L.N. 102 of 1980

CODE OF ORGANIZATION AND CIVIL PROCEDURE (CAP. 15)

Code of Organization and Civil Procedure (Schedule A) (Amendment) (No. 3) Regulations, 1980

IN exercise of the powers conferred by section 1003 of the Code of Organization and Civil Procedure, the Minister of Justice, Lands, Housing and Parliamentary Affairs, with the concurrence of the Minister of Finance, Customs and People's Financial Investments, has made the following regulations:—

Citation and commencement.

1. (1) These regulations may be cited as the Code of Organization and Civil Procedure (Schedule A) (Amendment) (No. 3) Regulation, 1980, and 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".

(2) These regulations shall come into force on the 17th day of December, 1980.

Substitutes Tariffs A, B, C, D, E, F, G, H, I, L, M, N, and O of Schedule A.

2. For Tariff A of Schedule A there shall be substituted the First Schedule to these regulations; for Tariffs B, C, and D of Schedule A there shall be substituted the Second Schedule to these regulations; and for Tariffs E, F, G, H, I, L, M, N and O of Schedule A there shall be substituted respectively the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Schedules to these regulations:

Provided that in respect of judicial acts filed prior to the coming into force of these regulations no fee additional to what was actually paid as Registry fee shall be due or shall be levied by the Registrar nor shall any such fee be due or levied because of anything done in any lawsuit pending on the date of the coming into force of these regulations.

SCHEDULES

(Regulation 2)

FIRST SCHEDULE

TARIFF A

Fees payable in the Registry of the Superior Courts of Justice, and in the Registry of the Court of Magistrates of Judicial Police for the Islands of Gozo and Comino in its Superior Jurisdiction

	£ c m
1. For the issue or filing of any act of procedure including referees' reports and circular letters required in Bankruptcy proceedings, for the lodgement into the Court of Appeal of the record whether of proceedings in a Superior Court or of proceedings in a Court of Magistrates of Judicial Police, for the execution of any warrant by the Marshal, for the affixing of the seal of the Court where this is prescribed by law or ordered by the Court, for any certificate, for legalising any note to be registered in the Public Registry Office and generally for any act of procedure not otherwise provided for	50,0
2. For every adjudication of immovables, ships and sea craft of any denomination, motor vehicles of any denomination, machinery, merchandise, and other goods not being household goods:—	
For every £100 or part thereof	50,0

	£ c m
3. For every copy, for every page	25,0
In no case, however, shall a fee less than 25c be levied.	
4. For every service, including any other additional fees for service payable under this Tariff or any other Tariff	25,0
5. For the filing of a judicial letter and for the issue by the Registrar of any letter required by the Code of Organisation and Civil Procedure or any other law	25,0
6. For the issue of a bill of costs, for every page	25,0
7. For each definitive judgement:	
(i) in respect of the first £200, per £100 or part thereof ...	5.00,0
(ii) in respect of any value in excess of the first £200 up to £500, per £100	4.00,0
(iii) in respect of any value in excess of the first £500 up to £3,000, per £100	3.00,0
(iv) in respect of any value in excess of the first £3,000 up to £10,000, per £100	2.00,0
(v) in respect of any value in excess of the first £10,000 up to £50,000, per £100	1.00,0
(vi) in respect of any value in excess of the first £50,000 up to £75,000, per £100	75,0
(vii) in respect of any value in excess of the first £75,000 up to £100,000, per £100	50,0
(viii) in respect of any value in excess of £100,000, per £100 ...	10,0

(b) In the case of actions brought by the Government under the Stamp Duties Ordinance (Chapter 68), or under the Death and Donation Duty Act, 1973, where the claim or any of the claims is for the recovery of a penalty incurred by the defendant within the highest amount fixed by law, the fee in respect of such claim shall be taxed on the amount of the penalty awarded by the Court:

Provided that where such claim is wholly disallowed, the fee shall be taxed on the lesser amount of the penalty fixed by law.

NOTE: In no case shall a fee less than £3.00,0 be taxed.

In addition to the fees established in this number, a fee shall be levied for a copy of the judgement to be filed in the record of the cause.

In assessing the fees laid down in this number, fractions of £1 of the amount on which the assessment is made, shall not be computed.

