

PUBLIC NOTICES

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PUBLIC NOTICE NO. 5 OF 1994

Published 10th March, 1994

THE CONSTITUTION OF SIERRA LEONE, 1991  
(Act No. 6 of 1991)

THE HIGH COURT (AMENDMENT) RULES, 1994

Short title.

In exercise of the powers conferred upon it by subsection (2) of section 145 of the Constitution of Sierra Leone, 1991 the Rules of Court Committee established under subsection (1) of section 145 of the Constitution makes the following rules:—

1. Appendices B and C to the High Court Rules are revoked and replaced by the following new appendices—

Replacement of Appendices B and C to P.N. No. 41 of 1969, and P.N. No. 20 of 1984.

"APPENDIX B"

FEEES PAYABLE IN THE HIGH COURT

Item		Le	c
1.	On sealing of Writ of Summons for commencement of action ... ..	2,500.00	
2.	On sealing a concurrent, renewed or amended Writ of Summons for commencement of an action ...	500.00	
3.	On sealing a Writ for service ... ..	200.00	
4.	On sealing an Order of <i>Mandamus</i> or an Order of Injunction ... ..	400.00	
5.	On sealing a Writ of subpoena for Witnesses (not exceeding three persons) per witness ... ..	500.00	
6.	On sealing every other Writ ... ..	50.00	
7.	On sealing or issuing an Originating Summons ...	2,500.000	
8.	On amending same ... ..	300.00	
9.	On sealing or issuing Summons for Registration of Judgment ... ..	500.00	

<i>Item</i>	<i>Le c</i>
10. On sealing or issuing any other summons or warrant	200.00
11. On sealing or issuing a Commission to take oaths or affidavits in the High Court	200.00
12. Every other Commission	200.00

APPEARANCE

13. On entering an Appearance for each person	500.00
14. On amending same	100.00

COPIES

15. For office copies of all records, proceedings, Judges notes, Affidavit, or other writing per folio	20.00
16. On examining a written or printed copy and marking or sealing same as an office copy, for each folio	20.00

ATTENDANCES

17. On an application with or without subpoena for any officer to attend as a witness or to produce records or documents to be given in evidence (in addition to the reasonable expenses of the officer) for each day or part of a day he shall necessarily be absent from the office	1,000.00
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The Master may require a deposit on account of any further expenses which may become payable beyond the amount paid for fees and expenses on the application and the Master on taking such deposit shall thereupon make a memorandum thereof on the application.

OATHS

18. On taking an affidavit or an affirmation or an attestation upon honour in lieu of an affidavit or a declaration for each person making the same	300.00
19. And in addition thereto for each Exhibit thereon referred to and required to be marked	100.00

FILING

20. On filing a Special Case and setting it down for hearing in Court	300.00
21. On filing affidavit in support of application for registration of Judgment	100.00

<i>Item</i>	<i>Le c</i>
22. On filing an affidavit, depositions or set of depositions including any exhibits annexed to any such affidavit or depositions, statement of claim or other pleading, petition, preliminary Act, submission to arbitration, award warrant of attorney, cognovit bail, satisfaction, piece bond, writ of execution with return, and every other proceeding in a probate action or in a divorce or other matrimonial cause or matter required by Act of Parliament, general order or order in the action, cause or matter to be fixed in the Master's Office ...	100.00
23. (a) On filing scripts in a probate action or on depositing, pursuant to an order in any cause or matter, any documents for safe custody or production if the number does not exceed five ...	200.00
(b) If exceeding five ...	100.00
24. On a receipt for any document or documents to which the last two fees apply when delivered out or for any other document or documents filed or deposited in a probate action when delivered out ...	50.00

#### CERTIFICATE

25. (a) On a certificate of appearance, or of a pleading, affidavit or proceeding having been entered, filed or taken or of the negative thereof unless otherwise provided ...	100.00
or	
(b) If required for use in a foreign country ...	1,000.00
26. Certified true copy of reciprocal Judgment ...	1,000.00

#### SEARCHES AND INSPECTIONS

27. On an application to search for an appearance or an affidavit and inspecting same ...	100.00
28. (a) On an application to search an index, a pleading, judgment, decree, order or other record unless otherwise expressly provided for by an Act of Parliament or otherwise, and to inspect scripts filed or documents deposited pursuant to an Order for safe custody or production for each hour or part of an hour. ...	100.00
or	
(b) Not exceeding one day ...	200.00

