



**IN THE SUPREME COURT OF BERMUDA
CIRCULAR NOTICE**

ISSUED BY THE ACTING REGISTRAR

27th June 2024

CIRCULAR No. 20 of 2024

TO ALL ATTORNEYS:

RE: Court Fees and Expenses Amendment and Validation Rules 2024

The Supreme Court is pleased to announce that the Chief Justice in exercise of the power conferred by section 2 of the Court Fees and Expenses Act 1971 makes the subject amendment Rules which increase the fees to be paid in relation to the performance of any function by a court or an officer. The fees that litigants are required to pay into the Magistrates Court to commence a new action and/or at certain intervals, to continue an action already underway are being increased by these amendments effective 1st August 2024.

These particular fees of the Magistrates Court have not increased in almost 60 years. However, contrasted against this static position is today's increasing tendency of litigants to pursue legal action. These litigants are also increasingly sophisticated. Their cases are more complex. Higher volume and variation of proceedings are routinely being instituted. These demands increase time and work expended by administrative staff to process proceedings. The increased costs of office supplies is another cost-incurring factor. Additionally, resources are required to counter ever-changing threats to the safety and well-being of all those connected to the judicial system including litigants, judges, bailiffs, counsel and witnesses.

The Supreme Court fees, Court of Appeal fees, and the Civil Appeals fees have increased. These Court Fees and Expenses Validation Rules are the last round of fee increase amendments. They finalize the necessity to increase and modernize the existing judicial revenue stream shortfall of fees collected by the Courts. Rectifying this shortfall can only be beneficial to the welfare of the entire community for the positive impact it will have on the administration of justice. Moreover it will come as no surprise that research has shown that Bermuda's current fee schedule for payments into the Magistrates Court is remarkably low when compared to other British Overseas Territories. The increase of fees will put this jurisdiction on par with similar jurisdictions such as The Cayman Islands

The Chief Justice thanks the Registrar of the Supreme Court and all public officers and stakeholders who contributed to the implementation of this milestone.



Michelle Smith

ACTING REGISTRAR

To: The Director of Public Prosecutions
Attorney-General's Chambers
Solicitor-General
All Barristers and Attorneys
Legal Aid
Hamilton Police Station
Commissioner of Corrections
Commissioner of Police
Registrar of Companies

BERMUDA

COURT FEES AND EXPENSES AMENDMENT AND VALIDATION RULES 2024

BR / 2024

The Chief Justice, in exercise of the power conferred by section 2 of the Court Fees and Expenses Act 1971, makes the following Rules:

Citation

1 These Rules may be cited as the Court Fees and Expenses Amendment and Validation Rules 2024.

Revokes and replaces the First Schedule

2 The First Schedule ("Court Fees") to the Court Fees and Expenses Rules 1972 is revoked and replaced with the Schedule to these Rules.

Validation of fees

3 Fees purportedly charged, paid and collected in accordance with the First Schedule of the Court Fees and Expenses Rules 1972 prior to these Rules coming into operation are deemed to have been validly charged, paid and collected and no action, suit or proceeding shall be brought against the Minister by reason only of such charge, payment or of such collection.

Commencement

4 These Rules shall come into operation on 1 August 2024.

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SCHEDULE

(rule 2)

FIRST SCHEDULE

COURT FEES

(Payments into the Consolidated Fund)

1 Protection of Justices Act 1897

Section Reference		
	s.18	Preparation of case stated—
(1)	for every folio or part thereof	\$3.00
(2)	for every additional copy of every folio or part thereof	\$1.00
(3)	delivery of case stated	\$3.00
(4)	for every recognizance	\$5.00
(5)	for every surety	\$3.00

2 Evidence Act 1905

Section Reference			
(1)	s.35(2)	Furnishing of certificate	\$2.00
(2)	s.50(2)	Certificate of register of vessel	\$2.00
(3)	s.51(3)	Certificate of conviction, etc.	\$3.00

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(4)	s.55(2)	Copy of extract of public document per folio or photostat page	\$0.50
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3 Magistrates Act 1948

(1)	For the issue of summons for the recovery of a sum of money which—		
	(a)	does not exceed \$1000	\$30.00
	(b)	exceeds \$1000 but does not exceed \$2000	\$50.00
	(c)	exceeds \$2000 but does not exceed \$3000	\$60.00
	(d)	exceeds \$3000 but does not exceed \$4000	\$70.00
	(e)	exceeds \$4000 but does not exceed \$25,000	\$100.00
(2)	For the reissue of summons		\$20.00
(3)	Originating application—		
	(a)	under Matrimonial Proceedings (Magistrates' Courts) Act 1974	Free
	(b)	under the Minors Act 1950 for the payment of money	Free
	(c)	otherwise under the Minors Act 1950	\$20.00
	(d)	under the Adoption of Children Act 2006	\$125.00
	(e)	under Part IVB of the Children Act 1998	Free
	(f)	under the Landlord and Tenant Act 1974	\$70.00