8. For every decree in the cause	1.00,0
For the examination of every witness	25,0
9. For every necessary declaration in a judgement ... ... from	2.00,0
to	25,00,0

10. In causes for the partition of property, independently of the number of demands contained in the writ of summons there shall be taxed only one fee *ad valorem* as in No. 7 on the greater sum between the assets and liabilities of the property to be divided — provided that in causes of parti-

£ c m

tion of property *causa mortis* such fee shall be taxed on the value established as above of each particular estate to be divided between the parties, saving that such fee shall in no case be less than 5.00,0

11. In causes for the partition of property where the partition of all property involved cannot be carried out except by way of licitation, provided that such a demand is made in the writ of summons and upheld in the final judgement, the fee shall be assessed at the rate of one half per centum (½%) on the value of the property in licitation, provided that in no case shall such fee be more than that assessed as provided in No. 7 or less than 3.00,0

12. In actions respecting the payment of annuities, allowances, and the like, if the amount be indeterminate the fee shall be assessed as provided in No. 7 on the amount awarded in the final judgement, provided that in no case shall such fee be less than 3.00,0

13. In actions of maintenance the fee assessed shall be one-quarter per centum (¼%) on the amount of maintenance payable under the judgement for a period of ten years, provided that if the order refers to provisional maintenance the fee shall be ... ... from 1.00,0
to 3.00.0

14. In actions of filiation, in other actions concerning the status of individuals and in actions relating to the separation of married persons, irrespective of the number of declarations involved, but saving the fee in respect of any decision on any point of law or of fact which concerns a value determinate or determinable, there shall be assessed a fee ... ... from 2.00,0
to 25.00,0

15. In actions relating to the ranking of creditors the minimum fee shall be 5.00,0

Provided that:

(i) when there is contestation of the claim either as to the amount or as to ranking the fee shall be as at No. 7;

(ii) where there is admission of the claim but such claim does not result from a previous executive title, the fee shall be as at No. 20.

16. In bankruptcy proceedings, where there is no contestation concerning the proof of a claim, the fee in respect of that proof of a claim shall be that established in No. 9.

17. In any other action of adjudication upon competing claims, referred to in section 429 of the Code of Organization and Civil Procedure, there shall be assessed a fee as in Nos. 7 and 20.

18. In causes concerning the validity of a pre-emption or redemption or the implementation of a promise of conveyance, the value in the case for the purposes at No. 7 shall be the value of the property pre-empted or redeemed or of which the conveyance was promised.

19. In cases of judgements of non-suit given on pleas touching the principal merits of the cause, the fees laid down in Nos. 7-18 shall be taxed; in all other cases of judgements of non-suit one-half of the said fee shall be taxed:

£ c m

Provided that the fee herein assessed shall, in respect of claims mentioned in No 7(b), be taxed on the lesser amount of the penalty fixed by law.

20. In cases where the claim is admitted before any contestation thereon, one-third of the fees established in Nos. 7-18 of this Tariff shall be taxed.

21. (i) In cases of compromise or discontinuance before the cause has been set down on the list, one-third of the fees established in Nos. 7-18 shall be taxed:

Provided that in any such case no fee shall be levied for the filing of the note whereby the proceedings are discontinued.

(ii) In cases of compromise or discontinuance after the cause has been set down on the list, one-half of the fees established in Nos. 7-18 shall be taxed.

22. On appeal, the fees laid down in Nos. 7-21 inclusive shall be increased by one-third.

23. For the searching for and inspection of any application for the withdrawal of any moneys or things lodged in Court or any lodgement schedule, or any schedule or set-off, pre-emption or redemption which shall have been filed more than four years previous to the demand 25,0

SECOND SCHEDULE

TARIFF B

Fees payable in respect of executive Acts

£ c m

1. For the publication of adverts in the Government Gazette:—
For every insertion 2.00,0

2. For the services of the crier:—
the fee leviable in accordance with the Auctioneers Law (Cap. 6) is payable on adjudication.

3. For transport expenses when the warrant or order is to be executed in the same Island in which it has been filed or made 50,0

4. For transport expenses when the warrant or order is to be executed in an Island different from that in which the warrant or order had been filed or made 2.00,0

In addition to the fees established in this Tariff, there shall be paid the expense for the transport of the things seized and any other expense which may have been incurred in connection with the execution of any warrant or with any judicial sale by auction, according to the bill of the Marshall.

The Marshall may also demand a deposit sufficient to cover the above expenses before giving effect to any execution.