"APPENDIX C"  
FEES PAYABLE TO SOLICITORS

Item	Le	c
1. Writ of summons for commencement of action ...	500.00	
2. Indorsement of Claim if special ...	300.00	
3. Concurrent Writ of Summons ...	500.00	
4. Renewal of Writ of Summons ...	500.00	
5. Notice of a writ of service in lieu of writ out of jurisdiction ...	250.00	
6. Writ of Inquiry ...	700.00	
7. (a) Order of <i>Mandamus</i> , <i>certiorari</i> , prohibition or ...	300.00	
(b) Per folio ...	50.00	
8. (a) Writ of <i>Subpoena ad testificandum</i> or <i>duces tecum</i> ...	500.00	
and		
(b) If more than four folios, for each folio beyond ...	50.00	
(c) Writ or writs of <i>subpoena ad testificandum</i> for any number of persons not exceeding three, and the same for every additional number not exceeding three ...	500.00	
9. (a) Writ of execution or other writ to enforce any judgment or order ...	500.00	
(b) If more than four folios, for each folio beyond ...	50.00	
10. (a) Procuring a writ of execution or notice to the Sheriff marked with a seal of renewal ...	500.00	
and		
(b) Notice thereof to serve on Sheriff ...	200.00	
11. Any writ or order not included in the above ...	500.00	
<i>Note:</i> The above fees include all endorsements copies or praecipe for the officer sealing them and attendances to issue or seal except where otherwise provided but not the Court fees.		
12. (a) Summons to attend at Judge's Chambers ...	500.00	
or		
(b) If special, at the taxing officer's discretion not exceeding ...	500.00	
This includes copy for the Judge.		

<i>Item</i>	<i>Le c</i>
13. (a) Originating summons for proceeding in Chambers at the taxing officer's discretion not exceeding ...	1,000.00
and	
(b) Attending to get same and duplicate sealed and at the proper office to file duplicate and get copies for service stamped ...	300.00
(c) Copy for the Judge ...	50.00
or	
(d) Per folio ...	50.00

SERVICES AND NOTICES

14. (a) Service, or filing in lieu of service of any writ, summons, warrant, interrogatories, petition, order, or notice on a party who has not entered appearance, and if not authorised to be served by post ...	300.00
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*Note:* Where more than one attendance is necessary to effect service, or to ground an application for substituted services such further allowance may be made as the taxing officer shall think fit;

(b) Service where an appearance has been entered by the Solicitor or party ...	200.00
or	
(c) If authorised to be served by post ...	500.00

*Note:* Where any writ, order or notice, or any two of them, have to be served together, one fee only for service is to be allowed. In addition to the above fees the following allowances are to be made—

15. As to writs, if exceeding two folios, for copy of service, per folio beyond such two ...	50.00
16. (a) As to summons to attend at the Judge's Chambers for each copy for service ...	100.00
or	
(b) Per folio ...	5.00
17. (a) For preparing notice to produce on the trial or hearing of an action or notice to admit ...	200.00
or	

Item	Le e
(b) If special or necessarily long, such allowance as the taxing officer shall think proper not exceeding per folio ... ..	100.00
and	
(c) For each copy such allowance as the taxing officer shall think proper not exceeding per folio ... ..	50.00
18. (a) For preparing notice of motion ... ..	500.00
or	
(b) Per folio ... ..	50.00
or	
(c) Copy for service ... ..	100.00
or	
(d) Per folio ... ..	50.00
19. (a) For preparing any necessary or proper notice not otherwise provided for ... ..	200.00
or	
(b) If special and necessarily long exceeding three folios, for preparing same, for each folio beyond such three and	50.00
and	
(c) For each copy for service, per folio beyond three ...	50.00
20. Copies for service of interrogatories and petitions, and of orders with necessary notices (if any) to accompany, per folio ... ..	100.00

*Note:* Except otherwise provided, the allowances for service include copies for service. Where notice of filing affidavits is required only one notice is to be allowed for a set of affidavits filed, or which ought to be filed together.

Where any appointment is or ought to be adjourned, service of a notice of adjournment or next appointment is not allowed.

