

GUYANA

No. 24 of 1986

ORDER

Made Under

THE SUMMARY JURISDICTION (MAGISTRATES) ACT  
(Cap. 3:05)

IN EXERCISE OF THE POWER CONFERRED UPON ME BY SECTION  
70(2) OF THE SUMMARY JURISDICTION (MAGISTRATES) ACT, I  
HEREBY MAKE THE FOLLOWING ORDER:—

Citation. 1. This Order may be cited as the Summary Jurisdiction  
(Magistrates) (Revision of Fees and Costs) Order 1986.

Amendment of the Schedule to the Act. 2. The Schedule to the Act is hereby amended by the substitution for the Schedule thereto of the Schedule hereto.

SCHEDULE

TABLE OF FEES AND COSTS

TABLE A

Fees and costs payable in respect of proceedings for the recovery  
of petty debts and petty damages

|  | \$   | c. |
|--|------|----|
| I. FEES AND COSTS TO BE TAKEN BY THE CLERK |      |    |
| 1. Preparing plaint                        | 5.00 |    |

|   | \$ c. |
|---|-------|
| 2. Filing the plaint, counterclaim or set-off, and, (if necessary) filling up the summons to the defendant (or plaintiff) where the amount of the value of the article sought to be recovered   |       |
| (a) does not exceed \$50  | 10.00 |
| (b) exceeds \$50 but does not exceed \$100  | 12.00 |
| (c) exceeds \$100 but does not exceed \$150   | 14.00 |
| (d) exceeds \$150 but does not exceed \$200   | 16.00 |
| (e) exceeds \$200 but does not exceed \$250   | 18.00 |
| (f) exceeds \$250 but does not exceed \$300   | 20.00 |
| (g) exceeds \$300 but does not exceed \$350   | 22.00 |
| (h) exceeds \$350 but does not exceed \$400   | 24.00 |
| (i) exceeds \$400 but does not exceed \$450   | 26.00 |
| (j) exceeds \$450 but does not exceed \$500   | 28.00 |
| (k) exceeds \$500   | 35.00 |
| 3. Judgment summons   |       |
| (a) Filing praecipe for issue of judgment summons on any original judgment or order   | 10.00 |
| (b) Filing same on an order for payment by instalments  | 5.00  |
| 4. Service of any summons in an action, or judgment summons upon the debtor, or summons upon a garnishee or judgment debtor in garnishee proceedings or upon an execution debtor in proceedings to obtain particulars of his interest under a lease ... | 5.00  |
| 5. Preparing summons to witness (where necessary) and service thereof   | 5.00  |
| 6. On tendering in evidence any affidavit or return of service of process ...   | 5.00  |
| 7. Preparing (where necessary) and issuing writ of execution or writ of delivery including levy and sale of delivery thereunder, or any fugee warrant, or upon endorsement of a writ of execution with a garnishment order                              | 5.00  |
| 8. Expenses of execution —  |       |
| (a) For the daily keep of each horse, mule or head of horned cattle taken in execution, not exceeding ...   | 3.00  |

|   |       |
|---|-------|
| (b) For the daily keep of each head of other kinds of livestock, not exceeding  | 2.00  |
| (c) Cartage and portorage not exceeding the rates payable under the scale prescribed by any tariff made by any lawful authority in the town or district, or where there is no such tariff, such reasonable charge as the Clerk of Court may allow.                |       |
| (d) Petition for order of execution in case of levy on immovable property and other thereon, including printed copy of petition and order thereon   | 6.00  |
| (e) Act of levy, inventory, and advertisement of day of sale ...  | 4.00  |
| (f) Commission on amount of proceeds of sale of any property, movable or immovable — three per cent.  |       |
| (Distance money shall not be charged but the marshal shall receive his actual travelling expenses, plus five dollars for every twenty-four hours of absence).   |       |
| 9. Judgment or other —  |       |
| (a) Drawing any judgment or order of the Court where necessary or directed  | 3.00  |
| (b) Copy of any judgment or order or jacket containing judgment or other ...  | 5.00  |
| (c) Certificate of judgment or order under rule 7 of Part XXIV of the rules   | 3.00  |
| 10. Filing any special case ...   | 5.00  |
| 11. For each form of a process  | 5.00  |
| 12. Filing any statutory or other application (in writing) including any affidavit in support thereof (where necessary) or filing any affidavit alone for which a filing or other fee has not been prescribed by the Act under which the application is filed ... | 5.00  |
| 13. Copy of evidence or of any document per page of 120 words each  | 2.00  |
| 14. Upon sending any special case submitting any question of law for the decision of a judge  | 25.00 |

