

High Court (Fees and Allowances) (Amendment) Rules, 2019 (No. 22)

IT is hereby notified that the Minister of Justice, Legal and Parliamentary Affairs has, in terms of section 57 of the High Court Act [*Chapter 7:06*], made the following rules:—

1. These rules may be cited as the High Court (Fees and Allowances) (Amendment) Rules, 2019 (No. 22).

2. The Third Schedule to the High Court (Fees and Allowances) Rules, 2000, published in Statutory Instrument 82 of 2000, is repealed and the following is substituted—

“THIRD SCHEDULE (*Rule 5*)

TARIFF OF DEPUTY SHERIFFS’ FEES AND CHARGES

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1. For service, or attempted service, of summons or any other process, including annexures thereto, and necessary returns to the court and to the party issuing the process . . . . . 80,00
2. (1) For executing a writ—
  - (a) of personal arrest . . . . . 160,00
  - (b) of ejectment . . . . . 200,00
  - (c) against immovable property . . . . . 140,00  
(this fee includes service of necessary notices to the Registrar of Deeds and to the owner, occupier or lessee)
  - (d) against movable property . . . . . 140,00  
(this fee includes service of notice of attachment)
- (2) If the execution is effected outside the town in which the Deputy Sheriff is required to reside, the same travelling allowance as for service of process shall be payable in addition to these fees.
- (3) Where the writ is one of ejectment, for each person who was not named in the writ and who was in fact ejected (this fee to be paid after execution) . . . . . 80,00
- (4) Where it is necessary for the Deputy Sheriff to wait at any dwelling or place in order to serve the writ, per half-hour serve the writ, per half-hour or part thereof spent so waiting . . . . . 20,00

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Provided that—

- (i) no such charge shall be made if the Deputy Sheriff is required to wait for less than half an hour;
  - (ii) if required by a party, the Deputy Sheriff shall provide a certificate explaining the reason why he or she had to wait.
3. For attendance at the sale of immovable property as Sheriff’s commissioner, and for general assistance in connection with such a sale . . . . . 100,00
4. For drawing advertisement for sale of attached goods . . . . . 60,00
5. For taking inventory . . . . . 120,00  
For necessary assistance in taking inventory, half this rate.
6. (1) In respect of the possession, removal or storage of property—
- (a) for keeping possession of property seized, for each officer, a reasonable fee not exceeding, per day . . . 60,00  
    (“possession” means the continuous and necessary presence on the premises, for the period in respect of which possession is charged, of a person employed and paid by the Deputy Sheriff for the sole purpose of retaining possession)  
    When no officer is left in possession and no security bond is taken, but movable property attached remains under the supervision of the Deputy Sheriff, a reasonable fee, not exceeding, per day. . . . . 10,00
  - (b) if property is removed and stored—
    - (i) the amount actually and necessarily disbursed in removing the property;
    - (ii) if storage is provided by a person other than the Deputy Sheriff, the amount actually and necessarily paid for such storage;
    - (iii) if storage is provided by the Deputy Sheriff, per day . . . . . 60,00
  - (c) for herding and preserving livestock, the reasonable and necessary expenses of herding and preserving the livestock.
- (2) A Deputy Sheriff may insure movable property attached if he or she is authorised in writing by the judgment creditor to do so, and for effecting such insurance he or she shall be allowed, in addition to the premium paid, a fee of. . . . . 50,00

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7. For drawing and completing a bail bond, deed of security or indemnity bond . . . . .	120,00
8. In respect of execution—	
(a) when a writ is paid on presentation, five <i>per centum</i> of the amount of the writ, with a minimum of . . . . .	40,00
(b) when a writ is withdrawn by the judgment creditor, or the judgment debtor’s estate is placed under sequestration or liquidation before any movable property has been attached, a fee of . . . . .	30,00
(c) when a writ is withdrawn by the judgment creditor, or the judgment debtor’s estate is placed under sequestration or liquidation after movable property has been attached but before sale, five <i>per centum</i> of the value of the property attached, but such value shall not exceed the amount directed to be recovered;	
(d) when a writ is withdrawn by the judgment creditor, or the judgment debtor’s estate is placed under sequestration or liquidation after immovable property has been attached but before sale, one <i>per centum</i> of the value of the property attached, but such value shall not exceed the amount directed to be recovered;	
(e) when a writ is paid by the judgment debtors to the Deputy Sheriff after movable property has been attached but before sale, five <i>per centum</i> of that amount;	
(f) after sale in execution, five <i>per centum</i> of the net amount recovered or, if the Sheriff acted as or engaged an auctioneer, five <i>per centum</i> of that amount.	
9. For each necessary letter, including copy to keep . . . . .	10,00
10. For copying—	
(a) by photocopying means, per page . . . . .	2,00
(b) by original typing, per page . . . . .	5,00
(c) by duplicated or printed copy, per page . . . . .	2,00

TRAVELLING

- 11.—
- (1) For travelling on a journey exceeding one kilometre from the office of the Deputy Sheriff, the following allowances and amounts—

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- (a) when a journey is performed by road by a vehicle other than a motor cycle on or off tar, for each kilometre after the first kilometre or part thereof, the rate chargeable shall be as per the Automobile Association of Zimbabwe rates applicable at the time of the journey, plus the current cost of one tenth of a litre of unleaded petrol for each kilometre or part thereof;
- (b) where a motor cycle is used, per kilometre after the first kilometre . . . . . 5,00
- (c) when a journey is performed by rail or other public conveyance, a refund of the actual fee paid is chargeable;
- (d) a refund is chargeable of such necessary out of pocket expenses as are proved to have been incurred while the Deputy Sheriff is away from the town in which his or her office is situated;
- (e) whenever it is necessary for the Deputy Sheriff to take with him or her away from the town in which his or her office is situated an officer or employee, a refund is chargeable of such necessary out of pocket expenses as are proved to have been incurred by or on behalf of such officer or employee.

NOTES

1. No amount for travelling or subsistence shall be claimed for any service performed within one kilometre of the Deputy Sheriff's office.

2. Where more services than one may be effected on the same journey, the charge for travelling expenses shall be fairly and equitably apportioned among the several cases.

3. Where there are more ways than one of doing a particular thing, the least expensive shall be adopted unless there is some reasonable objection to doing so.

4. A Deputy Sheriff may pay rent, if necessary, to secure the undisturbed possession of premises on which any property has been attached, for a period of one month or such longer period as may be authorised by the judgment creditor, and he shall be reimbursed for any rent so paid.”

3. The High Court (Fees and Allowances) (Amendment) Rules, 2012 (No. 20), published in Statutory Instrument 109 of 2012, and the High Court (Fees and Allowances) (Amendment) Rules, 2016 (No. 21), published in Statutory Instrument 58 of 2016, are repealed.