
CIVIL PROCEDURE (AMENDMENT TO ADVOCATES' FEES) RULES 2008

The Administrator makes the following Rules exercising his powers under section 41(d) of the Courts (Constitution and Jurisdiction) Ordinance 2007**(a)**.

Citation commencement and interpretation

1. (1) These Rules may be cited as the Civil Procedure (Amendment to Advocates' Fees) Rules 2008.

(2) Subject to paragraph (3), these Rules come into force on the day on which they are published in the Gazette.

(3) These Rules apply to all civil proceedings commenced on or after 1 January 2007 unless the costs of those proceedings have been determined before the coming into force of these Rules.

Amendment to the principal Rules

2. Appendix B to the Civil Procedure Rules**(b)** is revoked and replaced by the Appendix B which is set out in the Schedule to these Rules.

Schedule
APPENDIX B
PART I

ADVOCATES' FEES IN ACTIONS

	Value of the claim								
	Does not exceed €500	Exceeds €500 but not €2,000	Exceeds €2,000 but not €10,000	Exceeds €10,000 but not €50,000	Exceeds €50,000 but not €100,000	Exceeds €100,000 but not €500,000	Exceeds €500,000 but not €2,000,000	Exceeds €2,000,000	
	€	€	€	€	€	€	€	€	
1. Receiving instructions to sue or defend	from	15.00	31.00	53.00	91.00	140.00	193.00	255.00	347.00
	to	24.00	48.00	96.00	154.00	193.00	267.00	361.00	480.00
2. Preparing writ of summons:- a. Where no statement of claim is filed or the writ of summons is not specially endorsed b. Where the writ is filed with the statement of claim	from	7.00	14.00	24.00	41.00	51.00	70.00	91.00	125.00
	to	12.00	19.00	32.00	53.00	70.00	101.00	132.00	174.00
3. Entering an appearance	from	17.00	34.00	70.00	113.00	166.00	224.00	294.00	427.00
	to	31.00	65.00	116.00	181.00	232.00	335.00	441.00	613.00
4. Preparing and delivering statement of claim where item 2(b) above does not apply	from	5.00	9.00	21.00	32.00	43.00	60.00	73.00	104.00
	to	9.00	14.00	27.00	44.00	60.00	82.00	109.00	152.00
5.(a) Preparing statement of defence	from	15.00	31.00	63.00	104.00	132.00	185.00	237.00	335.00
	to	27.00	46.00	89.00	144.00	185.00	267.00	347.00	485.00
(b) Preparing statement of defence and counter-claim	from	14.00	29.00	55.00	91.00	114.00	161.00	207.00	290.00
	to	22.00	41.00	79.00	125.00	161.00	236.00	304.00	424.00
	from	17.00	39.00	80.00	132.00	162.00	229.00	299.00	429.00
	to	31.00	62.00	109.00	181.00	229.00	335.00	434.00	607.00

6. (a) Preparing a reply to a defence	from			24.00	41.00	51.00	70.00	91.00	125.00
	to			32.00	53.00	70.00	101.00	132.00	181.00
(b) Preparing a reply to a defence and a reply to a counter-claim	from	12.00	24.00	27.00	79.00	99.00	140.00	178.00	248.00
	to	17.00	36.00	68.00	109.00	140.00	202.00	260.00	366.00
7. Preparing a written statement of application and one copy	from	7.00	15.00	32.00	53.00	68.00	91.00	121.00	167.00
	to	14.00	24.00	44.00	72.00	94.00	133.00	174.00	243.00
8. Preparing written objection and one copy	from	7.00	15.00	32.00	53.00	68.00	91.00	121.00	167.00
	to	14.00	24.00	44.00	72.00	94.00	133.00	174.00	243.00
9. Preparing a notice to attend on hearing of application, or action and one copy	from	5.00	7.00	14.00	19.00	24.00	34.00	44.00	62.00
	to	7.00	9.00	17.00	27.00	34.00	51.00	63.00	91.00
10. Attending Court on an ex parte application:									
(a) In the Resident Judge's Court	from	14.00	26.00	51.00	79.00	94.00	113.00	147.00	205.00
	to	21.00	38.00	63.00	101.00	123.00	152.00	196.00	277.00
(b) In the Senior Judges' Court	from	21.00	38.00	73.00	114.00	142.00	167.00	219.00	308.00
	to	31.00	56.00	99.00	152.00	185.00	229.00	299.00	417.00
11. Attending Court on an application by summons:									
(a) If unopposed:									
(i) In the Resident Judge's Court	from	14.00	21.00	51.00	79.00	94.00	113.00	147.00	205.00
	to	21.00	38.00	63.00	101.00	123.00	152.00	196.00	277.00
(ii) In the Senior Judges' Court	from	21.00	38.00	71.00	114.00	142.00	167.00	219.00	308.00
	to	31.00	56.00	99.00	152.00	185.00	229.00	299.00	417.00
(b) If opposed - For every appearance:									
(i) In the Resident Judge's Court	from	29.00	46.00	72.00	96.00	104.00	132.00	167.00	237.00
	to	39.00	75.00	132.00	203.00	246.00	304.00	398.00	554.00
(ii) In the Senior Judges' Court	from	38.00	55.00	116.00	121.00	140.00	174.00	227.00	314.00
	to	60.00	111.00	195.00	304.00	349.00	460.00	595.00	832.00

