L.N. 36 of 2015

CODE OF ORGANIZATION AND CIVIL PROCEDURE (CAP. 12)

Code of Organization and Civil Procedure (Substitution of Certain Tariffs) Regulations, 2015

BY VIRTUE of the powers granted by articles 1007 and 1009B of the Code of Organization and Civil Procedure, the Minister for Justice, Culture and Local Government 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 (Substitution of Certain Tariffs) Regulations, 2015, and these regulations shall be read and construed as one with the tariffs in Schedule A to the Code of Organization and Civil Procedure, hereinafter referred to as "the Schedule".

(2) These regulations shall be deemed to have come into force on 1st January, 2015.

Substitutes Tariff A of the Schedule.

2. Tariff A of the Schedule shall be substituted by the following:

"TARIFF A

Fees payable in respect of the trial of causes in the Registries of the Superior Courts of Justice and the Courts of Magistrates in Malta and Gozo excluding the Court of Voluntary Jurisdiction

1	(a)	In actions for personal separation, divorce, annulment, maintenance, filiation, paternity, child abduction or custody, relating to the civil status of a person, relating to human rights or relating to general elections and in actions of possession and jactitation suits or concerning personal injury, claims for the payment of wages or claims for unjust dismissal from employment, all the fees provided for in this Tariff, with the exception of the tariff stated in paragraph 3 shall be rebated by	50%:
		Provided that in the case of actions for the correction or cancellation of registrations on the basis of article 253 of Cap. 16 ……..…….....	€20
	(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.	

(c) No fees shall be due for any act filed by a curator *ex officio* acting in that capacity, subject to a refund by plaintiff at the termination of proceedings.

2 (1) For the filing of any petition, sworn application or other act of procedure containing a claim which initiates a contentious procedure in a Court of First Instance and requiring the decision of a Judge or Magistrate as well as for any reply, answer or other act of procedure in reply thereto and intended to contest, whether totally or partially, the claim made €120

Provided that the above fee shall include the filing of all other acts of procedure and court services (including but not limited to filing of warrants for the examination of witnesses, the examination itself, recording fees, transcriptions and copies, the services of judicial assistants, the transmission of the records of causes, 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 the notification of acts and fees due to referees or experts appointed by the Court or any fees which the Court may be required to pay to third parties.

(2) For the filing of any petition, sworn application or other legal act initiating a contentious procedure in a Court of Appeal and requiring the decision of a Judge as well as for any reply, answer or other act of procedure in reply thereto and intended to contest, whether totally or partially, the appeal €200

Provided that in respect of an answer to an appeal which does not contain a cross appeal, there shall be paid a fee of €80

Provided that no fee shall be payable under this paragraph for any appeal filed in terms of any other law which already provides a fee to be paid for such an appeal:

Provided further that the above fees shall include the filing of all other acts of procedure and court 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, the transmission of the records of causes, taxed bill of costs and copies of the judgement) required following the initiation of the appeal through the said act up to and including final judgement but excluding any fees due for the notification of acts and any fees due to referees or experts appointed by the Court or any fees which the Court may be required to pay to third parties.

(3) No fee shall be levied under this paragraph 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.

3 (1) In addition to the fees stated in paragraph 2, on the filing any petition, application, or other act of procedure containing a claim which initiates a contentious procedure in a Court of First Instance and requiring the decision of a Judge or Magistrate and when the registry fee is assessable on a determinate value or on a value which may be determined according to law or from the act itself, the following fees shall also be due:

(a) up to €7,000 per €100 or part thereof €3.90

(b) in respect of any value in excess of €7,000 up to €10,000, per €100 or part thereof €2.75

(c) in respect of any value in excess of €10,000 up to €25,000 per €100 or part thereof €2.50

(d) in respect of any value in excess of €25,000 up to €100,000 per €100 or part thereof €1.90

(e) in respect of any value in excess of €100,000 up to €200,000, per €100 or part thereof €1.20

(f) in respect of any value in excess of €200,000, per €100 or part thereof €0.90

Provided that the fees established in sub-paragraphs (a) to (f) of this paragraph shall be inclusive of any declaration, which may be necessary, and of any decree given in a cause up to final judgement.

