

THE JUDICATURE ACT.

Statutory Instrument 13—3.

The Judicature (Court Fees, Fines and Deposits) Rules.

Arrangement of Rules.

Rule

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The Judicature (Court Fees, Fines and Deposits) Rules.¹ *(Under section 48(1)(d) of the Act.)*

1. Citation.

These Rules may be cited as the Judicature (Court Fees, Fines and Deposits) Rules.

2. Receipt required for payment of court fee or fine.

Upon payment of any court fee or any fine inflicted by any court a receipt in the form contained in the court fees and fines receipt book issued by the treasury officer of accounts (or in such other form as the treasury officer of accounts may substitute for that form) shall be given to the person by whom payment is made.

3. Requirements for the receipt.

The receipt shall be made in duplicate, and shall be signed by the judge or magistrate or by any officer of the court authorised by him or her, the original being given to the person by whom payment is made, the counterpart being retained in the receipt book.

4. Endorsement of document for which fee is paid.

Every document for or in respect of which any fee has been paid shall bear an endorsement initialled by the judge, magistrate or other officer as showing the amount of the fee or fees so paid and the number of the receipt recording the payment.

5. Production of receipt.

Every officer authorised by any judge or magistrate to give a receipt shall, at

¹See the footnote to S.I. 13-2.

the time of submitting any document to the judge or magistrate for signature, produce the counterpart receipt given for any fees paid in respect of the document.

6. Use of documents for which fee is payable.

No document in respect of which a fee is payable shall be used in any legal proceeding, unless it has been initialled as provided in rule 4 of these Rules; or unless the court is otherwise satisfied that the proper fees in respect of the document have been paid; but if any such document is through mistake or inadvertence received, filed or used in any court without the proper fees for it having been paid, the court may, if it thinks fit, order that such fees as it may direct be paid on that document; and upon the fees being paid, the document, and every proceeding relative to it, shall be as valid as if the proper fees had been paid in the first instance.

7. Return of fee.

No fee shall be returned except upon a voucher, payable at the Treasury, in favour of the party entitled to receive the fee, signed by the chief registrar of the High Court, or by the judge or magistrate of the court to which the fee was paid.

8. Requirements for deposits with court and payout of deposits.

Subject to the Civil Procedure Act or any other law relating to payment into court, no money or valuables shall be deposited in court except upon the written order of the court; and no money or valuables so deposited in court on an order of the court shall be paid out of court except in pursuance of a decree or other order of the court.

9. Exemption from fee for certain deposits or payments; payout of the deposits.

- (1) No fee for deposit or payment into court shall be payable—
 - (a) on deposits of money in court on account of fees;
 - (b) as subsistence money for judgment debtors;
 - (c) under the Judgments Extension Act;
 - (d) under the rules of the Court of Appeal; or
 - (e) as bail in criminal cases.

(2) The deposits may be paid out under the direction of the judge of the court without formal order.

10. Exemption from fee for certain payments relating to estate administration.

Where the Administrator General administers an estate, any payment made to the court under the administration shall not be deemed a deposit or payment into court upon which a fee is payable in respect of the deposit or payment.

11. Payment to the party.

Where money is paid into court for payment to a party, it may be paid out under the direction of the judge of the court without formal order.

12. Court payments without a formal order.

In all cases in which money is paid out of court without a formal order, the judge of the court shall make a note of the directions given.

13. Receipt required for deposit.

A receipt on Treasury Form A1, or any Treasury form substituted for it, shall be given for all monies deposited or paid into court.

History: S.I. 41-2; S.I. 135/1968.

Cross References

Civil Procedure Act, Cap. 71.
Judgments Extension Act, Cap. 12.