## II. COUNCIL'S COSTS

(To be awarded in accordance with the Summary Jurisdiction (Civil Procedure) Rules)

|   | <b>6 c.</b> |
|---|-------------|
| 1. Instructions for and drawing any plaint or counter-claim or particulars of defence to plaint or counterclaim where the amount or the value of the article sought to be recovered   |             |
| (a) does not exceed \$200   | 10.00       |
| (b) exceeds \$200 but does not exceed \$400   | 20.00       |
| (c) exceeds \$400 but does not exceed \$600   | 30.00       |
| (d) exceeds \$600 but does not exceed \$800   | 40.00       |
| (e) exceeds \$800 but does not exceed \$1,000   | 50.00       |
| (f) exceeds \$1,000   | 60.00       |
| 2. Instructions for and drawing any applications in writing (when same could not be verbally made) or notice of application including any necessary affidavit in support, where the amount or the value of the article sought to be recovered — |             |
| (a) does not exceed \$750, not exceeding  | 10.00       |
| (b) exceeds \$750, not exceeding  | 20.00       |
| 3. Instructions for and drawing any affidavit or notice including service thereof, not exceeding  | 10.00       |
| 4. Instructions for and drawing any notice to produce documents for inspection, inspecting and taking copies of all such documents, not exceeding   | 10.00       |
| 5. Preparing copies of process for service under rule 7 Part XXVII of the rules per folio of 120 words each   | 2.00        |
| 6. Preparing copies or verified copies of any documents necessary for use in any proceedings per folio of 120 words each  | 2.00        |
| 7. Making or opposing application for discovery of documents, or other application in writing (for all work done in connection therewith and only where the court or a magistrate considers the same necessary) not exceeding                   | 25.00       |
| 8. Costs of the day to opposite party awarded on postponement or adjournment of action or matter at party's request or by reason of his default, not exceeding ... ..   | 25.00       |
| 9. Obtaining judgement by consent or by default where the amount or the value of the article sought to be recovered —   |             |

|  | \$ c.     |
|--|-----------|
| (a) does not exceed \$400  | 10.00     |
| (b) exceeds \$400 but does not exceed \$600  | 20.00     |
| (c) exceeds \$600 but does not exceed \$800  | 30.00     |
| (d) exceeds \$800 but does not exceed \$1,000  | 40.00     |
| (e) exceeds \$1,000  | 50.00     |
| <p>Provided that the court may allow a fee exceeding the above fees but not more than \$15.00 in any case involving appearance in court.</p>   |           |
| 10. Appearance conducting or defending action in court a fee not exceeding 10 per cent on the amount recovered by a successful claimant or the value of the property in dispute or on the amount claimed or the value of the property in dispute in the case of costs awarded against a claimant : |           |
| <p>Provided that in any case of special difficulty or importance the court may allow a fee exceeding the fee which may be allowed hereunder by not more than \$50.00.</p>  |           |
| 11. Fee for appearance in court and for all other services in any proceedings in aid of execution, not exceeding   | 15.00     |
| 12. Fee for appearance in court in supporting or opposing an application for commitment of judgment debtor, not exceeding  | 25.00     |
| 13. Town Council or Village Appraisement Appeals —   |           |
| (a) Instructions to enter appeal, not to exceed  | 10.00     |
| (b) Drawing and filing plaint on appeal  | 10.00     |
|  | to 30.00  |
| (c) Attendance in court of counsel supporting or opposing the appeal   | 25.00     |
|  | to 100.00 |
| (d) In any special or extraordinary circumstances, fees to counsel instructed by attorney-at-law may be allowed, if in the opinion of the court any point of law of exceptional difficulty is involved, provided always that the sum involved in the appeal exceeds \$5,000 ...                    | 100.00    |
|  | to 200.00 |

(Provided that where the valuation of the property the subject matter of the assessment

§ c.

has been reduced by a sum not amounting to \$2,500. no costs exceeding \$25.00 shall be allowed to the appellant.)