THIRD SCHEDULE

TARIFF C

Fees payable in respect of Acts filed in the Courts of voluntary jurisdiction

	£ c m
1. For every decree on an application for — authority to alienate or hypothecate property; authority to settle a dowry; authority to assign a sacred patrimony or a supplement thereto; the taxation of fees to Advocates, Notaries, etc; the issue of banns; the publication of notices; a declaration of the opening of a succession; an order for the opening of a secret will; the appointment of referees or experts to make any taxation, or to examine accounts or for any other matter; the appointment or confirmation of tutors, curators, testamentary executors or other administrators; admission of a party to accept an inheritance; authority to draw up an inventory or for exemption therefrom; the revocation or surrogation of an entail; the approval of accounts, the giving of a discharge or for authority to give a discharge; authority to effect a voluntary sale by auction; authority to alter the conditions under which a marriage has been contracted; the issue of edicts; legitimation, adoption or authority to adopt; interdiction or incapacitation; any other matter not specifically provided for; authority to compete for a marriage legacy.	50,0

NOTE: No fee shall be levied for any decree ordering the communication or service of any act to or on a party, or for any application for admission to Institute approved by Government.

2. For the issue and posting up of edicts:—	
where the value of the property or hypothecation does not exceed £10	75,0
where it exceeds £10	1.00,0
3. For a schedule completing the edicts	50,0
4. For the drawing up of notices to be published in newspapers ...	25,0
5. For banns, summonses or edicts, each	25,0

6. For the filing of every answer, note, protest, report or lodgment schedule		25,0
7. For the presentation of each secret will		2.00,0
8. For any obligation entered in the acts of the Court:		
where the value of the estate does not exceed £100		50,0
where the value of the estate exceeds £100 for the first £100 ...		25,0
for every additional £100 or fraction thereof		10,0
9. For the administration of an oath		25,0
10. For the affixing of the seal of the Court		50,0
11. For every taxation	from	50,0
	to	2.00,0

12. The fee for every copy, service, search, hire of vehicle, certificate or other act or proceeding not provided for in this Tariff, shall be regulated according to the sale of fees fixed for the Courts of contentious jurisdiction.

13. For every report on a reference as to taxations of fees ...	from	5.00,0
	to	25.00,0
14. For examination of accounts	from	6.00,0
	to	75.00,0
15. For every curatorship in cases of discharge		5.00,0
For every curatorship in connection with edicts		5.00,0

NOTE: The Court may, for good cause, grant to the referee or curator a higher fee than that respectively fixed in Nos. 13, 14 and 15.

FOURTH SCHEDULE

TARIFF D

Fees payable in the registry of the Court of Magistrates of Judicial Police for the Island of Malta and of the Court of Magistrates of Judicial Police for the Islands of Gozo and Comino in its Inferior Jurisdiction

	Where the amount of the claim does not exceed £20	Where the amount of the claim exceeds £20
	£ c m	£ c m
1. For the filing of every writ of summons or notice	20,0	1.50,0 (which includes £1 as Registry fee)
2. For every warrant of seizure, or ejection, or garnishee order, or impediment of departure, or counter-warrant	20,0	35,0

	Where the amount of the claim does not exceed £20	Where the amount of the claim exceeds £20
	£ c m	£ c m
3. For the execution of any of the above warrants or counter-warrant	—	35,0
4. For every schedule or application ...	15,0	35,0
5. For every note of appeal	20,0	35,0
6. For every other written pleading ...	20,0	35,0
7. For every copy, for every 100 words	10,0	10,0
8. For every service	25,0	25,0
9. For every Taxed Bill	10,0	10,0
10. The same fees established in the preceding paragraphs of this tariff respectively shall be paid on appeal.		
11. For the legalisation of a note of hypothec to be registered in the Public Registry ...	25,0	25,0

FIFTH SCHEDULE

TARIFF E

Fees payable to Advocates, Legal Procurators and Official Curators

	£ c m
1. (a) For each note of appeal, for each note of acceptance of banns and for each protest against the sufficiency of a bail for costs, even if such protest is not filed separately	1.00,0
(b) For each note required to be filed in Commercial Court under the provisions of the Commercial Code (Chapter 17)	1.50,0
(c) For every note of submission filed in any Court, provided that the total fee taxed for the case does not exceed £100 ... from	5.00,0
to	10.00,0
2. (a) For each application for summoning of witnesses	1.00,0
(b) For each first application for sale of immovables (including research in the Public Registry, the ordering of certificates of hypothec, and perusal of relative deeds)	3.00,0
(c) For each other application	2.00,0
(d) For any application filed after office hours or on a Sunday or public holiday, there shall be taxed an additional fee of	2.00,0
3. For each application filed in the Court of Voluntary Jurisdiction:	
(i) if it concerns the admission of minors to an industrial school or to an approved school	1.00,0

£ c m

(ii) if it concerns the candidature in a marriage legacy or the renewal of an authorisation previously given, or the taxing of fees ... 2.00,0

(iii) in all other cases (including notes of acceptance or waiver of an inheritance) 3.00,0

Provided that an additional fee shall be taxed when the drawing up of the application, and/or the preparation and/or the filing of the relative documents, entails more work than is ordinarily required.

