

CAYMAN ISLANDS



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THE COURT FEES RULES 1999

COURT FEES RULES 1999

These Rules are made by the Grand Court Rules Committee pursuant to Section 19(3)(c) of the Grand Court Law (1995 Revision), as extended by Section 44 of the Succession Law (1995 Revision), with the prior approval of the Governor-in-Council given pursuant to Section 19 of the Grand Court Law (1995 Revision) and by the Rules Committee of the Court of Appeal pursuant to Section 34 of the Court of Appeal Law (1996 Revision).

1. Citation, commencement and interpretation

- (1) These Rules shall be cited as the Court Fees Rules 1999.
- (2)
 - (a) These Rules shall come into operation on the 1st day of September, 1999, referred to in this rules as the "Commencement Date".
 - (b) These Rules shall apply to every proceeding other than a matrimonial proceeding which is pending or commenced in the Court on or after the Commencement Date.
- (3) Words and expressions used in these Rules which are also used in the Grand Court Rules 1995 shall have the same meaning in these Rules as in the Grand Court Rules 1995, except that
 - (a) "the Court" shall include the Cayman Islands Court of Appeal; and
 - (b) "proceedings" shall include an appeal and every step taken in an appeal.

2. Presumption against liability

- (1) No fee shall be payable by any party to any proceeding which is pending or commenced on or after the commencement date in respect of any step taken or document filed in respect of such proceeding, except for those fees specified in the Schedules to these Rules.
- (2) No fee shall be payable in respect of the administration of any oath by the Clerk of the Court.
- (3) No fee shall be payable by any party to whom a legal aid certificate has been granted under Section 3 of the Poor Persons (Legal Aid) Law.
- (4) No fee shall be payable in respect of any criminal appeal or any interlocutory proceeding in any criminal appeal.
- (5) No fee shall be payable in respect of any application or appeal relating to the adoption, custody or welfare of any child.

3. Fixed fees

- (1) The fee prescribed in paragraph 1 of Schedule 1 shall be payable by the person seeking to issue any originating process.
- (2) The fee prescribed in paragraph 2 of Schedule 1 shall be payable by the person seeking to commence any appeal.
- (3) The fees prescribed in paragraphs 3 to 7 of Schedule 1 shall be payable by the party seeking to file the document in question.
- (4) The fee prescribed in paragraph 8 of Schedule 1 shall be payable by any person seeking to inspect the Register of Writs and other originating process or the Register of Judgments.
- (5) The fee prescribed in paragraph 9 of Schedule 1 shall be paid for the supply of copy documents pursuant to GCR Order 63, rule 7(3) or rule 8(3).
- (6) The fees prescribed in paragraph 1 of Schedule 3 shall be payable upon seeking to instruct the Bailiff to effect service upon any person.

4. Ad valorem fees

- (1) In addition to the fixed fee prescribed by paragraph 1 of Schedule 1, a person seeking to issue any writ indorsed with a claim for a debt or liquidated demand in accordance with GCR Order 6, rule 2(b), shall pay an ad valorem fee calculated in accordance with the scale set out in paragraph 1 of Schedule 2.
- (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 Schedule 2 as if it were a writ.
- (3) In addition to the fixed fee prescribed by paragraph 2 of Schedule 1, a party seeking to file any notice of appeal against a judgment for a money sum shall pay an ad valorem fee calculated in accordance with paragraph 3 of Schedule 2.
- (4) In addition to the fixed fee prescribed by paragraph 6 of Schedule 1, a party seeking to file any judgment or order for damages shall pay an ad valorem fee calculated in accordance with the scale set out in paragraph 2 of Schedule 2.
- (5) The amount of any ad valorem fee payable under Schedule 2 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 Schedule 3 shall be paid by a judgment creditor following execution of a writ of fieri facias, such fee to be deducted from the net proceeds of sale.

- (7) The ad valorem fee prescribed in paragraph 3 of Schedule 3 shall be paid by the judgment creditor following sale of any property by the Bailiff pursuant to an order of the Court, such fee to be deducted from the net proceeds of sale.
- (8) Any person who is dissatisfied with any assessment of ad valorem fees made by the Clerk of the Court or the Bailiff 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.

5. Enforcement

- (1) Subject to paragraph (3), no originating process shall be issued unless and until the prescribed fees have been paid.
- (2) No execution shall be issued on any judgment or order unless and until the fees prescribed in Schedules 1 and 2 have been paid.
- (3) Nothing in these Rules shall prevent any person from making any 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.

6. Revocation

- (1) The Grand Court Fees Rules 1995 are hereby revoked.
- (2) Rule 28 and the Schedule of Fees contained in the Court of Appeal Rules 1987 are hereby revoked.

MADE by the Rules Committee on the ____ day of August, 1999.

The Hon. Anthony Smellie, Q.C., Chief Justice
The Hon. David Ballantyne, Attorney General
Andrew J. Jones, Esq., Legal Practitioner
Alden M. McLaughlin, Esq., Legal Practitioner

AND MADE by the Rules Committee of the Court of Appeal on the ____ day of August, 1999.

The Rt. Hon. Mr. Justice Edward Zacca, P.C., O.J.,
President
The Rt. Hon. Mr. Justice Telford Georges, P.C.,
Justice of Appeal
The Hon. Mr. Justice I.D. Rowe, Justice of Appeal

FIXED FEES

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

\$150

upon issuing every notice of appeal
in a civil proceeding

\$150

upon issuing every summons or notice
of motion

\$20

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

\$20

upon filing every affidavit other than
an affidavit filed in support of an
application for the grant of probate or
letters of administration or the
resealing thereof

\$20

upon filing every judgment or order

\$20

upon making every search, irrespective
of the number of years searched

\$20

\$.50 per page

upon supplying a transcript of any
recording or handwritten document

\$3 per page

SCHEDULE 2

AD VALOREM FEES

1. Claim for liquidated sum -

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

1% of the principal sum claimed in excess of \$10,000;

1/2% of the principal sum claimed in excess of \$100,000; and

1/4% 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 indorsed with alternative claims, the ad valorem fee shall be assessed upon the highest claim;
- (c) if a writ 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 as amended;
- (d) no ad valorem fee shall be repaid in the event that a writ is amended so as to reduce the amount claimed;
- (e) the ad valorem fee payable shall not in any case exceed the sum of \$10,000.

2. Judgment for damages -

upon entering judgment for damages, a sum equivalent to -

1% of the principal sum awarded in excess of \$10,000;

1/2% of the principal sum awarded in excess of \$100,000; and

1/4% 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 \$10,000.

3. Appeal against a money judgment -

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

1% of the principal amount of the judgment appealed against in excess of \$10,000;

½% of the principal amount of the judgment appealed against in excess of \$100,000; and

¼% of the principal amount of the judgment 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 paragraphs 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-

1% of the principal sum awarded in excess of \$10,000;

½% of the principal sum awarded in excess of \$100,000; and

¼% 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 sum of the ad valorem fees payable in respect of anyone appeal shall not exceed \$10,000.

SCHEDULE 3

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 & 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%