

L.N. 447 of 2010**CODE OF ORGANIZATION AND CIVIL PROCEDURE
(CAP. 12)****Code of Organization and Civil Procedure, Schedule A, Tariff K
(Amendment) Regulations, 2010**

IN exercise of the powers conferred by article 1004 of the Code of Organization and Civil Procedure, the Minister of Justice and Home Affairs has made the following regulations:-

Citation and
commencement.

Cap. 12.

1. (1) The title of these regulations is the Code of Organization and Civil Procedure, Schedule A, Tariff K (Amendment) Regulations, 2010 and these regulations shall be read and construed as one with Schedule A annexed to the Code of Organization and Civil Procedure, hereinafter in these regulations referred to as "Code".

(2) These regulations shall come into force on 1st October, 2010.

Amends Tariff
K of Schedule A
annexed to the
Code.

2. In Tariff K of Schedule A of the Code, paragraphs 16, 17, 18 and 19 shall be substituted by the following paragraphs:

"16. Fees payable to periti, who are appointed as Court referees, including periti who are appointed by the Land Arbitration Board according to article 25(3) of the Land Acquisition (Public Purposes) Ordinance, (Cap. 88), for each opinion dealt with in the report, shall be up to a maximum of €116.47 for each legal point decided. Any calculation or computation of an amount to be awarded as damages or compensation by the Courts shall be deemed to be an opinion, and the maximum fee taxable for such an opinion shall be €232.94 The criterion shall be that of the work involved and never the amount assessed by the Court referee:

Provided that in no case shall the fee payable for any one report exceed two thousand euro (€2000).

Fees payable to surveyors appointed by the Court shall be assessed in accordance with the following paragraphs provided that in no case shall the fee payable for any survey exceed four hundred and fifty euro (€450):

Provided that the Court may at the request, even verbal, of

the perit or surveyor, or by the periti who are appointed by the Land Arbitration Board according to article 25(3) of the Land Acquisition (Public Purposes) Ordinance (Cap. 88), after hearing briefly all interested parties, allow the perit or surveyor any additional fee if the fee so assessed is considered too low when considering the work that has been executed:

Provided further that there shall be paid a fee to the periti above referred to, including periti who are appointed by the Land Arbitration Board according to article 25(3) of the Land Acquisition (Public Purposes) Ordinance (Cap. 88), appointed as a Court referees as follows:

- (a) for each sitting held -
 - (i) for the first hour or part thereof €24
 - (ii) for each additional hour or part thereof €24
- (b) For each site inspection held -
 - (i) for the first hour or part thereof €32
 - (ii) for each additional hour or part thereof €24.

17. Periti, when ordered by a Court or required by a client to appear before any judicial assistant or a court referee, or for a site inspection shall be entitled to the following fees:

- (i) for the first hour or part thereof €35
- (ii) for each additional hour or part thereof €32.

18. The fees set forth in this Tariff shall, in all cases, be exclusive of the cost of copies of documents, travelling expenses and all other disbursements not already provided for.

19. The expert appointed by the court, including periti who are appointed by the Land Arbitration Board according to article 25(3) of the Land Acquisition (Public Purposes) Ordinance (Cap. 88), shall not be entitled to any fee for services in connection with the presentation of the report or the confirming of the same on oath, but if, after he has presented the report and confirmed the same on oath, he is required to attend in court, he shall be allowed a fee for attendance in accordance with item (f) of Schedule A to the Witnesses (Fees) Ordinance."

3. The provisions of these regulations will be applicable to periti who are appointed as Court referees, including periti who are

Transitory provision.

appointed by the Land Arbitration Board according to article 25(3) of the Land Acquisition (Public Purposes) Ordinance (Cap. 88), on or after the 1st October, 2010.