4. For each attendance during sittings before the Court of Voluntary Jurisdiction 2.00,0

5. (a) For each lodgment schedule, even if such lodgment is made with or following a schedule of redemption:

(i) when the value does not exceed £200 ... ... 2.00.0

(ii) when the value exceeds £200 but not £1,000, the fee shall be increased by one per centum (1%) for every additional £100 or part thereof;

(iii) when the value exceeds £1,000 but not £10,000, the fee shall be increased by 75 cents for each additional £100 or part thereof;

(iv) when the value exceeds £10.000 but not £50,000, the fee shall be increased by 50 cents for each additional £100 or part thereof;

(v) when the value exceeds £50,000, the fee shall be increased by 15 cents for each additional £100 or part thereof.

(b) For each schedule or set-off or redemption:

(i) when the value does not exceed £200 ... ... 2.00.0

(ii) when the value exceeds £200 but not £1,000 the fee shall be increased by £1.50,0 for each additional £100 or part thereof;

(iii) when the value exceeds £1,000, but does not exceed £10,000 the fee shall be increased by £1 for each additional £100 or part thereof;

(iv) when the value exceeds £10,000 but not £50,000, the fee shall be increased by 50 cents for each additional £100 or part thereof;

(v) when the value exceeds £50,000, the fee shall be increased by 20 cents for each additional £100 or part thereof.

These fees are inclusive of advice concerning the right of claim set-off or exercise redemption.

6. (a) For advice to a party against whom the right of redemption is exercised concerning the validity of the schedule and the right of the party exercising redemption and about procedure to be followed, including assistance thereat, the fees established in sub-paragraph (b) of paragraph 5 shall apply.

(b) For advice to the depositor concerning a request for the withdrawal in whole or in part of the money or other thing deposited:

(i) when the value does not exceed £200 ... ... 2.00,0

(ii) when the value exceeds £200 but not £2,000, the fee shall be increased by 50 cents for every additional £100 or part thereof;

£ c m

(iii) when the value exceeds £2,000, the fee shall be increased by 20 cents for every additional £100 or part thereof.

7. For private letters ... ... from 50,0
to 1.00,0

8. (a) For the drafting of a judicial letter, whether filed or not ... 2.00,0

(b) For the drafting of a judicial protest, whether filed or not 3.00,0

Provided that when the above acts are not followed by judicial proceedings a fee, to be assessed by the Registrar, shall be allowed for the advice leading to the drafting of the said acts. On request, the fee shall be registered on the act itself by the Registrar.

9. For the drafting of each hypothecary protest 4.00,0

Provided that a fee shall be assessed for the perusal of entries of hypothec and of relative deeds, taking into consideration the number of entries and deeds perused, their importance and/or the amount involved
from 3.00,0
to 10.00,0

10. For every attendance, before a referee or before a Supplementary Judge and for every attendance at an inspection *in faciem loci*, whether ordered by the Court or required by the client:

(i) if the attendance does not last more than two hours ... 2.00,0

(ii) if it lasts more than two hours, and provided this circumstance is expressly noted in a proces-verbal signed by the referee, the Supplementary Judge or the Deputy Registrar, as the case may be, the fee shall be increased by £1 in respect of each additional hour or part thereof.

11. When the attendance referred to at paragraph 10 takes place outside Valletta, the fee shall be 3.00,0

12. If the attendance referred to in the last preceding paragraph lasts more than two hours, and provided this circumstance is expressly noted in a proces-verbal signed by the referee, the Supplementary Judge or the Deputy Registrar, as the case may be, the fee shall be increased by £1 in respect of each additional hour or part thereof.

13. (1) For drafting or perusal of a deed for publication by a Notary Public, which includes fees due for advice, research into liabilities and transfers, tracing of root of immovables, and attendance at publication:

(a) if the value of the interest concerned —

(i) does not exceed £200 ... ... from 5.00,0
to 10.00,0

(ii) exceeds £200 but does not exceed £3,000, per £100 or part thereof 2.00,0

(iii) exceeds £3,000 but does not exceed £25,000, per £100 or part thereof 1.00,0

(iv) exceeds £25,000 but does not exceed £50,000, per £100 or part thereof 75,0

(v) exceeds £50,000 but does not exceed £75,000, per £100 or part thereof 50,0

£ c m

(vi) in respect of any value in excess of £75,000, per £100 or part thereof 10,0

(b) if the value of the interest concerned is not expressed in money the fee shall be ... ... from 5.00,0
to 100.00,0

(c) if the deed refers to a lease agreement, commodatum, precarium, marriage-settlement, promise of marriage, inventory, donation, separation of spouses (so long as the community of acquests is not involved), deposit or waiver, the fee shall be three-fourths of that established under (a) or (b) of this sub-paragraph.

