CAYMAN ISLANDS



Grand Court Act (2015 Revision)

COURT FEES RULES

(2021 Revision)

Supplement No. 3 published with Legislation Gazette No. 7 dated 22nd January, 2021

PUBLISHING DETAILS

Revised under the authority of the Law Revision Act (2020 Revision).

The Court Fees Rules, 2009 made by the Rules Committee of the Court of Appeal on 8th April 2009 and by the Rules Committee of the Grand Court on 14th September, 2009, and as amended by the Citation of Acts of Parliament Act, 2020.

Consolidated with —

Court Fees (Amendment) Rules, 2009 made by the Rules Committee of the Grand Court on 23rd November, 2009 and by the Rules Committee of the Court of Appeal on 26th November, 2009

Court Fees (Amendment) (No. 2) Rules, 2013 made by the Rules Committee of the Grand Court on 7th May, 2013

Court Fees (Amendment) (No. 3) Rules, 2013 made by the Rules Committee of the Grand Court on 12th December, 2013

Court Fees (Amendment) Rules, 2014 made by the Rules Committee of the Grand Court on 2nd May, 2014.

Originally enacted —

Law 56 of 2020-7th December, 2020.

Consolidated and revised this 31st day of December, 2020.



CAYMAN ISLANDS



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Arrangement of Rules

Sect	ion	Page
		J
1.	Citation and application	
2.	Presumption against liability	
3.	Fixed fees	6
4.	Ad valorem fees	8
5.	Court hearing fees	9
5A.	Special Sitting Fees	10
5B.	Special Hearings (Grand Court) (Financial Services Division)	10
5C.	Website - Cost Recovery	
6.	Enforcement	
7.	Revocation	11
8.	Transition provision	
FIRS	ST SCHEDULE	13
FIXE	D FEES	13
SEC	OND SCHEDULE	19
AD V	ALOREM FEES	19
THIR	RD SCHEDULE	21
BAIL	IFF FEES	21
FOU	RTH SCHEDULE	22
PRO	BATE AND ADMINISTRATION FEES	22



ENDNOTES	23
Table of Legislation history:	23
Table of Endnote references:	23



CAYMAN ISLANDS



Grand Court Act (2015 Revision)

COURT FEES RULES

(2021 Revision)

Citation and application

- 1. (1) These Rules may be cited as the *Court Fees Rules* (2021 Revision).
 - (2) Words and expressions used in these rules which are also used in the *Grand Court Rules (1995 Revision)* shall have the same meaning in these rules as in the *Grand Court Rules (1995 Revision)*, except that "Court" means the Grand Court or the Cayman Islands Court of Appeal, as the context may require.
 - (3) For the purposes of these Rules
 - (a) "civil proceeding" means any proceeding commenced or pending in the Civil Division of the Grand Court and any appeal to the Court of Appeal against a judgment or order made in such a proceeding;
 - (b) "family proceeding" means any proceeding commenced or pending in the Family Division of the Grand Court or any appeal to the Court of Appeal against a decree or order made in such a proceeding;
 - (c) "admiralty proceeding" means any proceeding commenced or pending in the Admiralty Division of the Grand Court or any appeal to the Court of Appeal against a judgment or order made in such a proceeding;
 - (d) "financial services proceeding" means any proceeding commenced or pending in the Financial Services Division of the Grand Court or any appeal to the Court of Appeal against a judgment, decree or order made in such a proceeding.



Presumption against liability

- **2**. (1) A party to a proceeding which is commenced on or after the Commencement Date is liable to pay only those fees specified in these Rules.
 - (2) A party to a proceeding which was commenced prior to the Commencement Date shall not be required to pay any additional amount nor be entitled to any refund in respect of
 - (a) the fixed fees paid in respect of any interlocutory process, pleading, affidavit or order filed prior to the Commencement Date;
 - (b) the court hearing fees paid in respect of any hearing which took place prior to the Commencement Date.
 - (3) There is no fee for the administration of an oath by the Clerk of the Court.
 - (4) A party to whom a legal aid certificate has been granted under section 17 of the *Legal Aid Act*, 2015[Law 17 of 2015] shall not be liable to pay any fees under these rules.
 - (5) No fees shall be payable in respect of
 - (a) any criminal proceedings;
 - (b) an application or appeal relating to the adoption, custody or welfare of a child:
 - (c) filing a stop notice pursuant to GCR Order 50, rule 11;
 - (d) a notice of motion under GCR Order 52 for an order that a person be committed to prison or otherwise punished for a contempt of court;
 - (e) an application under GCR Order 67 for an order removing an attorney from the record or a declaration that an attorney has ceased to act for a party;
 - (f) any application under GCR Order 92.
 - (6) No fees shall be payable in respect of an application (or supporting affidavit) under Sections 3 or 4 of the *Legal Practitioners Act (2015 Revision)* for the admission of any person to practice as an attorney.