12. Attending Court for directions to an action fixed on the Court's own motion and directions are given (fees are to be allowed for one attendance for directions only).	from to	31.00 67.00	63.00 126.00	94.00 219.00	133.00 340.00	161.00 410.00	214.00 513.00	294.00 666.00	400.00 1,015.00
13. Attending Court for settlement - as for a hearing. Fees are allowed for one attendance only unless following the first attendance a joint application is made and the Court considers it appropriate to set down the action again for settlement, in which case the fees for the second appearance are to be allowed.									
(i) In the Resident Judge's Court	from to	31.00 67.00	63.00 126.00	94.00 219.00	133.00 340.00	161.00 410.00	214.00 513.00	294.00 666.00	400.00 933.00
(ii) In the Senior Judges' Court	from to	51.00 101.00	75.00 185.00	121.00 326.00	174.00 506.00	202.00 615.00	243.00 762.00	318.00 993.00	314.00 832.00
14. Preparing for a hearing. Fees are allowed for one attendance only.	from to	31.00 67.00	60.00 123.00	85.00 215.00	125.00 338.00	144.00 410.00	176.00 509.00	227.00 660.00	318.00 924.00
15. (a) Preparing for hearing of an application by summons where there is an objection and a hearing takes place (advocates' fees are to be allowed for only one occasion of preparation):									
(i) In the Resident Judge's Court	from to	29.00 39.00	46.00 75.00	72.00 132.00	96.00 203.00	104.00 246.00	132.00 304.00	167.00 398.00	237.00 554.00
(ii) In the Senior Judges' Court	from to	38.00 60.00	55.00 111.00	116.00 195.00	121.00 304.00	140.00 349.00	174.00 460.00	227.00 595.00	314.00 832.00

(b) Preparing for hearing of an ex parte application where a hearing takes place. Advocates' fees are to be allowed for only one occasion of preparation):	from to	14.00	26.00	51.00	79.00	94.00	113.00	147.00	205.00
		21.00	38.00	63.00	101.00	123.00	152.00	196.00	277.00
(i) In the Resident Judge's Court	from to	21.00	38.00	73.00	114.00	142.00	167.00	219.00	308.00
		31.00	56.00	99.00	152.00	185.00	229.00	299.00	417.00
16. Appearing at a hearing:	from to	31.00	63.00	94.00	133.00	161.00	214.00	294.00	400.00
		67.00	126.00	219.00	340.00	410.00	513.00	666.00	933.00
(b) In the Senior Judges' Court	from to	51.00	75.00	121.00	174.00	202.00	243.00	318.00	443.00
		101.00	185.00	326.00	506.00	615.00	762.00	993.00	1,386.00
17. Appearing at a pre-trial of an appeal	from to	31.00	60.00	85.00	125.00	144.00	176.00	227.00	318.00
		67.00	123.00	215.00	338.00	408.00	509.00	660.00	924.00
18. (a) Preparing an outline of address for an appellant or respondent (where there is no cross-appeal).	from to	51.00	75.00	121.00	174.00	202.00	246.00	318.00	443.00
		101.00	185.00	326.00	506.00	615.00	762.00	993.00	1,386.00
(b) Preparing an outline of address for a respondent where there is a cross appeal or where the address contains argument for a cross-appeal and preparing an address for an appellant in reply to the cross-appeal.	from to	62.00	92.00	144.00	212.00	239.00	294.00	381.00	533.00
		123.00	222.00	390.00	607.00	738.00	914.00	1,189.00	1,668.00