III. GENERAL

With respect to any matter not provided for in this Table, the court or a magistrate may award for the services of counsel such reasonable fee, commensurate with the services performed, and not exceeding \$50.00, as it or he shall deem just.

TABLE B

Fees and costs payable in respect of proceedings in relation to summary conviction offences

|   |             |
|---|-------------|
| 1. Preparing complaint or information   | 5.00        |
| 2. Preparing each summons including filing complaint or information other than a summons hereinafter mentioned in item 9 ...  | 5.00        |
| 3. Preparing each warrant   | 5.00        |
| 4. Each copy of a conviction or order   | 5.00        |
| 5. Each certificate of dismissal  | 5.00        |
| 6. Copy of evidence, or of any document, per page of 120 words  | 1.00        |
| 7. For removal of property taken in execution, the reasonable expenses actually incurred and paid.  |             |
| 8. Service of summons on each defendant ...   | 5.00        |
| Preparing and serving of summons on each witness  | <b>5.00</b> |
| 10. For executing any warrant of commitment   | 5.00        |
| 11. Costs of either of the parties under section 36(d) of the Summary Jurisdiction (Magistrates) Act, Cap. 3:05, the proper allowance for witnesses, and in addition for professional assistance, a sum not exceeding | 25.00       |

TABLE C

Remuneration of witnesses in both Civil and Criminal proceedings

Each person in the following classes, for each day that person attends, or is travelling to attend, or to return from, the Court, provided the person is not in receipt of any salary or wages as a public officer or servant in Guyana, shall be remunerated as follows —

|   |       |
|---|-------|
| 1. Medical and legal practitioners, ministers of religion, civil, mechanical and electrical engineers and persons professionally qualified in other branches of engineering, registered Dentists, Chartered Accountants and persons registered as public auditors under the Companies Act and other persons professionally qualified but not otherwise specified in this Schedule | 40.00 |
| 2. Every merchant, attorney, director or manager of a mercantile firm, estate proprietor, estate manager or attorney  | 30.00 |
| 3. Every architect, surveyor, building contractor, chemist and druggist, auctioneer, manufacturer's agent, master of a sea-going vessel or other person similarly employed  | 25.00 |
| 4. Every mercantile clerk, shop or store keeper, master tradesman, estate overseer, mate of a sea-going vessel or other person similarly employed   | 15.00 |
| 5. Every shop assistant, provision farmer, tradesman, stevedore porter, estate superintendent or other person similarly employed  | 12.00 |
| 6. Every pedlar, store porter, chauffeur, seamstress, labourer on a timber grant, balata grant, placer or mining claim, or other person similarly employed  | 10.00 |
| 7. Every domestic servant, agricultural labourer, gardener, huckster, groom or other person similarly employed  | 10.00 |
| 8. Every person between the ages of 6 and 16  | 5.00  |
| 9. Every person being the wife or unmarried daughter of any person in the classes abovementioned one half of the allowance of that person, provided that such wife or daughter is over the age of 16 years and is not in employment.  |       |
| 10. Every person belonging to any class not specified   | 5.00  |
| 11. For qualifying to give evidence and for attendance in court of expert scientific or other witness such sum as may be fixed by the court, not exceeding \$20.00 in any summary case, and not exceeding \$50.00 at the preliminary inquiry in an indictable case.   |       |

Note: (i) In criminal proceedings a witness in class 1 or 2 who resides within the boundaries of the City of Georgetown, or within the boundaries of the town of New Amsterdam, or within 1 mile of the Court House at Suddie shall not receive any remuneration unless he satisfies the magistrate that he has incurred loss by attending the court.

(ii) In all cases a witness (including a public officer or servant when attending as a witness in a matter not arising out of his official duties) shall be entitled to such actual traveling and hotel expenses (where necessary) as the magistrate shall, in each case allow.

Made this 18th day of April, 1985.

*Carl B. Greenidge,*  
Minister of Finance