Fixed fees

- **3**. (1) The fees prescribed in paragraph 1 of Part A of the First Schedule shall be payable by the person seeking to issue an originating process in connection with a civil or matrimonial proceeding.
 - (2) The fee prescribed in paragraph 2 of Part A of the First Schedule shall be payable by the party seeking to commence an appeal from a judgment, order or decree made in a civil or matrimonial proceeding.
 - (3) The fees prescribed in paragraphs 3 to 6 of Part A of the First Schedule shall be payable by the party seeking to file a document specified in those paragraphs in connection with a civil or matrimonial proceeding.



- (4) The fee prescribed in paragraph 1 of Part B of the First Schedule shall be payable by the party seeking to issue an originating process in connection with a financial services proceeding or an admiralty proceeding.
- (5) When a cause or matter is ordered to be transferred to the Financial Services Division or the Admiralty Division the parties shall pay a transfer fee, being the difference between the fixed fee prescribed in Part B of the First Schedule and the total of the fixed fee of \$200 paid pursuant to Part A of the First Schedule and the amount of the *ad valorem* fee (if any) paid pursuant to the Second Schedule.
- (6) The fee prescribed in paragraph 2 of Part B of the First Schedule shall be payable by the party seeking to commence an appeal against a judgement or order made in connection with a financial services proceeding or an admiralty proceeding.
- (7) The fee prescribed in paragraph 1 of Part C of the First Schedule shall be payable by any person seeking to inspect the Register of Writs, originating process, the Register of Judgments or any Court file which has to be retrieved from the archives and returned to the Court office in order to be inspected.
- (8) The fees prescribed in paragraph 2 of Part C of the First Schedule shall be paid for the supply of copy documents pursuant to the Grand Court Rules Order 63, rule 7(3) or rule 8(3).
- (9) The fees prescribed in paragraphs 3 and 4 of Part C of the First Schedule shall be paid for the supply of transcripts of any proceedings.
- (10) (a) The fee prescribed in paragraph 5(1) of Part C of the First Schedule shall be payable by any person lodging an application for taxation of any order for costs made by the Court other than in respect of a case in which the Court has made a direction in accordance with Rule 3(10)(b) below.
 - (b) Where the Court directs that the taxation shall be undertaken by a taxing officer other than the Clerk of Court, the fee prescribed in paragraph 5(2) of Part C of the First Schedule shall be payable by any person lodging an application for taxation of any order for costs made by the Court. This fee will be an allowable expense for the purposes of the taxation.

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- (11) The fees prescribed in paragraph 1 of the Third Schedule shall be payable at the time a person seeks to instruct a bailiff to effect service upon a person.
- (12) The fees prescribed in the Fourth Schedule shall be paid in respect of non-contentious probate administration matters.