(2) (a) In addition to the fees stated in paragraph 1, on the filing of a 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 in a Court of First Instance, the fees stated in sub-paragraph (1) of this paragraph shall also be due but shall be rebated by 50%

(b) The amount to be paid in accordance with subparagraph (a) of this paragraph is to be paid not later than the day preceding the day of the first court sitting in the case, and in the event that such payment is not effected, such act of procedure shall be deemed not to have been done.

(c) In computing such amount, the Registrar shall, together with the notified act concerning which the act is done, inform such person of the amount to be paid and by which date.

(d) In the case of special summary proceedings or proceedings in the Court of Magistrates or any other proceedings where the act of procedure is filed in the Court and not in the registry, the fees due shall be paid not later than the day preceding the day of the sitting following the filing of the act, and if such payment is not effected, such act of procedure shall be deemed not to have been done.

(e) The provisions of subparagraph (c) shall not apply in the eventualities provided for in subparagraph (d).

(3) Any counter-claim contained in any act of procedure stated in sub-paragraphs (1) or (2) of this paragraph shall be treated as if it is a new claim and the fees set out in sub-paragraphs (1) and (2) of this paragraph shall be levied on the counter claim and the reply thereto.

(4) In actions for personal separation, divorce, annulment, maintenance, filiation, paternity, child abduction or custody, relating to the civil status of a person, relating to human rights or relating to general elections and in actions of possession and jactitation suits or concerning personal injury, claims for the payment of wages or claims for unjust dismissal from employment, causes respecting the execution of a promise of sale or of a promise of transfer both of movable and immovable property, causes of spoliation requesting that works be carried out under the supervision of the Court, the fees stated in this paragraph shall not apply but there shall be levied a one time fee of €100

(5) The fees established in sub-paragraph (1) of this paragraph shall be raised by one-third on appeal, but no fee shall be due in terms of subparagraph (2) of this paragraph.

(6) No fee shall be payable under this paragraph for any appeal filed in terms of any other law which already provides a fee to be paid for such an appeal.

(7) In the case of appeals filed in terms of any other law for which no fee is established in terms of that law, including appeals filed in terms of articles 41 and 75 of the Environment and Development Planning Act (Cap. 504), the fees established in terms of this paragraph shall not be due but there shall be levied a one-time fee of €120

4 (1) When the value of a claim is uncertain or indeterminate and the fees stated in paragraph 3 cannot be applied, the value of the claim shall be assessed in accordance with the following rules:

(a) In actions brought by the Government or by any Authority or Public Corporation where the claim is for the recovery of a penalty which has both a minimum and a maximum fixed by law, the value to be assessed shall be the maximum amount of the penalty fixed by law.

(b) In actions concerning the partition of property whether *inter vivos* or *causa mortis* and independently of whether the actual partition is requested or not, and in actions concerning succession, the claimant may, together with his claim, submit a list of the property the partition of which is being requested or which is involved in the succession together with a declaration, signed and attested to on oath by a perit in the case of immovables and by a competent valuer in the case of movables, certifying the valuation of such property, and the value shall be assessed on the total sum shown on such valuation:

Provided that in no case shall the fee taxed be less than €700

(c) In actions concerning the payment of annuities, allowances and the like the fee taxed shall be €700

(d) In actions relating to the ranking of creditors, bankruptcy proceedings or any other adjudication upon competing claims the claimant shall together with his claim submit a valuation by a certified accountant of the assets and liabilities being the subject of the claim and the value to be assessed shall be the higher sum between the assets and liabilities:

Provided that in no case shall the fee taxed be less than €700

(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 €250

(f) In causes where the claim is for the Court to declare the existence of a right of the claimant against any other person which right may reasonably be inferred to be followed by a liquidation of the amount due, even if such liquidation is not requested in the claim, the claimant shall be obliged together with his claim to submit a sworn declaration stating the approximate sum which he believes he could claim if his right is established, and the value to be assessed shall be the value declared by the claimant:

Provided that in no case shall the fee taxed be less than €700

(2) Where, notwithstanding the rules contained in sub-paragraph (1) of this paragraph, the value is still uncertain or indeterminate, the fee taxed shall not be less than €700

(3) Notwithstanding the provisions of this paragraph, if, following definitive judgement, the Court will have declared or liquidated an amount as the value of the cause and that value is determinate or shall be determined according to law and the fees due on such value are higher than the amount paid as registry fees, the Registrar of Courts may demand the difference from the party filing the cause; 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 €600, saving the right which the registrar has of taxing an additional fee if and when the case may arise.....

