

No. 543. THE TURKISH FAMILY COURTS LAW, 1951.

RULES MADE UNDER SECTION 14.

J. FLETCHER-COOKE,
Acting Governor.

In exercise of the powers vested in me by section 14 of the Turkish Family Courts Law, 1951, 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 :—

Gazettes :

Suppl. No. 3:
29.10.1937
4.11.1943

1. These rules may be cited as the Turkish Family Courts (Advocates' Fees) Rules, 1951, and shall be read together with the Mussulman Religious Tribunal Rules, 1937 and 1943 (hereinafter referred to as "the principal Rules").

2. Schedule III to the principal Rules shall be replaced by Schedule III set out in the Appendix hereto.

APPENDIX.

SCHEDULE III.

TURKISH FAMILY COURTS.

COSTS TO BE ALLOWED TO ADVOCATES IN ACTIONS AND MATTERS, AS WELL BETWEEN PARTY AND PARTY AS BETWEEN ADVOCATE AND CLIENT.

		<i>Where the sum to be recovered or the value of the subject matter of the action—</i>								
		<i>A</i>			<i>B</i>			<i>C</i>		
		<i>Does not exceed £50</i>			<i>exceeds £50 but not £200</i>			<i>exceeds £200</i>		
		£	s.	p.	£	s.	p.	£	s.	p.
1. Instructions to sue or defend { from	—	10	0	1	0	0	1	10	0
 { to	1	5	0	2	0	0	3	0	0
2. Preparing writ of summons	—	10	0	1	5	0	2	0	0
3. Examining and taking notes of evidence before trial, each witness whose costs are afterwards allowed on taxation	—	6	0	—	8	0	—	10	0
4. Preparing any written statement of application, where necessary, with one copy	—	6	0	—	8	0	—	10	0
5. Preparing notice to produce or admit documents, together with one copy	—	6	0	—	8	0	—	10	0
6. Preparing notice of appeal or notice to vary a judgment including attendance to file	1	0	0	1	10	0	2	10	0
7. Preparing security bond	—	3	0	—	4	0	—	6	0
8. Attending Court on hearing of an action	} from	1	0	0	1	10	0	6	0	0
for each day or part of a day		3	0	0	4	0	0	9	0	0

Provided that in cases of special difficulty or importance the Judge may allow costs in excess of the usual scale, but not exceeding a total of £12 per diem, and costs for a second advocate not exceeding two-thirds of the costs allowed for the leading advocate.

Where the sum to be recovered or the value of the subject matter of the action—

	A			B			C		
	Does not exceed £50			exceeds £50 but not £200			exceeds £200		
	£	s.	p.	£	s.	p.	£	s.	p.
9. Attending Court to hear deferred judgment ..	-	10	0	-	15	0	1	10	0
10. Attending Court on settlement of issues { from	1	0	0	1	10	0	2	0	0
to	1	10	0	2	10	0	4	0	0
11. Preparing notice to attend on hearing of application or action and one copy	-	3	0	-	4	0	-	6	0
12. Attending Court or Judge to make <i>ex parte</i> application { from	-	8	0	-	12	0	-	15	0
to	-	12	0	-	18	0	1	10	0
13. Applying by summons { from	-	12	0	-	15	0	1	0	0
to	1	10	0	2	10	0	3	0	0
14. Attending Court to obtain—									
(a) judgment by default	-	10	0	1	0	0	2	0	0
(b) judgment by consent { from	-	15	0	1	0	0	3	0	0
to	2	0	0	3	0	0	6	0	0
15. Drawing up an affidavit { from	-	5	0	-	8	0	-	12	0
to	-	12	0	1	0	0	1	5	0
16. Every necessary letter before or after action ..	-	3	0	-	5	0	-	8	0
17. Applying for summons to witness whose costs are allowed	-	3	0	-	4	0	-	5	0
18. Attending Registrar not otherwise provided for	-	3	0	-	4	0	-	5	0
19. Instructing an advocate who was not engaged in the Court to argue an appeal including perusal of papers { from	1	10	0	2	0	0	2	10	0
to	4	0	0	4	10	0	5	0	0
20. For attending the Court with a view to appearance at the hearing, when the hearing is adjourned for want of time, the minimum fee for appearance may be allowed, unless the Court otherwise directs.									
21. Where the subject matter of an action is not primarily assessable in money, and no pecuniary relief is awarded, the costs allowed in respect of each item shall not, subject to the proviso in item 8 hereof, be less than the minimum amount shown in column B or more than the maximum amount in column C hereof.									
22. Where under rule 52 of the principal Rules, the rules of procedure in the District Courts are applied, the costs in respect of any such proceedings shall be the same as are for the time being in force in the District Courts.									

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.

(M.P. 1614/51.)