Ad valorem fees

- **4.** (1) In addition to the fixed fee prescribed by paragraph 1 of the First Schedule, a person seeking to issue a writ indorsed with a claim for a debt or liquidated demand in accordance with Grand Court Rules Order 6, rule 2(b), in connection with a proceeding commenced in the Civil Division shall pay an *ad valorem* fee calculated in accordance with the scale set out in paragraph 1 of the Second Schedule.
 - (2) A party seeking to file a counterclaim in a civil proceeding in which that party claims payment of a debt or makes a liquidated demand, shall pay an *ad valorem* fee calculated in accordance with the scale set out in paragraph 1 of the Second Schedule.
 - (3) In addition to the fixed fee prescribed by paragraph 2 of Part A of the First Schedule, a party seeking to file a notice of appeal against a judgment for a money sum made in a civil proceeding shall pay an *ad valorem* fee calculated in accordance with paragraph 3 of the Second Schedule.
 - (4) In addition to the fixed fee prescribed by paragraph 6 of Part A of the First Schedule, a party seeking to file a judgment or order for damages made in a civil proceeding shall pay an *ad valorem* fee calculated in accordance with the scale set out in paragraph 2 of the Second Schedule.
 - (5) The amount of any *ad valorem* fee payable under the Second Schedule shall be assessed by the Clerk of the Court prior to issuing the writ, filing the judgment or order or filing the notice of appeal, as the case may be.
 - (6) The *ad valorem* fee prescribed in paragraph 2 of the Third Schedule shall be paid by a judgment creditor following execution of a writ of fieri facias, and such fee shall be deducted from the net proceeds of sale.
 - (7) The *ad valorem* fee prescribed in paragraph 3 of the Third Schedule shall be paid by the judgment creditor following sale of any property by the bailiff pursuant to an order made in any division of the Court, and such fee shall be deducted from the net proceeds of sale.
 - (8) In addition to the fixed fees prescribed by paragraph 5 of Part C of the First Schedule, a party applying for taxation of a bill of costs shall pay an *ad valorem* fee calculated at the rate of one per cent of the sum in issue (irrespective of the division of the Court in which the proceeding is pending) and for the purposes of this rule, "the sum in issue" is that part of the bill of costs which has not been agreed by the paying party.
 - (9) Any person who is dissatisfied with an assessment of *ad valorem* fees made by the Clerk of the Court, the Registrar of the Financial Services Division, the bailiff or the taxing officer may apply by letter for such assessment to be reconsidered by a Judge, in which case the decision of the Judge shall be final and binding upon the parties.



Court hearing fees

- **5**. (1) In the event that a civil proceeding involves a hearing lasting more than 3 days or a series of hearings lasting more than 3 days in total, the parties shall be liable to pay a court hearing fee of \$250 for each additional day or part of a day.
 - (2) In the event that a financial services proceeding or an admiralty proceeding involves a hearing lasting more than 3 days or a series of hearings lasting more than 3 days in total, the parties shall be liable to pay a court hearing fee of \$750 for each additional day or part of a day.²
 - (3) No court hearing fees shall be payable in respect of any family proceeding.
 - (4) When listing an interlocutory summons for a hearing or making an application to fix a trial date or lodging an appeal, as the case may be, the amount payable in respect of court hearing fees shall be provisionally assessed on the basis of the estimated length of the hearing.
 - (5) In the event that the actual length of the hearing is more than the estimated length, the party liable to pay the hearing fee shall pay the additional amount due as soon as reasonably possible or within 5 working days after the conclusion of the hearing.
 - (6) In the event that a listed hearing does not take place, the Clerk of the Court shall —
 - (a) reimburse the amount of the court hearing fee provisionally assessed and paid as soon as reasonably possible or within five working days after the date upon which that Clerk is given notice of the decision to vacate the hearing date; and
 - (b) deduct a penalty equivalent to one day's court hearing fee in the event that a hearing is listed for 3 days or more and the Clerk of the Court is given less than 10 day's notice of the decision to vacate the hearing date.
 - (7) In the event that a hearing lasts less than the estimated length of time (for which a court hearing has been provisionally assessed and paid), the Clerk of the Court shall reimburse the amount overpaid as soon as reasonably possible or within 5 working days after the conclusion of the hearing.
 - (8) The party liable to pay a hearing fee in respect of the trial or interlocutory hearing of an action shall be given credit for the amount of any *ad valorem* fees paid by any party pursuant to paragraph 1 of the Second Schedule and such credit shall be given by dividing the *ad valorem* fee by the amount of the court hearing fee and ascribing the number of days accordingly.
 - (9) An appellant liable to pay a court hearing fee in respect of the hearing of an appeal to the Court of Appeal shall be given credit for the amount of any *ad valorem* fees paid by any party pursuant to paragraph 3 of the Second Schedule and such credit shall be given by dividing the *ad valorem* fee by the amount of the hearing fee and ascribing the number of days accordingly.



Special Sitting Fees³

5A. The fees prescribed in Part D of the First Schedule shall be payable by an appellant in any proceeding other than a criminal proceeding who makes application pursuant to the *Court of Appeal (Special Sittings) Rules, 2009 [SL 46 of 2009]* for a direction convening a special sitting of the Court of Appeal.