(4) Any action requesting the nullity of the issue of a precautionary or executive warrant or requesting the issue of a counter-warrant shall, independently of the act used to initiate the action, be taxed as if it were an application for the issue of a counter-warrant.

(5) Action for a declaration on point of law or of fact, the taxed fee shall be €650

5 (1) In cases of compromise or discontinuance of any cause in a Court of First Instance:

after contestation of the claim but before the first hearing of the cause, all fees paid in terms of paragraph 3 or 4 will be rebated by 75%

following the first hearing of the cause but not later than the third sitting thereof, all fees paid in terms of paragraph 3 or 4 will be rebated by 50%

following the third hearing of the cause but before the cause has been put off for judgement, all fees paid in terms of paragraphs 3 and 4 will be rebated by 25%

(2) In cases of compromise or discontinuance of a cause in a Court of Appeal the rebates established in the previous sub-paragraph of this paragraph shall be applied as well but limited only to the fees paid relative to the appeals procedure.

(3) The fees stated in paragraphs 2 to 4 of this Tariff shall also be due on the filing of any application to a Court 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 in a Court of First Instance or in a Court of Appeal provided that in the event of a judgement of non-suit all fees paid in terms of paragraphs 2 to 4 shall be rebated by 50%

6 (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 €6.00

(ii) fee due to the executive officer effecting the service €1.20

Provided that if service is to be effected outside normal working hours, the fees contained in this paragraph shall be increased by 100%; and if such notification is made to the party's legal consultant within the Court building, the fee due shall be two euro thirty-three cents (€2.33) for the full service.

(2) Notwithstanding anything contained in this Tariff, if the notification of any act is to be executed personally by an executive officer of the Court, in cases where the law permits that service be effected otherwise, the following additional fees shall be due for each notification:

(i) registry fee €25

(ii) fee due to the executive officer effecting the service €7

(3) The fees established in sub-paragraph (2) shall not apply when service is to be effected personally by an executive officer of the Court in terms of any law, and in such cases the fees established in sub-paragraph (1) of this paragraph shall apply.

7 For any other act of procedure indicated in the Code of Organisation and Civil Procedure but for which no fee is established in these Tariffs €20

8 For the opening of the registry outside working hours:

(i) registry fee €120

(ii) fee due to attending deputy registrar €50

(iii) fee due to each executive officer required to effect service €35

9 (1) Unless otherwise stated, 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 €1.

10 (1) The Court 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 €500 and not more than €3,000 if the Court 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.

(2) The Court may, when delivering judgement, also refer to the Commission for the Administration of Justice the advocate of the plaintiff or of the defendant if the Court deems that the advocate is responsible, wholly or partly, for the frivolous or vexatious act of procedure or for prolonging the proceedings.

11 (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 the Registrar and all payments due to the advocates and legal procurators of the parties and the parties, 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 and a copy thereof shall be sent to the parties and their advocates and legal procurators.

(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 €50

12 With respect to causes which have been presented prior to the coming into force of this Tariff the Registrar shall, on the conclusion of that cause or on the compromise or discontinuance thereof, tax the fees due on the basis of this Tariff deducting therefrom any sums paid to date and any difference in favour of the Registrar shall be due by the party established in this Tariff: ".

