



SUPPLEMENT No. 3

TO

THE CYPRUS GAZETTE No. 3582 OF 24TH OCTOBER, 1951.

SUBSIDIARY LEGISLATION.

No. 542. THE COURTS OF JUSTICE (SUPPLEMENTARY PROVISIONS) LAW.

CAP. 12.

RULES OF COURT (No. 2) 1951.

J. FLETCHER-COOKE,
Acting Governor.

In exercise of the powers vested in me by the Courts of Justice (Supplementary Provisions) Law, Cap. 12, and of every other power enabling me in this behalf, I, the Acting Governor, with the advice and assistance of the Acting Chief Justice, do hereby make the following rules:—

1. These rules may be cited as the Rules of Court (No. 2) 1951, and shall be read as one with the Rules of Court, 1938 to 1951 (hereinafter referred to as "the principal Rules"), and the principal Rules and these rules may together be cited as the Rules of Court, 1938 to (No. 2) 1951.

2. Parts I, II, III and IV of Appendix C to the principal Rules shall respectively be replaced by Parts I, II, III and IV set out in the Appendix hereto.

APPENDIX.

PART I.—ADVOCATES' FEES IN ACTIONS WITH CLAIMS RELATING TO NOT MORE THAN £25.

1. Where the subject matter or the amount recovered does not exceed £2 in value—

	£	s.	p.
(a) Preparing writ of summons and copies and necessary reply	—	8	0
(b) Preparing defence	—	6	0

	£	s.	p.
(c) Preparing counter-claim, if any	-	3	0
(d) Appearance at hearing :—			
(i) If unopposed	-	8	0
(ii) If opposed—per diem or part thereof	{ from	- 10	0
	to	- 15	0
(e) Attending to hear judgment deferred	-	4	0
(f) Execution :—			
(i) On movables	-	3	0
(ii) On immovables	-	8	0
2. Where the subject matter or the amount recovered exceeds £2 but not £5 in value—			
(a) Preparing writ of summons and copies and necessary reply	-	12	0
(b) Preparing defence	-	10	0
(c) Preparing counter-claim, if any	-	6	0
(d) Appearance at hearing :—			
(i) If unopposed	-	10	0
(ii) If opposed—per diem or part thereof	{ from	- 15	0
	to	1 5	0
(e) Attending to hear judgment deferred	-	6	0
(f) Execution :—			
(i) On movables	-	4	0
(ii) On immovables	{ from	- 10	0
	to	- 15	0
3. Where the subject matter or the amount recovered exceeds £5 but not £10 in value—			
(a) Preparing writ of summons and copies and necessary reply	-	16	0
(b) Preparing defence	-	12	0
(c) Preparing counter-claim, if any	-	8	0
(d) Appearance at hearing :—			
(i) If unopposed	-	15	0
(ii) If opposed—per diem or part thereof	{ from	1 5	0
	to	1 15	0
(e) Attending to hear judgment deferred	-	8	0
(f) Preparing affidavit	-	3	0
(g) Execution :—			
(i) On movables	-	5	0
(ii) On immovables	{ from	- 15	0
	to	1 5	0
4. Where the subject matter or the amount recovered exceeds £10 but not £25 in value—			
(a) Preparing writ of summons, copies and reply, if necessary	1	0	0
(b) Preparing defence	-	15	0
(c) Preparing counter-claim, if any	-	10	0
(d) Appearance at hearing :—			
(i) If unopposed	1	0	0
(ii) If opposed—per diem or part thereof	{ from	1 10	0
	to	3 10	0
(e) Attending to hear judgment deferred	-	10	0
(f) Summons to witness—in all	-	5	0
(g) Necessary letter	-	3	0
(h) Examining witnesses—each	-	4	0
(i) Attendance before Registrar	-	2	0
(j) Notice to produce or any other notice or application	-	6	0
(k) Preparing affidavit	-	5	0

(l) Execution :—		£	s.	p.
(i) On movables .. .. .	..	—	6	0
(ii) On immovables .. .. .	..	{	from	1 0 0
	..			
	..	{	to	1 10 0
	..			

Provided that where the subject matter or the amount recovered does not exceed £15 the total fees down to and including judgment shall in no case exceed £9.

5. In applications generally (interpleader or otherwise)—

(a) For filing the application .. .. .	..	—	8	0
(b) On the hearing :—				
(i) When the property affected does not exceed £2 ..	..	—	12	0
(ii) When the property affected exceeds £2 but not £5 ..	..	—	18	0
(iii) When the property affected exceeds £5 but not £10 ..	..	{	from	1 0 0
	..			
	..	{	to	1 15 0
	..			
(iv) When the property affected exceeds £10 ..	..	{	from	1 10 0
	..			
	..	{	to	2 10 0
	..			

6. In determining the scale applicable as between party and party the criterion shall be the amount awarded by the judgment in the case of a successful plaintiff, and in that of a successful defendant the value of the subject matter of the claim. In the case of a successful plaintiff the amount of advocates' fees allowed down to judgment shall not exceed the amount awarded thereby plus fifty per cent. If the action (or appeal) is settled when it comes on for hearing, the Court may allow fees as for hearing. As between party and party costs of execution against movables shall not be allowed more than once, but in the case of execution against immovables the costs of a second or subsequent application shall be at the discretion of the Court.

No costs shall be allowed for interlocutory applications as between party and party unless specially allowed by the Court, in which case the costs shall not exceed 15s. As between advocate and client the costs shall not exceed 15s.