### APPEARANCES

21. (a) Entering an appearance ... ..	300.00
or	
(b) If entered at one time for more than one person, for every defendant beyond the first ... ..	100.00

<i>Item</i>	<i>L#</i>	<i>c</i>
22. If a person appearing to a writ of summons to recover land limits his memorandum of appearance in addition to the above ... ..	200.00	

INSTRUCTIONS

23. To sue or defend ... ..	1,000.00	
24. For statement of claim or special case ... ..	500.00	
25. For endorsement of writ of summons when no further statement of claim ... ..	500.00	
26. (a) For originating summons ... ..	1,000.00	
or		
(b) According to circumstances not to exceed ... ..	2,000.00	
27. For defence or further defence ... ..	500.00	
28. For counterclaim ... ..	500.00	
29. For reply when defendant sets up a counter-claim ... ..	1,000.00	
30. For reply or further reply or in other case with or without joinder or issue ... ..	200.00	
31. For confession of defence ... ..	200.00	
32. For joinder without other matter where the reply is delivered within the time allowed together with notice of trial ... ..	200.00	
33. For special petition, and other pleading (not being a summons,) and interrogatories for the examination of a party or witness ... ..	1,000.00	
<i>Note:</i> For a statement of fact such fee may be allowed as the taxing officer shall think fit, having regard to all the circumstances of the case.		
34. To amend any pleading ... ..	500.00	
35. For affidavit in answer to interrogatories, and other special affidavit ... ..	1,000.00	
36. To add parties by order of Court or Judge ... ..	1,000.00	
37. (a) For Counsel to advise on evidence when the evidence in chief is to be taken orally, where the Solicitor does not act as Counsel ... ..	1,000.00	
or		
(b) According to circumstances not to exceed ... ..	10,000.00	

<i>Item</i>	<i>Le c</i>
88. On printer to insert same in other papers, each printer ... ..	1,000.00
89. On Master to certify that a cause set down is settled or for any reason not to come into the paper for hearing ... ..	200.00
90. For an order drawn up by Master, and to get same entered ... ..	200.00
<i>Note:</i> An order, of course, means an order made on <i>ex parte</i> application and to which a party is entitled as of right on his own statement, and at his own risk.	
91. To examine an abstract of title with deeds, per hour, in a cause or matter ... ..	500.00
92. To produce deed for such purpose, per hour ... ..	200.00
OATHS AND EXHIBITS	
93. Commissioner to take oaths or affidavits. For every oath or declaration, affirmation or attestation ... ..	200.00
94. The Solicitor for preparing each exhibit ... ..	100.00
95. The Commissioner for marking each exhibit ... ..	100.00
WHEN THE SOLICITOR ACTS AS ADVOCATE IN THE CAUSE	
96. For settling special pleas ... ..	500.00
97. For attending and moving the court for rules <i>nisi</i> ... ..	5,000.00
98. (a) For attending and moving the Court and showing cause ... ..	5,000.00
OR	
(b) According to circumstances not to exceed ... ..	10,000.00
99. For attending to hear judgment ... ..	2,000.00
100. (a) For attending and conducting trials ... ..	5,000.00
OR	
(b) According to circumstances not to exceed ... ..	10,000.00
101. If trial lasts longer than one day, for every subsequent day, not exceeding ... ..	2,500.00
<i>Note:</i> Where Counsel are employed, besides such reasonable fees as have been paid to Counsel, the Solicitors shall be allowed on taxation of costs as follows—	

<i>Item</i>	<i>Le c</i>
102. (a) For attendance before Judge in Chambers on return of summons with Counsel ... ..	500.00
(b) For attending in Court on motions for rules nisi or rules absolute ... ..	5,000.00

MADE this 7th day of October, 1993.

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| S. M. F. Kutubu<br><i>Chief Justice</i>                        | Chairman |
| S. Beccles Davies<br><i>Justice of the Supreme Court</i>       | Member   |
| A. B. Timbo<br><i>Justice of the Court of Appeal</i>           | Member   |
| N. D. Alhadi<br><i>Justice of the High Court</i>               | Member   |
| N. D. Tejan Cole<br><i>Director of Public Prosecutions</i>     | Member   |
| Molly C. D. Scott-Sawyer<br><i>First Parliamentary Counsel</i> | Member   |
| A. F. Serry Kamal, Esq.<br><i>Legal Practitioner</i>           | Member   |