

High Court (Fees and Allowances) (Amendment) Rules, 2020 (No. 23)

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, 2020 (No. 23).

2. The Third Schedule to the High Court (Fees and Allowances) (Amendment) Rules, 2019, published in Statutory Instrument 198 of 2019, is repealed and the following is substituted—

“THIRD SCHEDULE (*Rule 5*)

TARIFF OF SHERIFFS’ FEES AND CHARGES

ZWL\$

- 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 700,00
- 2.—
 - (1) For executing a writ—
 - (a) of personal arrest 3 000,00
 - (b) of ejectment 1 200,00
 - (c) against immovable property 2 000,00
(this fee includes service of necessary notices to the Registrar of Deeds and to the owner, occupier or lessee)
 - (d) against movable property 2 000,00
(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) 900,00
 - (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 500,00

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 2 000,00
4. For drawing advertisement for sale of attached goods 700,00
5. For taking inventory 1 200,00
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 500,00
 (“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 500,00
 - (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 700,00
 - (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

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| creditor to do so, and for effecting such insurance he or she shall be allowed, in addition to the premium paid, a fee of | 500,00 |
| 7. For drawing and completing a bail bond, deed of security or indemnity bond | 1 200,00 |
| 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 | 700,00 |
| (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 | 700,00 |
| (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 | 200,00 |
| 10. For copying— | |
| (a) by photocopying means, per page | 30,00 |
| (b) by original typing, per page | 40,00 |
| (c) by duplicated or printed copy, per page | 30,00 |

TRAVELLING

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

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