

# **COURT OF ALDERNEY**



## **The Court of Alderney (Costs and Fees) (Amendment) Rules 2016**

THE COURT OF ALDERNEY in exercise of the  
powers conferred upon it by section 18(2) of the  
Government of Alderney Law 2004  
(Order in Council III 2005), hereby orders:-

### **Amendment to the Rules 2004**

1. In the Court of Alderney (Costs and Fees) Rules 2004 (as amended), for the Schedule, substitute the schedule set out in the Schedule to these Rules.

### **Repeal**

2. The Court of Alderney (Costs and Fees) (Amendment) Rules 2008 are repealed.

### **Citation**

3. These Rules may be cited as the Court of Alderney (Costs and Fees) (Amendment) Rules 2016.

### **Transitional Provisions**

4. The Rules 2004 (as amended in 2008), and as amended by these Rules, have effect in relation to fees payable in respect of a proceeding or matter:
  - a) which is described in in the schedule set out in these Rules, and
  - b) which occurs or begins on or after the commencement date of these Rules, whether the action, to which the proceedings or matter relates, began before, on or after that date.

### **Payment of fees:**

5. All fees are due to “The Court of Alderney”.

### **Commencement**

6. These Rules shall come into force on the 1<sup>st</sup> day of January 2017

**SCHEDULE**

**COURT FEES ETC IN CONNECTION WITH CIVIL AND CRIMINAL PROCEEDINGS**

<b>Description of the matter or proceedings</b>	<b>Prescribed fee</b>
<b>Service</b>	
1. For service by the Greffier or his agent of any summons or notice	£60
2. For every Certificate of Service by the Greffier or his agent of any summons or notice	£20
<b>Inscription upon the list</b>	
3. On the inscription of any cause, not otherwise herein prescribed for, upon the Court List	£75
4. On the inscription for the approval of a Consent Order upon the Court List	£50
5. On the lodging and inscription of an unopposed Application pursuant to s.17 of the Alderney Liquor Licensing Ordinance 1994	£20
6. On the inscription of an uncontested matter upon the Court List, including Registration of Wills of Realty, Liquor Licence Applications and Company Name Changes	£75
<b>Small Claims Hearings (for a monetary sum of a value not exceeding £10,000)</b>	
7. For the preparation and service of a summons for the recovery of a monetary sum up to £10,000	£50
8. Minimum Court fee to include the first tabling of the summons where the sum claimed is:	
a. Not more than £1,000;	£80
b. More than £1,000 but not more than £5,000;	£100

c. More than £5,000 but not more than £10,000;	£120
9. Adjourned Hearing fees	£30 at each instance
10. On Contested Hearing fees where the sum claimed is:	Fees per hour or part thereof:
a. Not more than £1,000;	£50
b. More than £1,000 but not more than £5,000;	£75
c. More than £5,000 but not more than £10,000;	£100
<b>Hearing of any uncontested matter</b>	
11. First and each subsequent tabling of an uncontested cause, petition or application.	£75
<b>Hearing of any contested cause</b>	
12. First and each subsequent tabling of a cause, application, petition filing defences and interlocutory applications:	
a. For the recovery of a sum of money:	
i. More than £10,000 but not more than £50,000;	£150
ii. More than £50,000 but not more than £500,000;	£200
iii. Exceeding £500,000	£250
13. In eviction cases	£100
14. In any other case not otherwise prescribed in this schedule	£200
<b>Appeals</b>	
15. Application to register an Appeal	£50
16. Collated copies of a deposition or transcript of evidence	

	£12 for the initial A4 page, and £2 per page thereafter
<b>Judicial Attorney and Commissioners</b>	
17. On the appointment of the Greffier as Judicial Attorney and every subsequent Court attendance	£50
18. On tabling a cause before the Court for permission to have the deposition of a witness in writing before a Commissioner	£150
19. On examination and cross examination of a witness whose depositions are taken in writing	£75 per witness
20. Written deposition following examination	£15 per A4 page
21. On attendance before a Commissioner	£100 per hour or part thereof
<b>Clameur de Haro and Vues de Justice</b>	
22. Clameur de Haro	£150
a. For settling a 'Clameur'	
b. On the endorsement of a 'Clameur' by the Chairman of the Court	
c. For a copy of the 'Clameur' delivered to a Defendant	
d. For the registration of a 'Clameur'	
23. Vues de Justice	£100
<b>Execution of documents and administering oaths</b>	
24. In proceedings relating to the administration of an oath to a public official	£100
25. On the execution of a Will or a Power of Attorney or any other document where the value of the transaction to which the document relates is not an essential element of the transaction	£35

