

**THE RULES OF THE SUPREME COURT (ATTORNEYS-AT-LAW'S  
COSTS) RULES, 1998**

In exercise of the powers conferred on the Rules Committee of the Supreme Court by section 4 of the Judicature (Rules of Court) Act, the following Rules are hereby made:-

1. These Rules may be cited as the Rules of the Supreme Court (Attorneys-at-Law's Costs), Rules 1998.
2.
  - (1) Subject to Rule 3, the costs recoverable without taxation and in the absence of agreement by the parties in any civil cause or matter shall be in accordance with Schedule A.
  - (2) A party to a civil cause or matter obtaining an order or judgment of the Supreme Court awarding him costs, and who elects to recover such costs in accordance with Schedule A, may file a formal judgment or order including therein the appropriate item of costs, if any, as enumerated in Schedule A, and upon verifying that the item of costs included in the judgment or order is an appropriate item in accordance with Schedule A, the Registrar shall perfect such judgment or order without requiring any attendance for taxation by the parties.
  - (3) Where the Registrar is not satisfied that the item of costs included in the judgment or order is the appropriate or applicable item of costs, the Registrar shall within fourteen (14) days of the filing of such judgment or order, by notice in writing require that the parties attend before her or that a bill of costs be submitted for taxation.
  - (4) A judgment or order perfected pursuant to Rule 2 shall be served on the party liable to pay the costs before the judgment or order is executed.
  - (5) Where the Registrar has perfected a judgment or order pursuant to Rule 2, the person liable to pay the costs may apply to the Registrar within fourteen (14) days of being served with such judgment or order to review and alter the costs included in the judgment or order on the ground that they are not in accordance with Schedule A.
3.
  - (1) In the event that a party in any cause or matter who obtains an order or judgment for costs in his favour considers that the costs awardable under schedule A are insufficient or inadequate he may file a bill of costs setting out the factors relied upon for an increase in the costs to be awarded over and above the sum set out in Schedule A.
  - (2) A bill of costs filed pursuant to this Rule shall be taxed by the Registrar who shall be guided by what is necessary or proper for the attainment of justice or for enforcing or defending the rights of the party whose costs are being taxed including the following:
    - (a) the complexity of the item or of the cause or matter in which it arises and the difficulty or novelty of the questions involved;
    - (b) the responsibility required of, and the time and labour expended by, the attorney-at-law;
    - (c) the number and importance of the documents (however brief) prepared or perused;
    - (d) the place and circumstances in which the work involved or any part thereof was done

- (e) where money or property is involved, its amount or value;
  - (f) whether the item or the cause or matter is appropriate for senior counsel or counsel of specialised knowledge and skill; and
  - (g) the matters set out in Schedule B.
4. (1) In making allowance at a taxation of costs for appearances in open court or chambers, no fee shall be allowed for more than one Attorney-at-Law unless:
- (a) the Court or a Judge so directs; or
  - (b) the Registrar at taxation is satisfied that a fee for more than one Attorney-at-Law is warranted in accordance with the guidelines set out in Rule 3(2) hereof.
- (2) On taxation of the costs of a trial, the Registrar shall be guided by the following:
- (a) brief fees shall include the first day's appearance at trial and all work preparatory thereto except for conferences.
  - (b) refresher fees shall be allowed having regard to the time actually spent in Court after the first day and not as a fixed proportion of the brief fee.
5. Where no provision concerning the taxation of costs is made in these rules, the practice and procedure for the time being of the High Court of Justice in England, where not inconsistent, shall be followed.
6. The Rules of the Supreme Court (Attorneys-at-Law's Costs) Rules 1991 are hereby revoked.

SCHEDULE A

The following are items of basic total costs, recoverable where costs are awarded and for which judgment may be entered in accordance with the appropriate item of costs without the necessity of taxing a bill of costs:

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| (1) Upon issue and service of a writ or other originating process,   | \$5,000.00  |
| (2) From commencement of action up to entry of final or interlocutory judgment in default of either appearance or defence, | \$16,000.00 |
| (3) From commencement of action up to entry of final judgment after uncontested assessment of damages,                     | \$40,000.00 |
| (4) From commencement of action up to close of pleadings,  | \$16,000.00 |

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| (5)  | From commencement of action up to order for directions,  | \$20,000.00  |
| (6)  | From commencement of action up to setting down for trial inclusive of discovery,   | \$24,000.00  |
| (7)  | From commencement of action up to entry of final judgment in contested assessments of damages,   | \$52,000.00 up to and including the first day of hearing, plus \$24,000 for each additional day of hearing |
| (8)  | From commencement of action up to entry of final judgment in contested assessments of damages, when a certificate given for 2 Attorneys,     | \$76,000.00 up to and including the first day of hearing plus \$48,000 for each additional day of hearing. |
| (9)  | From commencement of action up to entry of final judgment in trials of actions;  | \$64,000.00 up to and including the first day of trial plus \$24,000 for each additional day of trial.     |
| (10) | From commencement of action up to entry of final judgment in trials of actions, when a certificate given for 2 Attorneys                     | \$94,000.00 up to and including the first day of trial plus \$48,000 for each additional day of trial.     |
| (11) | Where costs are awarded on an interlocutory summons or application in chambers without certificate for counsel,                              | \$ 8,000.00  |
| (12) | Where costs are awarded on an interlocutory summons or application in chambers with a certificate for counsel or on an interlocutory motion, | \$24,000.00  |

- (13) Where costs are awarded on the hearing of a petition or originating motion or originating summons, \$40,000.00 up to and including the first day of hearing plus \$24,000 for each additional day of hearing.
- (14) Where costs are awarded on the hearing of a petition or originating motion or originating summons where a certificate is given for 2 Attorneys, \$70,000.00 up to and including the first day of hearing plus \$48,000 for each additional day of hearing.
- (15) For appearances in open court where the matter is adjourned without a hearing, \$12,000.00
- (16) For appearances in chambers where the matter is adjourned without a hearing, \$ 4,000.00

SCHEDULE B

The following are to be regarded as the minimum rates or sums which are to be awarded at taxation.

- (1) Preparing case for Counsel, indices, abstract of titles, drafts of pleadings to be settled, drafts of documents generally for approval or consideration by other persons \$ 2,000.00 per hour or part thereof
- (2) Searches in the Registry, Records or Titles Office and other public offices within 5 miles of the Attorney's Office \$ 1,000.00 per hour or part thereof
- (3) Making copies \$5 .00 per page
- (4) Attendance at Date Fixing Sessions \$ 1,500.00
- (5) Preparing Writs, Notices, simple Affidavits, subpoenas \$ 2,000.00 each
- (6) Preparing and seeing to entry of Judgment or Formal Order \$ 3,000.00

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| (7)  | Preparing Notice of Taxation and Bill of Costs                  | \$ 4,000.00  |
| (8)  | Special journey etc. within Jamaica (beyond a five mile radius) | \$50.00 per mile plus reasonable expenses for board and lodging plus \$4,000.00 per hour for a maximum of 8 hours per day including travelling time. |
| (9)  | Attendance at Taxation  | \$ 4,000.00  |
| (10) | All other work  | \$ 4,000.00 per hour or part thereof.  |