3. Tariff B of the Schedule shall be substituted by the following: Substitutes Tariff B of the Schedule.

"TARIFF B

Fees payable in respect of Judicial Acts and Services not connected with the trial of causes in the Registries of the Superior Courts of Justice and the Courts of Magistrates in Malta and Gozo excluding the Court of Voluntary Jurisdiction

		€
1	For the filing of any judicial letter or judicial protest but excluding fees due for any notification required	€15
	Provided that when the judicial letter is required in terms of articles 166A and 253(b) and (e) of Cap. 12	€30
2	For every certificate required to be issued by the Registrar.....	€20
3	For legalising any note required to be registered in the Public Registry	€25
4	For the affixing of any seal of the Court where this is prescribed by law or by the Court	€20
	Provided that no fee shall be due when such seal is required on any judicial act.	
5	For every copy, authenticated or otherwise, for each page	€0.35
	Provided that no fee shall be due when the copies are provided by the person filing the original act or when copies are requested of a court order.	
6	For every translation required by law or by the Court:	
	registry fee	€40
	fee due to the translator or interpreter	from €10 to €100
7	For every search in the archives of the Court, per individual cause	€5
	and for any copy thereof, whether authenticated or not, per page	€0.35
8	For the administration of an affidavit not in connection with court proceedings	€7
9	For the lodgement of any monies in Court, for any schedule of set-off or redemption, a fee equal to	2%
	of the money to be deposited, to be set-off or redeemed shall be levied but such fee shall not include the notification of such schedule on third parties indicated in the schedule and provided further that in no case shall such fee be less than	€25
	Provided that when such lodgement or schedule is required by law, a fee of €25 shall be paid in lieu of the fee of 2%.	

10 For the lodgement in Court of any object not being monies excluding the service of such schedule on third parties indicated in the schedule €50

11 For the searching for and inspection of any application for the withdrawal of any monies or things deposited in Court but not including the notification of such application on third parties indicated in the application and for any reply thereto €20

12 For the opening of the registry outside working hours:

(i) registry fee €120

(ii) fee due to attending deputy registrar €50

(iii) fee due to each executive officer required to effect service €35

13 (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 €6

(ii) fee due to the executive officer effecting the service €1.20

Provided that if service is to be effected outside normal working hours, the fees contained in this paragraph shall be increased by 100%; and if the notification has to be made to the legal consultant of the party, the fee due shall be two euro thirty-three cents (€1) for the full service.

(2) Notwithstanding anything contained in this Tariff if the notification of any act is to be executed personally by an executive officer of the Court, in cases where the law permits that service be effected otherwise, the following additional fees shall be due for each notification:

(i) registry fee €25

(ii) fee due to the executive officer effecting the service..... €7

(3)The fees established in sub-paragraph (2) shall not apply when service is to be effected personally by an executive officer of the Court in terms of any law, and in such cases the fees established in sub-paragraph (1) of this paragraph shall apply.

14 For any other act of procedure indicated in the Code of Organization and Civil Procedure but for which no fee is established in these Tariffs €30

15 (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 €1.

16	(a)	In actions for personal separation, divorce, annulment, maintenance, filiation, paternity, child abduction or custody, relating to the civil status of a person, relating to human rights or relating to general elections and in actions of possession and jactitation suits or concerning personal injury, claims for the payment of wages or claims for unjust dismissal from employment, all the fees provided for in this Tariff shall be rebated by ..... 50% 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.	
	(b)	No fees shall be due for any act filed by a curator ex officio acting in that capacity.	".

4. Tariff C of the Schedule A shall be substituted by the following: Substitutes Tariff C of the Schedule.

"TARIFF C

Fees payable in respect of Acts filed in the Court of Voluntary Jurisdiction

1	For every application filed and for every answer thereto, not being an application or answer indicated in any of the following paragraphs of this Tariff	€15
	Provided that the above fee shall include the filing of all other acts of procedure and court services (including but not limited to the filing of all procedural acts, examination of witnesses, preparation and publication of notices, banns and edicts, copies of decrees, taxation of fees and the like) required following the initiation of proceedings through the said application up to and including the final decree but excluding any fees due to referees or experts appointed by the Court or any fees which the Court may be required to pay to third parties.	
2	For the presentation of every secret will	€50
3	For any obligation entered in the records of the Court:	
	(i) if the value of the estate does not exceed €5,000	€50
	(ii) if the value of the estate does not exceed €20,000	€80
	(iii) if the value of the estate does not exceed € 100,000	€200
	(iv) if the value of the estate exceeds €100,000	€300
4	For every report on a reference as to the taxation of fees:	
	(i) registry fee	€50

(ii) fee due to the referee appointed by the Court €120

Provided that the Court may order that a higher fee be paid to the referee appointed by the Court if it deems that the work involved so warrants.