19. Attending Court to hear a deferred judgment:	from to	14.00	43.00	51.00	79.00	94.00	113.00	147.00	205.00
		21.00	38.00	63.00	101.00	123.00	152.00	196.00	277.00
(a). In the Resident Judge's Court	from to	21.00	38.00	73.00	114.00	142.00	167.00	219.00	308.00
		31.00	56.00	99.00	152.00	185.00	229.00	299.00	417.00
20. Attending Court to obtain a judgment by default:	from to	17.00	36.00	68.00	104.00	125.00	150.00	195.00	273.00
		27.00	48.00	85.00	135.00	166.00	203.00	265.00	371.00
(a). Without witnesses	from to	31.00	62.00	114.00	178.00	222.00	260.00	340.00	480.00
		46.00	85.00	152.00	237.00	287.00	355.00	461.00	648.00
21. Attending Court to obtain judgment by consent	from to	34.00	68.00	133.00	205.00	249.00	301.00	390.00	547.00
		53.00	99.00	174.00	268.00	328.00	408.00	526.00	740.00
22. Examining and taking notes of evidence of each witness whose costs are afterwards allowed on taxation	from to	7.00	12.00	27.00	43.00	55.00	79.00	99.00	140.00
		9.00	19.00	38.00	62.00	79.00	106.00	140.00	195.00

23. (a) Drawing up an affidavit	from	7.00	12.00	24.00	41.00	51.00	70.00	91.00	125.00
	to	9.00	19.00	32.00	53.00	70.00	101.00	132.00	181.00
(b) Drawing up an affidavit in the following cases:	from	14.00	26.00	50.00	82.00	103.00	140.00	181.00	249.00
i. Application to issue interim order under any legislation	to	17.00	36.00	65.00	106.00	140.00	202.00	263.00	361.00
ii. Application for permission to seal writ of summons outside the jurisdiction (Order 2, Rule 2)									
iii. Application to serve writ of summons to representative (Order 5, Rule 8)									
iv. Application for substituted service (Order 5, Rule 9)									
v. Application for permission to serve writ of summons outside the jurisdiction (Order 6, Rule 4)									
vi. Application for discovery of documents (Order 28, Rule 1)									
vii. Application for permission to file appeal solely in regard to costs (Order 35, Rule 20)									
viii. Application for setting aside judgment under any rule									
ix. Application to amend pleadings.									
24. Writing a letter before or after an action	from	5.00	7.00	17.00	27.00	32.00	44.00	60.00	82.00
	to	7.00	12.00	21.00	38.00	44.00	68.00	89.00	123.00
25. Applying for summons to witness whose costs are allowed	from	5.00	7.00	17.00	27.00	32.00	44.00	60.00	82.00
	to	7.00	12.00	21.00	38.00	44.00	68.00	89.00	123.00
26. Preparing a notice inter parte	from	5.00	7.00	17.00	27.00	32.00	44.00	60.00	82.00
	to	7.00	12.00	21.00	38.00	44.00	68.00	89.00	123.00

