

**CHAPTER 4.**  
**ADVOCATES' CLERKS.**

**ADVOCATES' CLERKS RULES.**

RULES OF COURT MADE UNDER SECTION 12.

1. These Rules of Court may be cited as the Advocates' 40 Vol. II  
Clerks Rules. 615.

2. In these rules, unless the context otherwise requires:—

“complainant” means a person making a complaint against a clerk;

“Court” means a District Court;

“respondent” means a clerk against whom a complaint is made.

3. Every complaint of misconduct on the part of a clerk shall be made to the District Court in which the clerk is registered.

4.—(1) If upon complaint made to a Court of misconduct on the part of a clerk, it shall appear to the Court that the complainant has a genuine and *bona fide* cause of complaint, the Court may direct the clerk to be brought before the Court forthwith, or as soon as is reasonably possible, and may then hear and determine the matter of the complaint forthwith, or adjourn it for further hearing, and may otherwise regulate the enquiry as to the Court may seem just:

Provided that, if in the opinion of the Court, the circumstances so require, it may direct a summons to be served upon the clerk setting out the matter or matters complained of.

(2) Service shall be effected by such person in such a manner and within such time as the Court shall direct.

(3) The summons shall be in the form in Appendix A with such variations as the circumstances may require. Appendix A.

5. The Court may require a complainant to state upon oath the matter or matters complained of and any particulars thereof.

6. Subject to the provisions of the Law and of these rules every proceeding in a Court under the Law shall, so far as the circumstances admit, be subject to the same rules of procedure as in the case of civil causes.

7. If a Court is of opinion that a complaint is frivolous or vexatious it may order the person making the complaint to pay such sum to the respondent in respect of any costs or charges or expenses he may have paid or incurred as to the Court shall seem just.

8. No complaint shall be withdrawn or discontinued without leave of the Court, and if any complainant fails duly to prosecute the proceedings the Court may of its own motion cause the proceedings to be continued and make such order upon the complainant as to the payment of costs as to the Court shall seem just.

9. A Court in addition to or instead of ordering the name of a clerk to be removed from the register, either permanently or for a period, may order him to pay to the complainant such sum as in the opinion of the Court will indemnify the complainant for any costs, charges and expenses paid or incurred by him in respect of making the complaint and the proceedings thereon.

Appendix B. 10. The fees specified in column II of Appendix B shall be chargeable in respect of the proceedings specified in column I of the said Appendix, and shall be taken by means of stamps which shall be applied and disposed of in the manner stated in column III of the said Appendix B :

Provided that no fees shall be payable by the Attorney-General or by any Head of Department in respect of any proceedings on a complaint made by any of them in their official capacity :

Provided also that if a Court be satisfied that a complaint is made in good faith and on good grounds and that the complainant has not sufficient means to pay the prescribed fees, it may direct the remission of all or such fees in respect of the proceedings as it shall deem fit.

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APPENDIX A.

(Rule 4 (3).)

In the District Court of  
In the matter of

and

In the matter of the Advocates' Clerks Law, Cap. 4.

Take notice that you the above-named  
are hereby required to appear before this Court on the      day of      , 19      ,  
at      o'clock in the      noon on the hearing of a complaint made against  
you by      of  
that (*Set out particulars of matters alleged against the clerk.*)

Dated this      day of      , 19     

*Judge of the District Court.*

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APPENDIX B.

(Rule 10.)

COURT FEES.

<i>Column I</i>	<i>Column II</i>	<i>Column III</i>
On filing a complaint . . . . .	3s.	To be affixed to the document filed.
On issue of a summons . . . . .	2s.	To be affixed to the copy filed.
On issue of a summons to a witness.	1s.	To be affixed to counterfoil of summons.
On filing any affidavit other than an affidavit of service.	2s.	To be affixed to the affidavit.
On filing an application for replacement of name on the register.	10s.	To be affixed to the statement filed.
On filing notice of appeal to the Supreme Court.	5s.	To be affixed to the notice of appeal filed.
On entering any judgment directing payment of costs . . .	2s.	To be affixed to the judgment or order in the Judgment Book.
On issuing any writ of execution.	1s.	To be affixed to the counterfoil in the book from which the writ is taken.

ADVOCATES AND ADVOCATES' CLERKS (FEES) RULES.

RULES MADE UNDER SECTION 38 OF THE COURTS OF JUSTICE (SUPPLEMENTARY PROVISIONS) LAW AND SECTION 12 OF THE ADVOCATES' CLERKS LAW.

Cap. 12.  
Cap. 4.

1. These Rules may be cited as the Advocates and Advocates' Clerks (Fees) Rules.

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681.