Special Hearings (Grand Court) (Financial Services Division)4

- **5B.** (1) The fees prescribed in Part E of the First Schedule shall be payable by a party (or parties) who request a special hearing in the Financial Services Division which would require, as determined by the Court and with the approval of the Chief Justice, the urgent and supernumerary appointment of a Judge of that Division.
 - (2) When listing a special hearing in accordance with this Rule, the amount payable in respect of court hearing fees shall be provisionally assessed on the basis of the estimated length of the hearing.
 - (3) In the event that the actual length of the hearing is more than the estimated length, the party (or parties) liable to pay the hearing fee shall pay the additional amount due as soon as reasonably possible or within 5 working days after the conclusion of the hearing.
 - (4) In the event that the actual length of the hearing is less than the estimated length, the party (or parties) liable for payment of the fees shall not be entitled to reimbursement of the amount paid save that the Court, in its discretion, may order reimbursement of whatever amount it considers appropriate where the actual costs incurred are less than the fees paid.

Website - Cost Recovery⁵

- **5C**. (1) A single annual fee in the amount of \$350 shall be paid by each attorney-at-law who is registered to practice in the Cayman Islands as a judicial website cost recovery fee.
 - (2) This fee, to be termed a "website fee", will be levied and paid at the same time as the attorney's practicing certificate fee; effective 1st January 2014.
 - (3) Upon payment of the website fee, each attorney will be issued a password, renewable annually, enabling unlimited access to the Cayman Islands Law Reports online website service and to such other services as may be accessed by way of the judicial website: www.judicial.ky

Enforcement

- **6**. (1) Subject to sub-rules (3), (4) and (5) no originating process shall be issued unless the prescribed fees have been paid. ⁶
 - (2) No execution shall be issued on any judgment or order unless all of the applicable fees prescribed by these rules have been paid.



- (3) Nothing in these rules shall prevent any person from making an application to the Court or using any affidavit (or any draft or copy thereof) upon that person's undertaking to issue the appropriate originating process or file the original affidavit, and any such undertaking shall be deemed to include an undertaking to pay the applicable prescribed fee.
- (4) In the case of an original or interlocutory process issued by an officeholder in the Financial Services Division in circumstances where that officeholder is filing the process in the performance of a legal duty and the fees prescribed by these Rules will be payable out of a fund under that person's control, a Commercial Judge may direct that payment of the fees be deferred if that Judge is satisfied that the fund under the control of the officeholder does not comprise sufficient money with which to pay the fees immediately.¹
- (5) Where multiple applications are made under the Companies Act simultaneously in respect of two or more related companies, a Commercial Judge may direct that the applications be treated as consolidated for the purposes of these Rules so that only one set of fees shall be payable.⁸

Revocation

7. The Court Fees Rules (2008 Revision) are hereby **revoked** with effect from the Commencement Note.

Transition provision9

8. Any person who has, by virtue of the commencement of the *Court Fees (Amendment) Rules*, 2009, overpaid any fees on or after the 1st November, 2009, the commencement date of the *Court Fees (Amendment) Rules*, 2009, shall be entitled to receive a refund, being the difference between the amount paid and the amount which would have been paid pursuant to these Rules.



FIRST SCHEDULE

FIXED FEES

Part A

CIVIL AND FAMILY DIVISIONS

1. Originating process -	
Upon issuing every writ, petition, originating summons or originating notice of motion	\$200
2. Appeals -	
Upon issuing every written application for leave to appeal	\$200
Upon issuing every notice of appeal or any notice of motion in a pending appeal	\$200
3. Interlocutory process -	
Upon issuing every summons or notice of motion	\$100
4. Pleadings -	
Upon filing every statement of claim, defence, counterclaim, reply or other pleading	\$200
5. Affidavits -	
Upon filing every affidavit	\$25
6. Order -	
Upon filing every judgment or order	\$25



Part B

FINANCIAL SERVICES AND ADMIRALTY DIVISIONS

1. Originating process -

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Upon issuing any originating summons governed by GCR Order 102, rule 2	\$5,000
Upon issuing any originating notice of motion or petition governed by GCR Order 102, rules 3 or 4^{10}	\$5,000
Upon issuing any originating application governed by GCR Order 102, rule 17	\$200
Upon issuing an originating application governed by GCR Order 85, rule 8	\$200
Upon issuing every other writ, petition, originating summons or originating notice of motion 11	\$5,000
2. Appeals -	
Upon issuing every written application for leave to appeal	\$5,000
Upon issuing every notice of appeal	\$10,000