27. Preparing a security bond	from	5.00	7.00	17.00	27.00	32.00	44.00	60.00	82.00
	to	7.00	12.00	21.00	38.00	44.00	68.00	89.00	123.00
28. Preparing a notice of appeal and grounds thereof or preparing a notice to vary judgment (Order 35, Rule 10) and grounds thereof	from	12.00	24.00	48.00	79.00	99.00	140.00	178.00	249.00
	to	17.00	36.00	68.00	109.00	140.00	202.00	260.00	366.00
29. Preparing a bill of costs	from	5.00	12.00	24.00	41.00	51.00	70.00	91.00	125.00
	to	9.00	19.00	32.00	53.00	68.00	101.00	132.00	181.00
30. Attending a Registrar on Taxation	from	9.00	15.00	32.00	51.00	63.00	73.00	99.00	135.00
	to	14.00	26.00	43.00	68.00	84.00	101.00	133.00	185.00
31. Attending Court on review of taxation									
(a) In the Resident Judge's Court	from	17.00	36.00	68.00	104.00	125.00	150.00	195.00	273.00
	to	27.00	48.00	85.00	135.00	166.00	203.00	265.00	371.00
(b) In the Senior Judges' Court	from	27.00	51.00	99.00	154.00	188.00	224.00	294.00	410.00
	to	39.00	75.00	132.00	203.00	246.00	304.00	398.00	557.00
32. Attending the Registrar if no other provision is made	from	5.00	9.00	17.00	27.00	32.00	38.00	48.00	70.00
	to	7.00	12.00	21.00	34.00	41.00	51.00	68.00	94.00
33. Attending an arbitration:									
(a) not exceeding three hours	from	31.00	63.00	123.00	193.00	234.00	284.00	366.00	513.00
	to	51.00	94.00	162.00	255.00	308.00	381.00	495.00	694.00
(b) for each additional hour	from	12.00	26.00	51.00	79.00	94.00	113.00	144.00	205.00
	to	21.00	38.00	63.00	101.00	123.00	152.00	196.00	277.00
34. Perusing papers to file appeal:									
(a) by an advocate who appeared for the litigant in the Court of first instance	from	22.00	41.00	82.00	126.00	157.00	186.00	243.00	340.00
	to	34.00	62.00	109.00	167.00	205.00	255.00	330.00	461.00
(b) by an advocate who did not appear for the litigant in the Court of first instance	from	31.00	63.00	123.00	193.00	234.00	280.00	366.00	513.00
	to	51.00	94.00	162.00	255.00	308.00	337.00	437.00	613.00

35. Perusing papers by the advocate of the appellant to prepare outline of address	from	22.00	41.00	82.00	126.00	157.00	186.00	243.00	340.00
		to	34.00	62.00	109.00	167.00	205.00	255.00	330.00
(a) by an advocate who appeared, for the appellant in the Court of first instance	from	31.00	63.00	123.00	193.00	234.00	280.00	366.00	513.00
		to	51.00	94.00	162.00	255.00	308.00	337.00	437.00

36. Where provision is made for Advocates' fees for an appearance before a Court for a hearing, if the hearing is adjourned due to lack of time, fees are allowed on the lower scale unless the Court orders otherwise.

37. Where the action or the appeal is settled on the day of the hearing, the Court may allow the fees provided for the hearing.

38. For the following types of cases the scales of the Advocates' fees are determined as follows:

- (a) For judicial review, the fees for actions between €10.000 - €50.000;
- (b) For an originating summons the fees for actions between €10.000 - €50.000; and
- (c) For any other proceedings not otherwise provided for above, the scale of which corresponds to the value of the subject matter as determined by the Court.

39. Unless the Court orders otherwise, the value of the claim is to be determined by reference to the following amounts—

- (a) From commencement of action up to and including filing of the appearance, or judgment by default of appearance by the defendant – the amount claimed on the writ of summons;
- (b) After entering an appearance up to the judgment – the amount or value of the subject-matter of the action in dispute, as disclosed in the pleadings;
- (c) In actions for money claims – the amount adjudged or the amount for which the action has been settled;
- (d) In other actions – the value of the subject-matter of the action actually in dispute between the parties;
- (e) In Court steps for enforcement of judgement – the amount for which execution is sought;
- (f) In respect of maintenance orders – the monthly amount fixed by the Court; and
- (g) In respect of appeals – the amount or the value of the subject-matter of the appeal.

40. The Court may order that the advocates' fees as against his client be based on a different scale than the scale applicable under the previous paragraph.

41. In respect of any judgment by consent, the following must be determined separately:

- (a) The amount awarded;
- (b) The actual costs; and
- (c) Advocates' fees.

Dated this 22nd day of May 2008.

By the Administrator's Command,

P. D. Draycott,
Chief Officer,
Sovereign Base Areas.

(SBA/AG/2/CT/135)

Notes

(a) 5/07.

(b) Subsidiary Legislation of Cyprus revised edition volume 2, 1953, page 120, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).