26. For a Jurat attending at any place outside the Court for the purpose of signing a document	£75
27. On the making of any declaration	£35
<b>Payments into Court, setting down and withdrawal of actions</b>	
28. For making a payment into Court	£65
29. Reserving or setting down a date for trial in any matter (provided that, if and only if the date is vacated on the 14 <sup>th</sup> day before the appointed day (or earlier) the fee shall be refunded)	£120 per half day set down
30. Withdrawal of any cause, application lodged with the Court in proceedings described in the paragraph: <ul style="list-style-type: none"> <li>a. Up to one hour prior to the scheduled time of the Court sitting (the withdrawal deadline)</li> <li>b. After the withdrawal deadline with the leave of the Court</li> </ul>	£40  The relevant tabling fees set out in paragraphs 7 and 10 above
<b>Enforcement</b>	
31. On obtaining the grant from the Chairman, upon affidavit, of a permit to arrest personalty	£120
32. On the request for execution of a judgment to recover a sum of money, but where no arrest of personality is executed: Where the judgment is for the recovery of a sum of money <ul style="list-style-type: none"> <li>a. Not exceeding £1,000</li> <li>b. Exceeding £1,000 but not exceeding £5,000</li> <li>c. Exceeding £5,000</li> <li>d. In any other case</li> </ul>	£45 £65 £75 £65
33. For arrest of wages	£30 per hour plus 5% of any amount recovered
34. Execution of an arrest of personalty	£120

35. Report issued in pursuance of request for execution of personalty where no such arrest is executed	£50
36. For attendance by the Greffier to deliver goods	£50 per hour or part thereof
37. For a declaration by the Greffier to the Court of what he has in hand	£50
38. For the publication by the Greffier of a notice of sale	£30 plus the applicable notice fees
39. On opposition being made to such sale or on the postponement of such a sale	£50 for each opposed or postponed sale
40. On a sale before the Greffier by auction, tender or by private treaty	2.5% of the proceeds with a minimum charge of £100 plus the auctioneers charges and expenses
41. Sale by auction where auction is conducted by the Greffier	10% of the proceeds of sale with a minimum charge of £100
42. Upon the Greffier being actioned by the Court to pay the proceeds of sale	£25
43. Execution of an Eviction Order In addition to the prescribed fee, the following charges will be levied <ul style="list-style-type: none"> <li>a. The cost of making an inventory of personalty removed into storage under an Order of Eviction and the cost of printing copies thereof; and</li> <li>b. The reasonable charges of any removal contractor employed to remove the personalty from the premises subject to the Eviction Order and to transport it into storage for safe keeping; and</li> <li>c. The reasonable charges of any storage of the personalty removed from the premises; and</li> <li>d. The cost of publication of any notices.</li> </ul>	£50
<b>Saisie proceedings</b>	
44. As respect saisie proceedings <ul style="list-style-type: none"> <li>a. Upon the Greffier notifying the person against whom a Preliminary Vesting Order has been obtained of the making of the Order, and certifying that such person has be so notified</li> </ul>	£50  £30 plus the notice fee

<ul style="list-style-type: none"> <li>b. For publication of a notice to let in the ‘Alderney Gazette’ or in any other newspaper</li> <li>c. On opposition being made to a letting or the postponement of a letting</li> <li>d. On a letting</li> <li>e. Proceedings against the debtor to see the creditor produce an account of <ul style="list-style-type: none"> <li>i. On the hearing of the proceedings</li> <li>ii. For preparing the Commissioners report</li> </ul> </li> <li>f. Upon the Greffier notifying the debtor of any Interim vesting Order and certifying that the debtor has been so notified</li> <li>g. On the opening of the register of claims</li> <li>h. On the making of an entry in the register of claims</li> <li>i. For copies of the register of claims</li> <li>j. Proceedings against Claimants for the purpose of marshalling their claims <ul style="list-style-type: none"> <li>i. On hearing the proceedings</li> <li>ii. For settling the Commissioner’s report</li> </ul> </li> <li>k. On the hearing of proceedings against claimants to declare whether or not they elect to have the real property of the debtor vested in them for an estate of inheritance</li> <li>l. On the making of a Final Vesting Order</li> </ul>	<p>£30</p> <p>£30</p> <p>£50</p> <p>£25</p> <p>£50</p> <p>£50</p> <p>£25</p> <p>£25</p> <p>£50</p> <p>£25</p> <p>£50</p> <p>£50</p>
<b>Petition</b>	
45. On the hearing of a Petition	£60
46. On the registration of a Petition	£25
47. For copies of a Petition	£7 per copy
<b>Administration</b>	
48. Acts of Court (including pleadings) and certificates <ul style="list-style-type: none"> <li>a. Certified copies (excluding the original certified copy provided to the parties following proceedings specified elsewhere in these Rules)</li> <li>b. Uncertified copies</li> </ul>	<p>£7 for the first page and £1 per per page thereafter</p>



	£2 for the first page and £1 per page thereafter
49. Listening to the original recording	£35 per hour or part thereof during which access to the recording is granted
50. A copy of the digital recording of proceedings	£75
51. Photocopying of documents	£0.50 per A4 page
52. Litigation searches	£20 per search