(2) When, in connection with the drafting or perusal of a deed to be published by a Notary Public, an Advocate does not perform all the services referred to in sub-paragraph (1) of this paragraph, the fee therein established shall be assessed in proportion to the services performed unless the Advocate assumes the professional responsibility for the deed, in which case the fee established in that such paragraph shall be due.

(3) When the Advocate is acting for the vendor or transferor in a sale or other transfer or the borrower in a contract of loan or where one of the parties in a contract is the Government, the fees, assessed on the basis of this paragraph and while taking into account only the services actually performed, shall not exceed one-third of the whole fee established in sub-paragraph (1) of this paragraph.

14. To curators appointed to attend at publication of a deed on behalf of absentees or defaulters for attendance and for perusal of the deed from 5.00,0
to 12.00,0

15. For advice concerning the drawing up of notices for purposes of the Death and Donation Duty Act, 1973, including the actual drawing up of such notices ... ... from 5.00,0
to 30.00,0

When the value exceeds £5,000 such fee shall be increased by 50 cents for every additional £100 or part thereof.

When the liquidation of the community of acquests is necessary for the drawing up of a notice, and the value of the community of acquests exceeds the value of the estate to be declared, such fee shall be taxed on the value of the community of acquests:

Provided that in all cases the value shall be taken to be the greater sum between the assets and the liabilities of the estate or of the community of acquests.

16. (a) For the drawing up of private writings containing an agreement of a promise of sale, bethrotal, commodatum or use, arbitration or the drawing up of statutes of associations and of civil partnerships, contract of *locatio operis* ... ... from 5.00,0
to 100.00,0

(b) For the drawing up of any other private writing containing an agreement which, according to law, is as valid as if it had been carried out in virtue of a public deed, the fees mentioned in paragraph 13 shall apply.

(c) For authentication of signatures or marks, in respect of each individual signature or mark for the drawing up of a power of attorney or any declaration, sworn or otherwise, and including any

		£ c m
necessary authentication of signatures or marks	from	1.00,0
	to	3.00,0
(d) For the drawing up of the memorandum and articles of a commercial partnership	from	25.00,0
	to	100.00,0

Provided that where the value of the issued and subscribed share capital is more than £5,000, an additional fee of £1 per £1,000 or part thereof shall be taxed:

Provided further that where one of the parties is the Government the fee shall not exceed 50 per centum of that assessable as above.

17. For the drawing up of Income Tax Returns	from	2.00,0
	to	10.00,0

Provided that when for the drawing up of such returns extra-ordinary calculations, examination of deeds or private instruments, balance sheets or insurance policies are necessary, an additional fee shall be taxed.

18. For the drawing up of a note of registration and for attendance at the Public Registry in connection with the filing of same	3.00,0

19. (a) For advice given verbally	from	1.00,0
	to	4.00,0
(b) For an opinion in writing	from	5.00,0
	to	25.00,0

The fees established hereby may for a good reason be increased in specific cases by the Court of Voluntary Jurisdiction, by means of a decree given on application of the party interested.

20. For each definitive judgement:	
(i) in respect of the first £200, per £100 or part thereof ...	10.00,0
(ii) in respect of any value in excees of the first £200 up to £500, per £100	5.00,0
(iii) in respect of any value in excess of the first £500 up to £3,000, per £100	3.00,0
(iv) in respect of any value in excess of the first £3,000 up to £10,000, per £100	2.00,0
(v) in respect of any value in excess of the first £10,000 up to £50,000, per £100	1.00,0
(vi) in respect of any value in excess of the first £50,000 up to £75,000, per £100	75,0
(vii) in respect of any value in excess of the first £75,000 up to £100,000, per £100	50,0
(viii) in respect of any value in excess of £100,000,	10,0

Provided that in respect of the claims referred to in No. 7 (b) of Tariff A, the fee shall be taxed on one-half of the maximum fixed by law for the penalty contemplated therein.

21. When a declaration containing a decision of any point of law or of fact concerns a value determinate or determinable according to law or

£ c m

from the records of the proceedings, the fee in respect of that decision shall be taxed in accordance with paragraph 20, on the value so determined.