5 For the examination of accounts:

(i) registry fee €70

(ii) fee due to the expert appointed by the Court €250

Provided that the Court may order that a higher fee be paid to the expert appointed by the Court if it deems that the work involved so warrants.

6 For every curatorship in cases of discharge or in connection with edicts:

(i) registry fee €20

(ii) fee due to the curator appointed by the Court €50

Provided that the Court may order that a higher fee be paid to the curator appointed by the Court if it deems that the work involved so warrants.

7 For the opening of the registry outside working hours:

(i) registry fee €60

(ii) fee due to attending deputy registrar €25

(iii) fee due to each executive officer required to effect service €15

8 (1) The fees stated in paragraphs 1 to 5 of this Tariff are inclusive of the filing of any subsequent act of procedure, transport expenses for court executive officers, the filing of valuations or reports by Court appointed experts, the publication of banns and notices in the Government Gazette and any other court service in connection thereto and which is not specifically excluded by this Tariff.

(2) The fees stated in paragraphs 1 to 5 of this Tariff do not include fees and expenses due to Court appointed experts and to third parties, which fees and expenses shall be taxed separately.

9 For any other service or act of procedure indicated in the Code of Organization and Civil Procedure but for which no fee is established in these Tariffs €15

Provided that fees for services or acts not specifically provided for in this Tariff but provided for in other Tariffs shall be taxed according to those Tariffs but rebated by 75%

10 (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 €2.50

(ii) fee due to the executive officer effecting service €0.60

(2) Notwithstanding anything contained in this Tariff, if the notification is to be executed personally by an executive officer of the Court in cases where the law permits that service be effected otherwise, the following fees shall be due for each notification:

(i) registry fee €25

(ii) fee due to the executive officer effecting the service €5

(3) The fees established in sub-paragraph (2) shall not apply when service is to be effected personally by an executive officer of the Court in terms of any law, and in such cases the fees established in sub-paragraph (1) of this paragraph shall apply.

(4) In the case of circular letters requested by law the above fees shall be reduced by 50%

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 €1.

12 No fees shall be due under this Tariff for any act filed by a curator *ex officio* acting in that capacity. ".

5. Tariff D of the Schedule shall be substituted by the following: Substitutes Tariff D of the Schedule.

"TARIFF D

Fees payable in respect of Precautionary and Executive Acts and Judicial Sales by Auction in the Registries of the Superior Courts of Justice and the Courts of Magistrates in Malta and Gozo excluding the Court of Voluntary Jurisdiction

		€
1	For the filing of a warrant of prohibitory injunction:	
	(i) registry fee	€150
	(ii) fee due to the executive officer required to effect service, for each notification	€7
2	For the filing of a warrant of impediment of departure for children	€60

fee due to the executive officer required to effect service, for each notification €7

3 For the filing of any other warrant:

(i) registry fee €50

(ii) fee due to the executive officer required to effect service, for each notification €7

4 For the filing of any counter-warrant:

(i) registry fee €20

(ii) fee due to the executive officer required to effect service, for each notification €7

5 (1) (a) For the filing of any application for a judicial sale by auction of immovable property including an application to re-appoint a judicial sale by auction which has been suspended:

(i) registry fee €200

(ii) fee due to the executive officer required to effect service, for each notification €7

(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 fee €65

(ii) fee due to the executive officer required to execute the notification, for each notification .. €7

(c) No fee shall be levied for the suspension of a judicial sale by auction or for the re-appointment of a judicial sale by auction, the suspension of which was due to any notification required by law not having been effected or which has been suspended by the court following the request of the debtor.

(2) The fees due in accordance with sub-paragraph (1) shall include all services, fees and expenses required up to the sale itself, except for fees due for the service of any judicial act, which fees shall be taxed separately.