7.—(a) In appeals before the President of a District Court the following fees may be allowed :—

(i) Where the subject matter or the amount recovered does not exceed £2 in value .. .. .	..	{	from	1 0 0
	..			
(ii) Where the subject matter or the amount recovered exceeds £2 but not £5 in value .. .. .	..	{	to	1 10 0
	..			
(iii) Where the subject matter or the amount recovered exceeds £5 but not £10 in value .. .. .	..	{	from	1 10 0
	..			
(iv) Where the subject matter or the amount recovered exceeds £10 but not £25 in value .. .. .	..	{	to	2 10 0
	..			

(b) In appeals before the Supreme Court from decisions of the President of a District Court the following fees may be allowed :—

(i) Where the subject matter or the amount recovered does not exceed £2 in value .. .. .	..	{	from	2 0 0
	..			
(ii) Where the subject matter or the amount recovered exceeds £2 but not £5 in value .. .. .	..	{	to	3 0 0
	..			
(iii) Where the subject matter or the amount recovered exceeds £5 but not £10 in value .. .. .	..	{	from	2 10 0
	..			
(iv) Where the subject matter or the amount recovered exceeds £10 but not £25 in value .. .. .	..	{	to	4 0 0
	..			

[illegible]

PART II.—ADVOCATES' FEES IN ACTIONS WITH CLAIMS RELATING TO MORE THAN £25.—*contd.*

		Where the sum recovered or the subject matter of the claim—					
		does not exceed	exceeds £50 but not £100	exceeds £100 but not £200	exceeds £200 but not £500	exceeds £500 but not £2,000	exceeds £2,000
21.	Preparing bill of costs	6 0	10 0	12 0	15 0	1 0 0	1 10 0
22.	Attending Registrar on taxation	8 0	12 0	15 0	1 0 0	1 10 0	2 10 0
23.	Attending Court on review of taxation: In District Court .. { from	15 0	1 5 0	1 10 0	2 0 0	3 0 0	4 0 0
	to	1 10 0	2 5 0	3 0 0	4 0 0	5 0 0	6 0 0
	do. do. In Supreme Court .. { from	1 10 0	1 10 0	2 0 0	2 0 0	4 0 0	5 0 0
	to	2 5 0	3 0 0	4 0 0	5 0 0	6 0 0	7 0 0
24.	Attending Registrar not otherwise provided for	3 0	4 0	5 0	6 0	8 0	12 0
25.	Attending arbitration, not exceeding 3 hours .. { from	15 0	1 10 0	2 0 0	3 0 0	4 0 0	5 0 0
	do. For each additional hour	2 5 0	4 10 0	5 0 0	6 0 0	7 0 0	8 0 0
	do. For perusing papers for appeal where the advocate did not { from	10 0	1 0 0	1 5 0	1 10 0	2 0 0	2 10 0
26.	appear in the trial Court	1 10 0	2 10 0	3 0 0	4 0 0	5 0 0	6 0 0
	to	3 0 0	5 0 0	6 0 0	8 0 0	9 0 0	10 0 0
27.	For attending the Court with a view to appearance at the hearing, where the hearing is adjourned for want of time, the minimum fee for appearance may be allowed, unless the Court otherwise directs.						

28. If the action (or appeal) is settled when it comes on for hearing, the Court may allow fees as for hearing.

29. In proceedings for mandamus or upon originating summons or other proceedings not provided for above, the Court shall specify the scale to be applied.

30. In determining the scale applicable the following shall be the criteria:—

- (a) from commencement of action down to and including appearance or to obtaining judgment in default of appearance—the claim on the writ of summons;
- (b) after appearance and down to judgment—the amount or value actually in dispute between the parties as disclosed upon the pleadings;
- (c) after judgment in respect of proceedings for execution—the amount for which execution is sought; and
- (d) in respect of appeals—the amount or value of the subject matter involved in the appeal.

PART III.—ALLOWANCES TO PARTIES AND WITNESSES.

Allowances to parties and witnesses per diem, to include cost of maintenance for the time necessarily occupied in travelling to the Court and returning to place of residence, regard being had to the distance travelled and the time necessarily occupied in attending the Court :

		£	s.	p.
1. Professional men, bankers	{ from	—	10	0
	{ to	5	0	0
2. Merchants, clerks, tradesmen, artisans and peasant proprietors	{ from	—	5	0
	{ to	2	0	0
3. Labourers	{ from	—	3	0
	{ to	—	10	0
4. Other males, according to station in life	{ from	—	10	0
	{ to	3	0	0
5. Females, according to station in life	{ from	—	5	0
	{ to	1	0	0

In cases where professional men or bankers are parties to an action or are required to give evidence in a Court situate in a district other than the one in which they reside, they may be allowed in addition to the above allowance from 10s. to £2 per diem as compensation for loss of time. And in cases where persons other than professional men or bankers are required to give evidence in a Court sitting in a place other than their residence they shall be allowed in addition to the above allowances the actual cost of transport.

PART IV.—MISCELLANEOUS ALLOWANCES.

		£	s.	p.
For preparing plan or model, etc., to scale for use of	{ from	—	10	0
Court at hearing of an action	{ to	5	0	0

For the translation of any document reasonably necessary in the opinion of the taxing officer to enable any party to prosecute or defend a claim :

Such reasonable sum not exceeding a sum calculated at the rate of 4s. per 100 words as may be allowed by the taxing officer or Court having regard to the nature of the document, the language in which it is written and into which it is to be translated.

For the copying of any document which the taxing officer may consider necessary (excluding those cases in which under these Rules the fee for preparing any document includes the cost of copies) : For each 100 words or any part thereof	£	s.	p.
	—	—	6

For the service of any document required to be served .. the actual expense incurred.

Given under the hand and official seal of the Acting Governor and the hand of the Acting Chief Justice at Nicosia, this 22nd day of October, 1951.

G. C. GRIFFITH WILLIAMS,
Acting Chief Justice.