Part C

ADMINISTRATIVE MATTERS

1. Searches -	
Upon making every search, irrespective of the number of years searched	\$20
2. Copies -	
Upon supplying photocopies and certified copies	50c. per page and \$20 per document
3. Transcripts -	
Upon supplying a court reporter's transcript	\$2 per page
Upon supplying a certified transcript of a judge's notes	\$10 per page
Upon supplying additional copies of transcripts	50c. per page
4. Coroner's proceedings -	
Upon supplying a certified copy of the verdict, depositions and exhibits	\$100 plus 50c. per page
5. Taxation ¹² -	
(1) Upon lodging an application for taxation or applying for a costs certificate in any division of the Court or the Court of Appeal in which the proceeding is pending to which paragraph 5(2) below does not apply.	\$200
(2) (a) Upon lodging an application for taxation or applying for a certificate of costs in any division of the Court or the Court of Appeal in which a direction is made by the Court in accordance with Rule 3(10)(b) where the total amount of the costs claimed:	
(i) exceeds \$10,000 but does not exceed \$50,000	\$750
(ii) exceeds \$50,000 but does not exceed \$100,000	\$1,500
(iii) exceeds \$100,000 but does not exceed \$250,000	\$3,000



(iv) exceeds \$250,000 but does not exceed \$500,000

\$4,500

(v) exceeds \$500,000

\$6,000

(b) In respect of any day spent by the Taxing Officer in a taxation in excess of 3 days.

an amount not less than \$750 per day and not exceeding \$1500 per day as directed by the Clerk of the Court on completion of the taxation.

Part D

COURT OF APPEAL (SPECIAL SITTINGS) RULES¹³

1. Application for a special sitting -

Upon making an application to the Court of Appeal for a direction that a special sitting be convened (save where an application for leave to appeal is made at the same time and for which a fee is payable under Part B)

\$5,000

2. Direction convening a special sitting -

In the event that the Court of Appeal makes a direction that a \$20,000 special sitting be convened



Part E

SPECIAL HEARING (GRAND COURT) (FINANCIAL SERVICES)¹⁴

1. Listing of special hearing -

Upon the listing of a special hearing in accordance with Rule 5B

\$2,500.00 for each day or part thereof (inclusive of reading and judgment writing days).



SECOND SCHEDULE

AD VALOREM FEES

Part A

Civil Divisions

1. Claim for liquidated sum —

Upon issuing every writ or counterclaim indorsed with a claim for a debt or liquidated demand in connection with a civil proceeding, a sum equivalent to -

one per cent of the principal sum claimed in excess of \$10,000;

one-half per cent of the principal sum claimed in excess of \$100,000; and one-quarter per cent of the principal sum claimed in excess of \$1,000,000:

Provided that —

- (a) claims for interest and costs shall be disregarded;
- (b) in the case of a writ or a counterclaim indorsed with alternative claims, the *ad valorem* fee shall be assessed upon the highest claim;
- (c) if a writ or counterclaim is amended to increase the amount claimed, the *ad valorem* fee shall be re-assessed upon the higher claim, and the balance shall be paid upon re-issuing the writ or counterclaim as amended;
- (d) no *ad valorem* fee shall be repaid in the event that a writ or counterclaim is amended so as to reduce the amount claimed; and
- (e) the *ad valorem* fee payable shall not, in any case, exceed the sum of \$15,000.

2. Judgment for damages —

Upon entering judgment for damages in a civil proceeding, a sum equivalent to one per cent of the principal sum awarded in excess of \$10,000; one-half per cent of the principal sum awarded in excess of \$100,000; and

one-quarter per cent of the principal sum awarded in excess of \$1,000,000:

Provided that —

- (a) awards of interest and costs shall be disregarded;
- (b) credit shall be given for any ad valorem fee paid under paragraph 1; and
- (c) the total amount of the *ad valorem* fees payable in respect of any one action shall not exceed \$15,000.



3. Appeal against a money judgment —

Upon filing a notice of appeal against a money judgment made in a civil proceeding, a sum equivalent to-

one per cent of the principal amount of the judgment appealed against in excess of \$10,000:

one-half per cent of the principal amount of the judgement appealed against in excess of \$100,000; and

one-quarter per cent of the principal amount of the judgment appealed against in excess of \$1,000,000:

Provided that —

- (a) awards of interest and costs shall be disregarded;
- (b) no credit shall be given for any *ad valorem* fees paid under paragraph 1 or 2; and
- (c) the total amount of the *ad valorem* fees payable in respect of any one appeal shall not exceed \$10,000.