2. The fees in the Appendix hereto set out shall be the maximum fees which may be taken by an advocate or by a registered clerk on behalf of the advocate who procured his registration in the Register in respect of any business transacted in the Land Registry Office and, save as otherwise provided in the Appendix, shall include all preparatory work relating thereto, writing material used and all necessary attendances at the Land Registry Office, but shall be exclusive of the cost of any stamp required to be affixed to documents prepared and of the fees required to be paid to the Land Registry Office in relation to such business.

Appendix.

3. Every document prepared by an advocate or an advocate's registered clerk shall bear on it a note of the fee charged, signed by the advocate or clerk concerned. If the note is signed by a clerk it shall state the name of the advocate on whose behalf he is acting.

4. Any person aggrieved by an alleged overcharge made by an advocate or advocate's registered clerk shall, on demand, be supplied with a bill of costs and may submit the same to the officer in charge of the Land Registry Office where the business to which the alleged overcharge relates was transacted, and the officer aforesaid may thereupon proceed to tax such bill as nearly

as possible in the manner laid down for the taxation of costs in actions before the Court. Any party dissatisfied with the taxation made by the aforesaid officer may within seven days from the date thereof apply for review of such taxation by the Director of Land Registration and Surveys, whose decision shall be final and binding on all parties.

## APPENDIX.

	s.	p.
1. For preparing a Declaration of Sale, Gift or Exchange .. .. .	4	0
plus, for every registration in excess of 6 included therein, ..	-	4½
2. For preparing a Declaration of Mortgage and all documents connected therewith .. .. .	7	0
plus, for every registration in excess of 6 included therein, ..	-	6
Cap. 7. 3. For preparing in duplicate and depositing an Application for registration of immovable property in a judgment debtor's name under the Civil Procedure Law (Form N. 43), including the filling in of a receipt (Form N. 44) .. .. .	6	0
plus, for every item of property in excess of 6 included therein, ..	-	6
Cap 231. 4. For preparing and depositing an application for partition, re-adjustment of interests or compulsory acquisition under sections 28, 29 or 32, respectively, of the Immovable Property (Tenure, Registration and Valuation) Law, per form N. 261 or 262, as the case may be, necessarily filled in .. .. .	3	0
8 of 1953.     plus, for copies of the application required to be supplied to the Land Registry Office, per form .. .. .	1	0
5. For preparing and depositing an application not specifically mentioned above .. .. .	2	4½
Cap. 231. 6. For preparing in duplicate and depositing a grant of right, casement, etc., under section 10 of the Immovable Property (Tenure, Registration and Valuation) Law (Form N. 251) ..	3	0
8 of 1953. 7. For preparing a notice to co-owners under section 27 (1) of the Immovable Property (Tenure, Registration and Valuation) Law, per notice or copy thereof .. .. .	1	4½
Cap. 231. 8. For preparing a notice to the owner of immovable property sought to be acquired under section 32 of the Immovable Property (Tenure, Registration and Valuation) Law, per notice or copy thereof .. .. .	1	4½
8 of 1953. 9. For preparing an affidavit relating to the service of a notice or notices and to any other matter concerning immovable property .. .. .	3	0
Cap. 7. 10. For preparing and depositing a Memorandum under section 5 of the Civil Procedure Law (Form N. 54), including the filling in of a receipt (Form N. 55) .. .. .	3	0
Cap. 7. 11. For preparing and depositing a Memorandum under section 53 of the Civil Procedure Law (Form N. 56), including the filling in of a receipt (Form N. 57) .. .. .	4	0
plus, for every additional form N. 56 or 57 filled in, ..	1	0

12. For preparing and depositing a notice respecting the prolongation of the registration of a judgment under section 55 of the Civil Procedure Law .. .. .	2	o	Cap. 7.
13. For preparing and depositing a notice respecting the cancellation of the registration of a judgment under section 58 of the Civil Procedure Law (Form N. 58) .. .. .	2	o	Cap. 7.
14. For preparing a contract of sale of immovable property ..	4	o	
15. For preparing and depositing a form N. 34 relating to the deposit of a contract of sale under the Sale of Lands (Specific Performance) Law .. .. .	2	o	Cap. 238.
16. For preparing a notice of the grant of probate or letters of administration under section 69 of the Wills and Succession Law .. .. .	3	o	Cap. 220. 5 of 1951.
17. For preparing a notice to a mortgagor under the Sale of Mortgaged Property Law (Form N. 38) .. .. .	3	o	Cap. 239.
18. For all attendances at the Land Registry Office in relation to a forced sale under a Writ of sale or application, until the case is completed .. .. .	3	o	
19. For preparing a certificate, list of immovable properties or other document required in connection with an application to the Land Registry Office .. .. .	3	o	
plus, for every piece of immovable property in excess of 6 described in detail therein, .. .. .	-	3	
20. For translating any document issued out of the Land Registry Office, per 50 words or less .. .. .	1	o	