22. For any other necessary declaration containing the decision of any point of law or of fact ... ... from 6.00,0
to 75.00,0

23. In causes for the partition of property, independently of the number of demands contained in the writ of summons there shall be taxed only one fee *ad valorem* as in paragraph 20 on the greater sum between the assets and the liabilities of the property to be divided — provided that in *causa mortis* such fee shall be taxed on the value established as above of each particular estate to be divided between the parties, saving that such fee shall in no case be less than 15.00,0

24. In causes for the partition of property where the partition of all property involved cannot be carried out except by way of licitation, provided that such a demand is made in the writ of summons and upheld in the final judgement, the fees due to each Advocate in the cause shall be taxed at the rate of one per centum (1%) on the value of the property in licitation provided that in no case shall such fee be more than that assessed according to No. 20 or less than 10.00,0

25. In actions respecting the payment of annuities, allowances and the like, if the amounts be indeterminate the fee shall be taxed as provided in paragraph 20 on the amount awarded in the final judgement, provided that in no case shall such fee be less than 10.00,0

26. In actions of maintenance the fee shall be one-half per centum (½%) on the amount of maintenance payable under the judgement for a period of ten years, provided that if the order refers to provisional maintenance the fee shall be ... ... from 3.00,0
to 10.00,0

27. In actions of filiation, in other actions concerning the status of individuals and in actions relating to the separation of married persons irrespective of the number of declarations involved, but saving the fee in respect of any decision on any point of law or of fact which concerns a value determinate or determinable, there shall be allowed a fee ... from 6.00,0
to 75.00,0

28. In actions relating to the ranking of creditors the minimum fee shall be 15.00,0

Provided that —

(i) when there is contestation of the claim either as to the amount or as to ranking the fee shall be as at paragraph 20;

(ii) where there is admission of the claim, but such claim does not result from a previous executive title, the fee shall be as at paragraphs 35, 36, 37 and 38, as the case may be.

29. To the advocate of the party making the lodgment there shall be allowed the fee of 4.00,0

But if there be contestation as to the amount lodged, the provisions contained in paragraph 20 shall apply.

£ c m

30. In bankruptcy proceedings, where there is no contestation concerning the proof of a claim, the fee in respect of that proof of a claim shall be that established for a declaration.

31. In any other action of adjudication upon competing claims, referred to in section 429 of the Code of Organization and Civil Procedure, there shall be taxed a fee as provided in paragraphs 20, 25 and 43.

32. In causes concerning the validity of a pre-emption or redemption or the implementation of a promise of conveyance, the value in the cause for purposes at paragraph 20 shall be the value of the property pre-empted or redeemed or of which the conveyance was promised.

33. For each decree in the cause ... ... from 2.00,0
to 10.00,0

34. In case of judgements of non-suit, if the judgement is given on pleas touching the principal merits of the cause, there shall be allowed to the Advocate the fee established in paragraph 20; in any other case one-half of the fee aforesaid shall be allowed.

35. Where a cause is discontinued in first or in second instance:

(i) after the libel or the writ of summons or the petition has been filed, there shall be allowed to the Advocate of the plaintiff one-third of the fee established in paragraph 20 when the cause is taxable *ad valorem;*

(ii) after the statement of defence or the answer has been drafted, there shall be allowed to the Advocate of the defendant one-third of the fee established at paragraph 20 when the cause is taxable *ad valorem.*

36. In case of compromise or discontinuance at any other stage of the proceedings subsequent to contestation but prior to the hearing of the cause, or in case of admission at any stage prior to the commencement of the hearing there shall be allowed one-half of the fees established at paragraph 20 when the cause is taxable *ad valorem.*

37. If the compromise or discontinuance or admission takes place after the commencement of the hearing of the cause, two-thirds of the fee established in paragraph 20 shall be allowed when the cause is taxable *ad valorem.*

38. If the compromise or discontinuance or admission takes place after the cause has been adjourned for judgement the whole fee established in paragraph 20 shall be allowed, when the cause is taxable *ad valorem.*

39. (a) If more than one Advocate is briefed by the same party in the same action, each of the Advocates shall be entitled to the whole of the established fee:

Provided that the party in whose favour the head of costs is decided, although he may have briefed more than one Advocate, shall not be entitled to claim from the party cast more than one whole fee.

(b) Where there are two or more plaintiffs or two or more defendants to a suit, each of the parties is entitled to have his own Advocate or Advocates even if the merit is similar in respect of all

the plaintiffs or in respect of all the defendants; and the party ordered to pay the costs shall be bound to pay the proper fees of all the Advocates on the prevailing side so long as no one party claims costs in respect of more than one Advocate.