(3) For the storage in Government property of any movable to be sold by auction, per day €30

Provided that the applicant shall, together with the filing of the application for the judicial sale by auction, deposit a sum equivalent to seven days' storage which sum shall be adjusted following the adjudication of the sale or on its suspension.

(4) For the adjudication of any movable or immovable following a judicial sale by auction, for every €100 ..... 1%

Provided that in no case shall the fee levied be less than €120

Provided further that when a licensed auctioneer performs the auction, the fee established in the Auctioneers Act

shall, in addition be due to the auctioneer.

6 For the opening of the registry outside working hours:

(i) registry fee €120

(ii) fee due to attending deputy registrar €50

(iii) fee due to each executive officer required to effect service €35

7 (1) Subject to sub-paragraph (2) of this paragraph, the fees stated in paragraphs 1 to 4 of this Tariff are inclusive of all expenses and services required in connection with the execution of the relative act of procedure, any police assistance which the executive officer may require in executing the act, the filing of valuations or reports by Court appointed experts and the publication of banns and notices in the Gazette.

(2) The fees stated in paragraphs 1 to 4 of this Tariff do not include fees and expenses due to Court appointed experts and to third parties which fees and expenses shall be taxed separately.

8 For any other act of procedure indicated in the Code of Organization and Civil Procedure but for which no fee is established in these Tariffs €20

9 For every notification, not previously mentioned in this Tariff, of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due:

(i) registry fee €7

(ii) fee due to the executive officer effecting the service €2.35

Provided that if service is to be effected outside normal working hours, the fees contained in this paragraph shall be increased by 100%.

10 Notwithstanding anything contained in this Tariff if the notification is to be executed personally by an executive officer of the Court in cases where the law permits that notification be effected otherwise, the following fees shall be due, for each notification:

(i) registry fee €25

(ii) fee due to the executive officer effecting the service €7

11	(a) In actions for personal separation, divorce, annulment, maintenance, filiation, paternity, child abduction or custody, relating to the civil status of a person, relating to human rights or relating to general elections and in actions of spoliation or concerning personal injury, claims for the payment of wages or claims for unjust dismissal from employment, 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, all the fees provided for in this Tariff shall be rebated by	50%
	(b) No fees shall be due for any act filed by a curator *ex officio* acting in that capacity.	
11A	For the filing of any warrant issued for the purpose of enforcing a decision of the Consumer Claims Tribunal, all the fees provided for in this Tariff shall be rebated by	50%
12	(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 €1.	
	(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 of	€50".

Substitutes Tariff J of the Schedule.

6. Tariff J of the Schedule shall be substituted by the following:

"TARIFF J

Fees payable in connection with Sea Protests proceedings concerning Average

1	For the procedures required following the filing of any application regarding sea protests or for proceedings touching average up to the filing of the report:	€
	(i) registry fee	€200
	(ii) fee due to the advocate	€240
	(iii) fee due to the judge delegate	€120
	(iv) fee due to the deputy registrar	€60
	(v) fee due to the translator, if required	€60
	(vi) fee due to the clerk transcribing the protest and depositions, if required	€50
	(vii) fee due to the executive officer of the Court	€35

2	When the sea protest is drawn up outside the edifice of the Law Courts the fees stated in paragraph 1 of this Tariff shall be increased by	25%
	Provided that if the sea protest is drawn up on board a ship lying outside a harbour the fees stated in paragraph 1 of this Tariff shall be increased by	50%
3	Where the sea protest is drawn up at any time after 4.00pm and before 9.00am the fees set out in paragraph 1 of this Tariff shall be increased by	50%
4	(1) The sea-protest shall be drawn up in English.	
	(2) An interpreter shall be employed when the declaration is made or the evidence given in a language with which the judge is not conversant.	".

7. Tariff L of the Schedule shall be substituted by the following: Substitutes Tariff L of the Schedule.

"TARIFF L

Fees payable in respect of proceedings under article 257 of the Civil Code, Cap. 16.

Registry fee for the filing of any application or note	€10
For subpoena of witness - for each witness	€0.40
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