

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.

- $_{
 m PART}$ I.—Advocates' Fees in Actions with Claims relating to not more than £25.
- 1. Where the subject matter or the amount recovered does not f_s s. p. exceed f_s in value—
 - (a) Preparing writ of summons and copies and necessary reply 8 o
 - (b) Preparing defence 6 c

				£	s. t.
(c) Preparing counter-claim, if any (d) Appearance at hearing:—				-	
(i) If unopposed				-	
(ii) If opposed—per diem or part thereof		\ to	m	- I	
(e) Attending to hear judgment deferred (f) Execution:—		(10		- 1	
(i) On movables				1 1	
2. Where the subject matter or the amount re	ecovere	d excee	ds		
£2 but not £5 in value— (a) Preparing writ of summons and copie					
reply				- I	2 0
 (b) Preparing defence					60
(i) If unopposed					0 0
(ii) If opposed—per diem or part thereof		fro]	-
(e) Attending to hear judgment deferred		·· to			50
(f) Execution:—					
(i) On movables					4 0
(ii) On immovables		·· { fro			10 0
				-	15 0
3. Where the subject matter or the amount r £5 but not £10 in value— (a) Preparing writ of summons and copie					
reply					16 0
(b) Preparing defence					80
(c) Preparing counter-claim, if any (d) Appearance at hearing:— (i) If unopposed					15 0
		C			50
(ii) If opposed—per diem or part thereof		·· { to			15 0
(e) Attending to hear judgment deferred					30
(f) Preparing affidavit					50
(i) On movables		(fr	om		150
(ii) On immovables		to			50
4. Where the subject matter or the amount of foo but not £25 in value—					
(a) Preparing writ of summons, copies and r	eply, if	necessa	ary		00
(b) Preparing defence				-	15 0
(c) Preparing counter-claim, if any (d) Appearance at hearing:—					10
(i) If unopposed				I	00
(ii) If opposed—per diem or part thereof	f	∫ fr		I	10 0
(e) Attending to hear judgment deferred		Lto)	3	10 0
(f) Summons to witness—in all					50
(g) Necessary letter				-	30
(h) Examining witnesses—each				-	40
(i) Attendance before Registrar				-	60
(j) Notice to produce or any other notice (k) Preparing affidavit	or appl	ication		_	50
(1) Treparing amadavit., ., .,	* *		* *		

(l) Execution:				£	s. p).
(i) On movables	 	 	,.	-	60	
			∫ from	I	0 0	,
(ii) On immovables	 	 	···\ to	I	10 0	,
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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	- 80	
(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 from	· I 0 0	
ſ10 (to	1 15 0	
(iv) When the property affected exceeds £10 {from to	I 10 0	
(iv) when the property affected exceeds £10 _ 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 th	e fol	low	ing
fees may be allowed:—		s.	
(i) Where the subject matter or the amount recovered \(\) from		0	
does not exceed f,2 in value fto	I	IO	0
(ii) Where the subject matter or the amount recovered \(\) from	I	10	0
exceeds f_2 but not f_5 in value f_5 to	2	10	0
(iii) Where the subject matter or the amount recovered \(\) from	3	0	0
exceeds £5 but not £10 in value f to	4	0	0
(iv) Where the subject matter or the amount recovered \(\) from	3	10	0
exceeds £10 but not £25 in value \int to	5	0	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 \(\) from	2	0	0
does not exceed £2 in value	3	0	0
(ii) Where the subject matter or the amount recovered \(\) from	2	10	0
exceeds $£2$ but not $£5$ in value $ fto $	4	0	0
(iii) Where the subject matter or the amount recovered \(\) from	3	10	0
exceeds £5 but not £10 in value \int to	5	0	0
(iv) Where the subject matter or the amount recovered \(\) from		0	
exceeds f 10 but not f 25 in value to	6	0	0

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

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					1. Instructions to sue or defend		2. Preparing writ of summons:	is not specially endorsed	(7)	(b) where the wift is filled with the statement of claim	3. Entering appearance; entering appearance with statement from	of d	4. Preparing and delivering statement of claim and reply to from defence or counter-claim, if any, where item 2 (b) above does	not apply	5. Preparing written statement of application, where necessary, \[from	and one copy	6. Preparing notice to attend on hearing of application or action and	one copy	7. Attending Court or Judge to make ex parte application, when no notice is required:—	I	1	1	
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opposed: In District Court	ereof: In District Court		do. do In Supreme Court	J 17 ***	or part mereor	ed: In District	In Supreme	-ner diem or part thereof		nt by default		ent by consent		evidence of each witness	on taxation		·			ing any notice inter partes	ing security bond	rounds thereof, or notice to	
8. Applying by summons:— If unopposed: In District Court do In Sunreme Court	ereof: In District Court		do In Supreme Court	J 17 ***	<i>~</i>	ed: In District	In Supreme	diem or part thereof		\		~		evidence of each witness	· · ·		·	16. Every necessary letter before or after action	17. Applying for summons to witness whose costs are allowed	18. Preparing any notice inter partes	19. Preparing security bond	thereof, or notice to	

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

Where the sum recornered or the subject matter of the claim-

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		does not	exceeds	exceeds	exceeds	exceeds		
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26.	26. For perusing papers for appeal where the advocate did not from	O OI I	2 IO O	3 0 0	0 0 4	5 0 0	9	0 0
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27.	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.	where the he	aring is adj	ourned for	want of tir	ne, the min	nimum	fee

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

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

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

(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:

	4	, S.	p.
Durfacional man hanham	rom –	10	0
I. Professional men, bankers	0 5	0	0
2. Merchants, clerks, tradesmen, artisans and peasant \ f		5	
proprietors ft		0	
2 Tabayrara	from –	3	0
3. Labourers	:0 :-	IO	0
4. Other males, according to station in life	from -	10	0
	0	0	0
5. Females, according to station in life $\dots $ $\begin{cases} f \\ f \end{cases}$	from -	5	0
5. Females, according to station in the	10 I	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 $\pounds 2$ 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.

For preparing plan or model, etc., to scale for use of from 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

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.