40. If an Advocate abandons or is abandoned by his client:

(i) after the libel, the application, the writ of summons or the petition or the statement of defence or the answer has been filed, he shall be entitled to one-third of the normal fee;

(ii) after the above stages but before the cause has been adjourned for judgement he shall be entitled to two-thirds of the normal fee.

41. The fee due to an Advocate whose services have been engaged after the former one has been abandoned by or has abandoned his client before the cause is concluded shall be equal to the difference between the full fee and the fee taxed to the former Advocate. The fee due to a third and subsequent Advocate shall always be one-third of the full fee.

42. In every case covered by paragraphs 40 and 41, the party engaging the services of more than one Advocate, one after the other, who happens to be on the prevailing side, cannot claim from the party cast more than one whole fee.

43. The fees due to Advocates in connection with professional services requiring written pleadings, other than those referred to in paragraph 8, if such pleadings have been prepared but not filed shall be those established in paragraph 22.

44. In connection with professional services at paragraphs 20, 21, 34 to 38, 40 and 41 the minimum fee shall be £10.

45. On appeal the fees laid down in paragraphs 20 to 43 inclusive, shall be increased by one-third.

46. In regard to causes before the Court of Magistrates of Judicial Police for the Islands of Gozo and Comino in its superior jurisdiction, there shall be taxed the same fees established in respect of causes before the Superior Courts and the provisions contained in paragraph 45 of this Tariff shall also apply.

47. Legal Procurators shall receive one-third of the fees allowed to Advocates as regards those judicial acts which bear their signature together with that of an Advocate, and as regards services at paragraphs 9 and 10. No fees however are taxable to them for any of the services mentioned under the proviso to paragraph 3 and the proviso to paragraph 8. For those judicial acts which do not require also the signature of an Advocate and which are signed only by a Legal Procurator, the fee shall be as that due to an Advocate.

48. (a) The fees of official curators shall be those established in this Tariff.

(b) Official curators when served with a copy of a judicial act, in connection with which they are not expected to file any written pleading shall be entitled to the same fee due to an Advocate and Legal Procurator for the same judicial act.

£ c m

49. An additional fee of £5 shall be taxed for every attendance, when an Advocate is required to appear before any Superior Court for any pleadings at an hour when the Registry is ordinarily closed.

50. Advocates and Legal Procurators, when required to appear before the Courts of Magistrates of Judicial Police for the Island of Malta, or before the Court of Magistrates of Judicial Police for the Islands of Gozo and Comino in its inferior jurisdiction, shall be entitled to the following fees:

(a) For every decision of any point of law or of fact contained in a judgement:

where the amount in issue does not exeeed £10 ... ... 4.00,0

where the amount in issue exceeds £10 but does not exceed £20 ... 5.00,0

where the amount in issue exceeds £20 ... ... 6.00,0

(b) Where the cause is admitted, compromised or discontinued at any stage of the proceedings the same fees set out in item (a) of this paragraph shall be allowed.

(c) For the drawing up of a writ of summons or notice, the filing of which has not taken place 1.00,0

(d) For each subpoena and relative application 1.00,0

(e) For every warrant, counter-warrant, application or note of consent 1.50,0

(f) For each lodgment schedule:

where the value does not exceed £5 ... ... 1.50,0

where the value exceeds £5 ... ... 2.00,0

(g) For a note of registration of a judgement or of any other executive title 1.00,0

(h) For each attendance before a referee or Supplementary Magistrate and for each attendance *in faciem loci* 1.00,0

(i) When the attendance referred to at sub-paragraph (h) of this paragraph takes place outside the area of the town or village where the Court ordinarily holds its sittings 1.50,0

(j) For each attendance before a Court required for the hearing of a cause at an hour when the Registry is ordinarily closed but not during an ordinary sitting, or on a Sunday or public holiday, in addition to the fees mentioned in this paragraph, an additional fee of £2 shall be taxed in respect of each attendance.

51. (a) Fees taxable to Advocates who are appointed as Legal Referees shall be those mentioned in sub-paragraph (b) of paragraph 19 above for each opinion dealt with in the report. Any calculation or computation of an amount to be awarded as damages or compensation by the Courts shall be deemed to be an opinion, but the maximum fee taxable for such an opinion shall be £75. The criterion shall be that of the work involved and never the amount assessed by the Legal Referee.

(b) The above fees shall also apply to Advocates who are appointed to report to the Court of Voluntary Jurisdiction and for the revision of accounts rendered.

52. (a) Saving any agreement reached between the administrator and the parties concerned, and saving the fees due in respect of each particular service performed by the administrator, the fees due for the

SEVENTH SCHEDULE

TARIFF G

Fees payable to Accountants and other Referees

£ c m

1. The fee payable to accountants shall be taxed at 1 per centum (1%) on the amount of the subject-matter of the references, subject to a minimum of £5 and a maximum of £1,000.

