

L.N. 277 of 2005

**CODE OF ORGANIZATION AND CIVIL PROCEDURE
(CAP. 12)**

**Code of Organization and Civil Procedure (Schedule A)
(Amendment) Regulations, 2005**

BY virtue of the powers given by article 1004 of the Code of Organization and Civil Procedure, the Deputy Prime Minister and Minister of Justice and Home Affairs, in concurrence with the Prime Minister and Minister Finance, has made the following regulations:-

1. (1) The title of these regulations is the Code of Organization and Civil Procedure (Schedule A) (Amendment) Regulations, 2005, and they shall be read and construed as one with Schedule A annexed to the Code of Organization and Civil Procedure, hereinafter referred to as “Schedule A”. Title and commencement.

(2) These regulations shall come into force on the 1st August, 2005.

2. Tariff A of Schedule A shall be amended as follows:- Amends Tariff A of Schedule A.

(a) in item 1 -

(i) in paragraph (a), for the words “actions of spoliation” there shall be substituted the words “actions of possession and jactitation suits”, and for the words “50%,” there shall be substituted the words “50%.” and immediately thereafter there shall be added the following words:

“Provided that in the case of actions for the correction or cancellation of registrations on the basis of article 253 of Cap. 16 Lm5”;

(ii) paragraph (b) shall be renumbered as paragraph (c) and for the words “in that capacity.” therein, there shall be substituted the words “in that capacity, subject to a refund by plaintiff at the termination of proceedings.”; and

(iii) immediately after paragraph (a), there shall be added the following new paragraph:

“(b) The same shall apply with regard to the execution of a promise of sale or of a promise of transfer both of movable and immovable property.”;

(b) in item 2 -

(i) in sub-item (2) the following shall be inserted as the first proviso:

“Provided that in respect of an answer to an appeal which does not contain a cross appeal, there shall be paid a fee of.....Lm30.”; and

(ii) sub-item (4) shall be deleted;

(c) in item 3, in sub-item (4) thereof -

(i) for the words “actions of spoliation” there shall be substituted the words “actions of possession and jactitation suits” and after the words “unjust dismissal from employment,” there shall be inserted the words “causes respecting the execution of a promise of sale or of a promise of transfer both of movable and immovable property,”; and

(ii) immediately after this sub-item there shall be added the following proviso:-

“Provided that in the case of actions for the correction or cancellation of registrations on the basis of article 253 of Cap. 16Lm5.”;

(d) in item 4 -

(i) for paragraph (e) in sub-item (1) there shall be substituted the following:

“(e) In causes concerning a claim that the Court declares that plaintiff has a right to any property or on any property against another person, the claimant shall submit a sworn statement approximately attesting to the amount he considers claiming should his right thereto be established and the value on which the fee shall be taxed shall be such value as is declared by plaintiff:

Provided that in no case shall the fee to be taxed be less than Lm100.”; and

(ii) in sub-item (3) for the word “may” there shall be substituted the word “shall”, and immediately after the words “filing the cause” there shall be substituted the words “; and if at the end of proceedings the value shall still be undeclared or undetermined by the parties or by the said Court, the fees shall be established according to the minimum to which there shall be added two hundred liri (Lm200), saving the right which the registrar has of taxing an additional fee if and when the case may arise”;

(e) in item 6 -

(i) in sub-item (1) after the words “shall be increased by 100%” there shall be substituted the words “and if such notification is made to the party’s legal consultant within the Court building, the fee due shall be one lira (Lm1) for the full service”; and

(ii) in sub-item (2) paragraph (i), for the words “Lm20” there shall be substituted the words “Lm10”;

(f) in item 10 sub-items (1) and (2), the words “No appeal shall lie from the decision of the Court.” shall be deleted; and

(g) immediately after sub-item (2) in item 11 there shall be added the following item:

“(3) For filing any application requesting a new taxing of fees or the approval of an itemization of expenses made under this item there shall be paid a fee of (Lm20).”.

3. Tariff B of Schedule A shall be amended as follows:-

Amends Tariff B
of Schedule A.

(a) in item 1, for the words “Lm10” there shall be substituted the words “Lm5”, and for the words appearing on two columns from “Provided that when the judicial letter” to the words “for service of the same.” there shall be substituted the words:

“Provided that when the judicial letter is required in terms of articles 166A and 256 (a) of Cap. 12 Lm10.”;

(b) in item 5, for the words “Lm0.25” there shall be substituted the words “Lm0.15”;

(c) in item 8, for the words “Lm5” there shall be substituted the words “Lm3”;

(d) in item 13 -

(i) in sub-item (1), after the words “shall be increased by 100%” there shall be added the words “and if the notification has to be made to the legal consultant of the party, the fee due shall be one lira (Lm1) for the full service”; and

(ii) in sub-item (2) paragraph (i), for the words “Lm20” there shall be substituted the words “Lm10”;

(e) in item 14, for the words “Lm5” there shall be substituted the words “Lm10”; and

(f) in item 16 paragraph (a), for the words “actions of spoliation” there shall be substituted the words “actions of possession and jactitation suits”, and immediately after the words “50%” there shall be substituted on the first column the following:

“The same shall apply in actions relating to the execution of a promise of sale or of a promise of transfer both of movable or immovable property.”.

Amends Tariff D
of Schedule A.

4. Tariff D of Schedule A shall be amended as follows:-

(a) in item 2 paragraph (i), for the words “Lm25” there shall be substituted the words “Lm75” and immediately after the said paragraph there shall be inserted the following:

“Provided that the registry fee for the warrant of impediment of departure for children Lm25;

(b) in item 3 paragraph (i), for the words “Lm15” there shall be substituted the words “Lm20”;

(c) in item 4 paragraph (i), for the words “Lm15” there shall be substituted the words “Lm7.50”;

(d) in item 5 -

(i) in sub-item (1) paragraph (a), after the words “application for a judicial sale by auction” there shall be inserted the words “of immovable property”;

(ii) in sub-item (1), paragraph (b) shall be renumbered as paragraph (c);

(iii) in sub-item (1), immediately after paragraph (a) there shall be added the following new paragraph:

“(b) For filing any application for a judicial sale by auction of movable property, including an application for the re-appointment of a judicial sale by auction which had been suspended:

(i) registry feeLm25

(ii) fee due to the executive officer required to execute the notification, for each notification Lm3”; and

(iv) in sub-item (3) for the words “Lm20” there shall be substituted the words “Lm10”;

(e) in item 10 paragraph (i), for the words “Lm20” there shall be substituted the words “Lm10”;

(f) in item 11 paragraph (a), immediately after the words “unjust dismissal from employment,” there shall be substituted the words “actions of possession and jactitation suits and actions in respect of the execution of a promise of sale or of a promise of a transfer both of movable or immovable property,”; and

(g) in item 12, immediately after sub-item (3), there shall be inserted the following sub-item:

“(4) For filing any application requesting a new taxing of fees or the approval of an itemization of expenses made under this article there shall be paid a fee ofLm20.”.

5. Indent 6 of Tariff E of Schedule A shall be amended as follows:- Amends Tariff E of Schedule A.

(a) in paragraph (a) for the words “Lm6” there shall be substituted the words “Lm10”; and

(b) immediately at the end of the whole item, after the words “15.00” there shall be inserted the following proviso in the first column:

“Provided that any judicial letter filed under articles 166A and 256(a) of Chapter 12 where such judicial letter becomes an

executive title, the fee shall be 40% of the amount fixed in article 13, however where a note of admission of the claim is filed such fee shall be reduced to 30%.”.