE by the Rules Committee of the Court of Appeal on the 31st day of May, 2007.

The Rt. Hon. Mr. Justice Edward Zacca, P.C., O.J.,
President

The Hon. Mr. Justice Forte, Justice of Appeal

The Hon. Mr. Justice Taylor, Justice of Appeal