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(4) Notice to quit	\$75.00
(5) Warrant of eviction	\$100.00
(6) Contempt of court	\$65.00
(7) Warrant of arrest	\$75.00
(8) Where no other fee is specifically provided for	\$75.00
(9) On entering an appeal to a court of summary jurisdiction where no other fee is specifically provided	\$75.00
(10) On an application for substituted or other service	\$25.00
<p>On every other application made in a suit before the day fixed for the hearing except an application—</p> <p>(i) for the extension of time for the service of a summons or an originating application;</p> <p>(ii) to postpone or adjourn the hearing of the suit;</p> <p>(11) (iii) to restore a suit to the list after adjournment <i>sine die</i>;</p> <p>(iv) for the substitution, joinder or addition of party where the change is by operation of law;</p> <p>(v) for the appointment of a guardian <i>ad litem</i>. <i>This fee is payable whether the application is made on notice or ex parte by consent.</i></p>	\$50.00
(12) On the delivery of a counter-claim	The amount (if any) whereby the fee payable on entering proceedings for the sum of money counter-claimed exceeds the fee paid by the plaintiff or applicant.

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(13) On taxation of costs	2 ½% of the amount allowed with a minimum of \$5.00
(14) On application for an attachment of earnings order to secure a maintenance payment	Free
(15) On application for an attachment of earnings order (other than a consolidated attachment order) to secure payment of a judgment debt which does not exceed \$10,000	\$30.00
(16) On a consolidated attachment order—	
(a) to secure maintenance debts	Free
(b) to secure payment of judgment debts	\$50.00
(17) On the issue of a judgment summons under the Debtors Act 1973 to secure payment of a judgment debt which—	
(a) does not exceed \$1000	\$30.00
(b) exceeds \$1000 but does not exceed \$2000	\$50.00
(c) exceeds \$2000 but does not exceed \$3000	\$60.00
(d) exceeds \$3000 but does not exceed \$4000	\$70.00
(e) exceeds \$4000 but does not exceed \$25,000	\$100.00
(18) For the reissue of a judgment summons	\$20.00
(19) On the issue of an order of commitment made on a judgment summons where the order issues for an amount which does not exceed \$25,000	\$75.00
(20) On the issue of a writ of execution against goods	\$100.00

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(21) For keeping possession of goods under a writ of execution	2½% per day of the value of the goods seized. Maximum fee per day \$10.00 or where a possession man is employed \$100.00 per day. In addition thereto, where there are animals to be fed, the reasonable expenses of feeding them.
<p>For removing or taking steps to remove goods to place of deposit</p> <p>This fee and the fee previous thereto is not payable for more than seven days <i>Provided that—</i> (22) <i>(a) where possession is kept after the seventh day at the request in writing of both the execution creditor and execution debtor; these fees are payable for a reasonable further time; and</i> <i>(b) where notice of claim by a third party to or in respect of the goods has been given to the bailiff, the number of days for which possession fees may be charged shall be determined by the court.</i></p>	The reasonable expenses thereof.
(23) On application for the restitution of goods seized in execution	\$100.00
(24) For advertising a sale by auction pursuant to sections 24 and 25 of the Act	The reasonable expenses thereof.
(25) On the issue of a witness summons	\$30.00
(26) For the preparation and furnishing to any person a copy of any of the records of the court examined and certified by an authorized officer—	
(a) for the first three folios or part thereof	\$7.00
(b) for each additional three folios or part thereof	\$5.00
(c) for certified copy of judgment or order	\$15.00

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(d) for every folio of part thereof	\$5.00
(e) for every search in the registry, for each register, file or document referred to or required	\$15.00

4 Provost Marshal General Act 1965

(1) For the service of any summons other than a judgment summons (including a reissued summons)	\$70.00
(2) For the service of a judgment summons (including a reissued summons)	\$70.00
(3) For the execution of a warrant of arrest	\$100.00
(4) For the execution of any other warrant, whether on issue or reissue	\$100.00
(5) For the service or execution of any writ or other process not otherwise specified	\$100.00
<p>If any writ or process is required to be served on more than one person, one half of the proper fee may be charged for each additional person except in actions under the Attachment Act 1874 [<i>title 8 item 46</i>], in which the full fee may be charged for the service of the attachment writ on each garnisher, which shall include the taking of the prescribed interrogatories.</p>	
(6) For the sale of goods, property and real estate under a writ of execution, being the commission thereon	
On the amount realized by the sale—	
(a) on the first \$2,500	10%
(b) on the next \$25,000	5%
(c) on the next \$100,000	2½%
(d) thereafter	1%

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Where no sale takes place by reason of an execution being withdrawn, satisfied or stopped

The amount (if any) whereby the fee payable on entering proceedings for the sum of money counterclaimed exceeds the fee paid by the plaintiff or applicant.

Made this 26th day of June 2024



Chief Justice