

## Annex A

### CIVIL ACTIONS IN THE MAGISTRATE'S COURT SUMMONS, COURT AND ENFORCEMENT FEES [Effective from 1 January, 2017]

These fees apply to all civil actions, including Petty Debt actions, Family and Maintenance applications etc brought in the Magistrate's Court.

In these notes the word 'Plaintiff' includes any Applicant or other person bringing civil proceedings of any sort before the Magistrate's Court. The word 'Defendant' includes any Respondent to an application before the Court or any Debtor. A Defendant will be liable to pay Court fees in respect of proceedings begun by him, for example a counter-claim or counter-application, as if he were a Plaintiff.

#### 1. Who must pay these fees?

##### Summons, Court and Enforcement Fees – Obligation to Pay

- 1.1 **The Plaintiff** (that is to say the person in whose name a summons is issued) must pay the Summons, Court and Enforcement Fees. If a Plaintiff is awarded judgment with costs that means that the Plaintiff is entitled to recover from the Defendant (or Debtor) the fees which the Plaintiff has paid as Summons, Court and Enforcement Fees.
- 1.2 It is important that the Plaintiff bears in mind these fees which he must pay. In particular Court Fees will increase by up to £120 an hour if there is a contested hearing before the Court. If there are adjournments and/or a contested hearing the Plaintiff will receive a further account from the Greffe, in addition to the basic fees which the Plaintiff has to pay before the first Court hearing.
- 1.3 **The Defendant** must also bear in mind that if judgment is awarded against him with costs, he will be required to pay to the Plaintiff the Summons, Court and Enforcement Fees which the Plaintiff has had to pay, in addition to the judgment debt, that is to say the amount which the Court has ordered the Defendant to pay to the Plaintiff. If an action is contested those Court Fees may increase by up to £120 an hour.

#### 2. How are the fees calculated?

##### 2.1 Issuing the Summons: (Payable to HM Sergeant)

The fee is as follows:

Amount Claimed	Summons Fee
For recovery of a sum of money up to £10,000	£57

##### 2.2 Minimum Court Fee for hearing the action: (This fee is payable to HM Sergeant not later than 2.15pm on the day that the petty debt summons is due to be tabled before the Court).

This fee is as follows:

Item	Court Fee
For recovery of a sum of money	£120
Any other case	£57

- 2.3 By way of example, the minimum fees payable are £57 for the Summons and £120 Court fee: total £177.
- 2.4 Plaintiffs (and Defendants) must bear in mind that additional fees may have to be paid if an action is adjourned or if the Defendant denies the claim or opposes the application and a contested hearing is necessary.
- 2.5 **Adjournment Fee:** a fee of £32 must be paid at the Greffe not later than 2.15pm on the Thursday afternoon to which the action has been adjourned. If the action is adjourned more than once an adjournment fee of £32 is payable on each occasion.
- 2.6 **Contested Hearing Court Fee:** If the action is adjourned to a fixed date for a contested hearing, no adjournment fee is charged, but Court Fees will be payable based on (1) the amount claimed and (2) the court time involved. The fees are as follows:

Item	Court Fee (chargeable per hour or part of an hour)
For recovery of a sum of money	£120
Any other case	£57

- 2.7 The Plaintiff will be sent an account by the Greffe for these additional fees for a **Contested Hearing.**
- 2.8 **Remission of Court Fees:** Any person liable to pay Court Fees can apply to the Magistrate's Court to reduce the fees he is liable to pay. This should be done at the hearing where judgment is given by the Court.
- 2.9 **Witness Allowance** Any party to civil proceedings may be ordered to pay a witness allowance of a reasonable sum, as determined by the court, for each half-day that any person (including another party) has been required to attend Court to give evidence.
- 2.10 **Enforcement Fees:** When a Plaintiff has been awarded judgment by the Court, the Act of Court will be sent in the post to the Plaintiff which is a certificate confirming the details of the judgment. The Plaintiff can then instruct HM Sheriff, as executive officer of the Court, to seek to recover the monies due by the Defendant. HM Sheriff will advise Plaintiffs on request of the methods of enforcement which he can undertake and the fees payable.
- 2.11 **Arrest of Wages:** Should an arrest of wages be required, a fee of £57 will be applicable.
3. **The Current Scale of Fees** was fixed by the Magistrate's Court (Fees) (Amendment) Rules, 2016, effective from 1<sup>st</sup> January, 2017 (See [www.guernseylegalresources.gg](http://www.guernseylegalresources.gg))

**J Torode**  
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**1<sup>st</sup> January 2017**

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