4. Judgments given by the Court of Appeal —

Upon entering judgment by the Court of Appeal in a civil proceeding, a sum equivalent to -

one per cent of the principal sum awarded in excess of \$10,000;

one-half per cent of the principal sum awarded in excess of \$100,000; and

one-quarter per cent of the principal sum awarded in excess of \$1,000,000:

Provided that —

- (a) awards of interest and costs shall be disregarded;
- (b) credit shall be given for any *ad valorem* fee paid under paragraph 3; and
- (c) the total amount of the *ad valorem* fees payable in respect of any one appeal shall not exceed \$10,000.



THIRD SCHEDULE

BAILIFF FEES

1. Service of documents -

Upon instructing the bailiff to serve any documents upon a person (per person) within the district of

(a) George Town	\$30
(b) West Bay	\$50
(c) Bodden Town	\$60
(d) East End	\$75
(e) North Side	\$75
(f) Cayman Brac and Little Cayman	\$125

2. Sale of levies -

For the sale of levies including advertisements, catalogues
and commission, and delivery of goods

10 % of the net proceeds of sale.

3. Sale by bailiff in cases other than levies -

In cases other than levies, where the bailiff, by order of the
Court, acts as auctioneer to conduct any sale of property, real
or personal, ordered by the Court to be sold, including
advertisements, catalogues and commission

5% on the first \$1,000 net proceeds 3% on any sum in excess of \$1,000.

4. Receipt by bailiff of money instead of levy -

Upon receipt of money instead of le	vy
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5% of money received.



FOURTH SCHEDULE

PROBATE AND ADMINISTRATION FEES

1. Applications -	
Upon making every application for probate, letters of administration or the resealing of a foreign grant	\$200
2. Affidavits -	
Upon filing every affidavit 3. Grants, Orders and Citations -	\$25
Upon making every grant of probate or letters of administration or other order of issuing any citation	\$25
4. Caveats -	
Upon lodging any caveat	\$200
5. Inventories and Accounts -	
Upon filing every inventory or account	\$25

Publication in consolidated and revised form authorised by the Cabinet this 5th day of January, 2021.

Kim Bullings Clerk of the Cabinet



ENDNOTES

Table of Legislation history:

SL#	Law #	Legislation	Commencement	Gazette
	56/2020	Citation of Acts of Parliament Act, 2020	3-Dec-2020	LG89/2020/s1
25/2014		Court Fees (Amendment) Rules, 2014	1-Jan-2014	G10/2014/s1
42/2013		Court Fees (Amendment) (No. 3) Rules, 2013	1-Jan-2014	GE99/2013/s2
29/2013		Court Fees (Amendment) (No. 2) Rules, 2013	1-May-2013	GE42/2013/s1
45/2009		Court Fees (Amendment) Rules, 2009	1-Nov-2009	GE86/2009/s1
31/2009		Court Fees Rules, 2009	1-Nov-2009	GE63/2009/s3

Table of Endnote references:

substituted by r.2 of Court Fees (Amendment) (No. 3) Rules, 2013
amended by r.2 of Court Fees (Amendment) Rules, 2009
inserted by r.4 of Court Fees (Amendment) Rules, 2009
inserted by r.2 of Court Fees (Amendment) (No. 2) Rules, 2013
inserted by r.2 of Court Fees (Amendment) Rules, 2014 (renumbered as 5C)
amended by r.7(1) of Court Fees (Amendment) Rules, 2009
inserted by r.7(2) of Court Fees (Amendment) Rules, 2009
inserted by r.7(2) of Court Fees (Amendment) Rules, 2009
inserted by r.6 of Court Fees (Amendment) Rules, 2009
amended by r.3 of Court Fees (Amendment) Rules, 2009
amended by r.3 of Court Fees (Amendment) Rules, 2009
amended by r.3 of Court Fees (Amendment) (No. 3) Rules, 2013
inserted by r.5 of Court Fees (Amendment) Rules, 2009
inserted by r.3 of Court Fees (Amendment) (No. 2) Rules, 2013



(Price: \$4.80)

