

**L.N. 140 of 2000**

**LAND ACQUISITION (PUBLIC PURPOSES) ORDINANCE  
(CAP. 88)**

**Land Arbitration Board Proceedings (Amendment) Rules, 2000**

IN exercise of the powers conferred by article 35 of the Land Acquisition (Public Purposes) Ordinance, the Minister of Justice and Local Government, with the concurrence of the Minister of Finance, has made the following rules:-

Title and commencement.

G.N. 495 of 1935.

**1. (1)** The title of these rules is Land Arbitration Board Proceedings (Amendment) Rules, 2000, and they shall be read and construed as one with the Land Arbitration Board Proceedings Rules, 1935, hereinafter referred to as "the principal rules".

**(2)** These rules shall come into force on the 1st October, 2000.

Amends rule 8 of the principal rules.

**2.** Rule 8 of the principal rules shall be amended by the deletion of the words from "Together with every application" to the words "not more than ten liri and fifty cents."

Substitutes rule 9 of the principal rules.

**3.** Rule 9 of the principal rules shall be deleted and substituted by the following new rule:

"Registry and other fees.

**9. (1)** The registry fees established in the Tariff annexed to these rules shall be paid together with the filing of the relative act of procedure.

Cap. 12.

**(2)** Fees due to the advocate and legal procurator shall be taxed in accordance with the Tariff of Fees annexed to the Code of Organization and Civil Procedure."

Adds Tariff to the principal rules.

**4.** Immediately after rule 12 of the principal rules there shall be added the following new tariff:

**"TARIFF**

**Registry fees payable in the Land Arbitration Board**

|                                                                 |       |
|-----------------------------------------------------------------|-------|
| 1 For the filing of any claim .....                             | Lm 15 |
| 2 For the filing of any reply .....                             | Lm 10 |
| 3 For the filing of any application of appeal .....             | Lm 30 |
| 4 For the filing of an answer to an application of appeal ..... | Lm 20 |

- 5 The fees established in paragraphs 1 to 4 of this Tariff shall include the filing of all other acts of procedure and services (including but not limited to the filing of warrants for the examination of witnesses, the examination itself, recording fees, transcriptions and copies, the services of judicial assistants, decrees and declarations prior to definitive judgement, taxed bill of costs and copies of the judgement) required following the initiation of the cause through the said act up to and including final judgement but excluding any fees due for notification of the acts of procedure or any fees due to referees or experts appointed by the Board or any fees which the Board may be required to pay to third parties.
- 6 (1) No fee shall be levied for the filing of any note of admission of a claim provided that the claim is admitted in full and unconditionally before any contestation thereon.
- (2) Any counter-claim contained in any act of procedure shall be treated as if it is a new claim and the fees set out in paragraphs 1 to 4 shall be levied on the counter claim and the reply thereto.
- (3) The fees stated in paragraphs 1 to 4 shall also be due on the filing of any application to the Board to be permitted to file any statement of defence, answer or other act of procedure filed in reply to a claim and intended to contest, whether totally or partially, a claim made.
- 7 (1) For every notification of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due:
- |                                                                  |         |
|------------------------------------------------------------------|---------|
| (i) registry fee .....                                           | Lm 2.50 |
| (ii) fee due to the executive officer effecting the service .... | Lm 0.50 |
- (2) Notwithstanding anything contained in this Tariff if the service of any act is to be executed personally by an executive officer of the Board, in cases where the law permits that service be effected otherwise, the following additional fees shall be due, for each notification:
- |                                                                  |       |
|------------------------------------------------------------------|-------|
| (i) registry fee .....                                           | Lm 20 |
| (ii) fee due to the executive officer effecting the service .... | Lm 3  |
- 8 For any other act of procedure indicated in the Land Acquisition (Public Purposes) Ordinance but for which no fee is established in this Tariff ..... Lm 5
- Provided that fees for services not specifically provided for in this Tariff but provided for in other Tariffs shall be taxed according to those Tariffs.
- 9 For the opening of the registry outside working hours:
- |                                                                          |       |
|--------------------------------------------------------------------------|-------|
| (i) registry fee .....                                                   | Lm 50 |
| (ii) fee due to attending deputy registrar .....                         | Lm 20 |
| (iii) fee due to each executive officer required to effect service ..... | Lm 15 |
- 10 (1) The Board may, when delivering judgement, order that the plaintiff or defendant in a cause pay increased costs to the Registrar of Courts of not less than Lm 100 and not more than Lm 250 if the Board deems that the act of procedure initiating the claim or the act of procedure in reply was frivolous or vexatious or that either of the parties has unnecessarily prolonged the proceedings and in such case such sum will not be recoverable from the other party.
- No appeal shall lie from the decision of the Board.

(2) The Board may, when delivering judgement, also order that part of the costs be borne by the advocate of the plaintiff or the defendant if the Board deems that the advocate is responsible, wholly or partly, for the frivolous or vexatious act of procedure or for prolonging proceedings.

No appeal shall lie from the decision of the Board.

11 (1) All fees due shall be paid together with the filing of the relative act and the Registrar shall not accept for filing any act of procedure, which is not accompanied by the relative fee.

(2) The assessment of the Registrar on the amount of fees to be paid shall be final.

(3) In assessing the fees laid down in this Tariff no account shall be taken of any fraction of Lm 1.

12 (1) The Registrar shall cause a taxed bill of costs to be kept in the file of each cause and shall immediately enter therein all payments made to him and all payments due to the advocates and legal procurators of the parties and the parties and their advocates and legal procurators shall have the right to a copy thereof at any time.

(2) Within one month of the delivery of the definitive judgement, the Registrar shall cause a final taxed bill of costs to be drawn up."

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