2. To other experts, for any valuation:—

on the first £500 or part thereof	5.00,0
on any further amount over £500, for every £100 or part thereof	1.00,0

Provided that the fee shall in no case exceed £500.

3. The fees prescribed in the preceding numbers of this Tariff shall include the remuneration for making the report, accounts and statements, for holding sittings, and for attendance in Court and elsewhere where necessary, but they shall not include the expense necessary for carrying out the reference.

4. Where owing to the special circumstances of the case, it appears to be just that, besides the fees above established, an additional fee be allowed to the referee or expert, it shall be in the power of the Court, upon hearing the parties interested, to allow such additional fee at its discretion.

Any such additional fee may be determined beforehand by the Court in the decree appointing the referee or experts, or by separate decree but in no case otherwise than by decree.

5. The taxation made by the Registrar may be appealed against by any referee or party in the manner prescribed under section 667 of this Code.

6. Fees due to taxing experts in the Court of Voluntary Jurisdiction shall be regulated in accordance with No. 13 of Tariff C.

EIGHTH SCHEDULE

TARIFF H

Fees leviable by the Archivists of the Courts in Malta and Gozo

1. For the inspection of, and the search for any case file, record of proceedings or other act	10,0
2. For every copy, for every page	25,0

If after the inspection of, or the search for any document, a copy of the same is ordered to be made, an amount corresponding to the fee paid for the inspection of, or the searching for the said document shall be deducted from the amount of the fee for the copy.

No fee shall be levied for the inspection of, or the search for any act deposited in the Archives within the four years previous to the demand.

NINTH SCHEDULE

TARIFF I

Fees payable for stenographers employed in causes before the Courts and for electro-magnetic recording of judicial proceedings

	£ c m
(1) Retaining fee for each stenographer for each sitting (morning and afternoon sessions to be considered separately)	2.00,0
Transcription fee for every 100 words or part thereof	15,0
Fee in lieu of transcription	3.50,0
(2) Recording fee payable once by each party producing witnesses ...	2.00,0
Transcription fee for every 100 words or part thereof	15,0

TENTH SCHEDULE

TARIFF J

Fees payable in connection with sea-protests or proceedings concerning average before the Commercial Court

1. For the filing of any application regarding sea-protests or proceedings touching average	1.00,0
2. To the Advocate for any such application	2.00,0
3. For the examination of every witness	25,0
4. Fees payable to the Judge Delegate:	
(i) if the sea-protest takes place between 9.00 a.m. and 4.00 p.m.	3.50,0
(ii) if it takes place in whole or in part outside those hours ...	6.00,0
Each of the said fees shall be increased by 50 cents for every half-hour or fraction thereof if the sitting lasts more than two hours.	
5. (a) To the Deputy Registrar when the sea-protest takes place in whole or in part out of office hours	1.75,0
If the sitting lasts more than two hours the said fee shall be increased by 20 cents for every half hour or part thereof.	
(b) To the Clerk or other person so acting for transcribing the sea-protest and depositions, for every page or part thereof	20,0
(c) To the Messenger when the sea-protest takes place in whole or in part out of office hours	75,0
If the sitting continues after 4.00 p.m. the fee due to Messengers shall be increased by 15 cents for every half-hour or part thereof.	
6. To the Advocate for examining any report touching average or for assisting in the drawing up of a sea-protest	9.00,0
7. Registry fee for the filing of any report touching average	1.00,0

	£ c m
8. To the Interpreter there shall be paid a fee of	3.00,0

9. When the sea-protest is drawn-up on board a ship or at the Quarantine Office or on a public holiday, to the above fees shall be added:

To the Judge Delegate	2.00,0
To the Deputy Registrar	1.00,0
To the Clerk	75,0
To the Messenger	50,0
To the Advocate	3.00,0
To the Interpreter	1.00,0

Notes: (a) The sea-protest shall be drawn up in English;

(b) An Interpreter shall be employed when the declaration is made or the evidence given in a language with which the Judge Delegate is not conversant.

ELEVENTH SCHEDULE

TARIFF L

Fees payable in respect of proceedings under section 293A of the Civil Code, Cap. 23

Registry fee for the filing of any application or note		2.00,0
For sub-poena of witness — for each witness		15,0
For every copy of any application or note — for every page ...		25,0
To the Advocate or Legal Procurator, for any application or note		1.00,0
For other services in connection with these proceedings ...	from	50,0
	to	2.00,0

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