

(Legislative Supplement No. 61)

LEGAL NOTICE No. 550

THE ADVOCATES ACT

(Cap. 16)

IN EXERCISE of the powers conferred by section 44 of the Advocates Act, the Chief Justice, on the recommendation of the Council of the Law Society, makes the following Order:—

THE ADVOCATES (REMUNERATION) (AMENDMENT)
ORDER, 1997

1. This Order may be cited as the Advocates (Remuneration) (Amendment) Order, 1997, and shall come into force on 2nd December, 1997.

2. The Advocates (Remuneration) Order, is amended by deleting all Schedules thereto and inserting the following new Schedules—

Sub. Leg.

SCHEDULE I

FIRST SCALE

SCALE OF CHARGES ON SALES, PURCHASES AND MORTGAGES
AFFECTING LAND REGISTERED IN ANY REGISTRY

1. VENDOR'S ADVOCATE	<i>Scale fee</i>	<i>KSh.</i>
For preparing and completing contract, answering any preliminary enquiries, deducing title (including any necessary abstraction to a freehold or leasehold property, answering any requisitions on title, perusing and completing conveyance or assignment.	On the first £5,000 minimum charge Over £5,000 to £25,000 per £100 Over £25,000 per £100	12,000 52 30
2. PURCHASER'S ADVOCATE		
For investigating title to a freehold or leasehold property and preparing and completing conveyance (including perusal and completion of contract, if any.	The scale fee set out under 1 above	
3. MORTGAGOR'S ADVOCATE		
(a) For deducing title (including any necessary abstraction) to a freehold or leasehold property, answering any requisitions on on title, perusing and completing mortgage.	One-half of the scale set out under 1 above.	
(b) For preparing and completing reconveyance or reassignment of mortgage.	One-quarter of the scale fee set out under 1 above subject to a maximum charge of Sh. 30,000.	

SCHEDULE I—(Contd.)

4. MORTGAGEE'S ADVOCATE

- | | |
|--|---|
| (a) For investigating title to a freehold or leasehold property and preparing and completing mortgage. | The scale fee set out under 1 above. |
| (b) For perusing and completing reconveyance reassignment of mortgage. | One-quarter of the scale fee set out under 1 above subject to a maximum charge of Sh. 30,000. |

SECOND SCALE

SCALE OF CHARGES RELATING TO MEMORANDA OF EQUITABLE MORTGAGES BY DEPOSIT OF DOCUMENTS OR CHARGES BY DEPOSIT OF TITLE

Scale fee

- | | |
|---|---|
| 1. For investigating title to a freehold or leasehold property and completing and registering a memorandum of equitable mortgage by deposit of documents or a memorandum of charges by deposit of title in respect thereof. | One-half of the scale fee set out under 1 of the First Scale. |
| 2. For preparing, completing and registering a memorandum of discharge of equitable mortgage by deposit of documents or a memorandum of discharge of charge by deposit of title. | One-eighth of the scale fee set out under 1 of the First Scale. |

Note.—Only half of the scale fee should be charged for equitable mortgages and charges in the circumstances set out in note (2) to the third scale of this Schedule.

THIRD SCALE

SCALE OF CHARGES RELATING TO DEBENTURES

1. Single debentures:
 - (a) On each single debenture of any nature not creating a security, a fee calculated under Schedule V according to time, complexity and responsibility.
 - (b) On each single debenture of any nature creating a security the scale fee set out under 1 of the First Scale.
2. Series of debentures:

A fee on the total capital for which the series is issued as for a single debenture with the addition of fees under Schedule V in respect of the preparation, completion and registration of all debentures after the first.
3. Debenture stock issued under a debenture trust deed:

A fee on the total capital for which the trust is drawn as under 1 of the First Scale plus a one-half thereof, with such additional amount as may be reasonable taking into account the time, complexity and responsibility involved in each case.

NOTES:

1. (a) Where the grantee of a security and the company creating it are separately

SCHEDULE—(Contd.)

<i>Tariff No.</i>	<i>Tariff Description</i>	<i>Duty Rate</i>
	total fibre content consists of wood fibres obtained by a chemical process and weighing more than 150 g/m ² , in rolls or sheets, coated.	30%
4810.39.00	Other kraft paper and paperboard, other than that of a kind used for writing, printing or other graphic purposes, in rolls or sheets, coated.	30%
4811.31.00	Bleached paper and paperboard, coated, impregnated, or covered with plastics weighing more than 150 g/m ² in rolls or sheets, other than goods of heading Nos. 48.03, 48.09, 48.10 or 48.18.	19.5%
4811.39.00	Other paper and paperboard wated, impregnated or covered with plastics (excluding adhesives).	19.5%
4816.10.00	Carbon or similar copying papers, whether or not put in boxes.	30%
4816.20.00	Self-copy paper, whether or not put in boxes.	30%
4816.30.00	Duplicator stencils, of paper, whether or not put in boxes.	30%
4816.90.00	Other copying or transfer papers and offset plates, of papers whether or not put in boxes.	30%
4817.10.00	Envelopes.	30%
4817.20.00	Letter cards, plain postcards and correspondence cards.	30%
4817.30.00	Boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing an assortment of paper stationery.	30%
4819.10.00	Cartons, boxes and cases of corrugated paper or paperboard, of a kind used in offices, shops or the like.	30%
4819.20.00	Folding cartons, boxes and cases, of non-corrugated paper or paperboard.	30%
4819.30.00	Sacks and bags, having a base of a width of 40 cm or more, of paper or paperboard.	30%
4819.40.00	Other sacks and bags, including cones, of paper, paperboard, or cellulose wadding.	30%
4819.50.00	Other packing containers, including record sleeves, of paper or paperboard.	30%
4819.60.10	Box files, of paper, or paperboards of a kind used in offices, shops or the like.	30%
4819.60.90	Letter trays, storage boxes and similar articles, of a kind used in offices, shops or the like, of paper, paperboard or cellulose wadding or webs of cellulose fibres	30%
4820.10.00	Registers, account-books, notebooks, order-books, receipt books, letter pads, memorandum pads, diaries and similar articles.	30%

SCHEDULE—(Contd.)

<i>Tariff No.</i>	<i>Tariff Description</i>	<i>Duty Rate</i>
4820.20.00	Exercise books.	30%
4820.30.00	Binders (other than book covers), folders and file covers, of paper or paperboard.	30%
4820.40.00	Manifold business forms and interleaved carbon sets.	30%
4820.50.00	Albums for samples or for collections.	30%
4820.90.00	Other articles of stationery and blotting-pads, of paper and paperboard.	30%

Made on the 1st December, 1997.

MUSALIA MUDAVADI,
Minister for Finance.

SCHEDULE I—(Contd.)

represented, the advocate for the company shall be entitled to charge one-half of the fees chargeable by the advocate for the grantee.

- (b) Where one advocate represents both the grantee of a security and the company creating it he shall be entitled to increase the prescribed fee by forty per cent.
2. Where two or more securities are created by a company, whether contemporaneously or subsequently, in favour of the same grantee to secure the same amount, then the fee payable shall be the full prescribed fee in respect of the principal security plus one-half of the prescribed fee based on the value of the property charged or the principal sum secured, whichever is the less in respect of the other securities.
 3. Where a security by one document by more than one company in favour of the same grantee to secure the same amount, then the fee payable shall be the full prescribed fee in respect of the first company, one-half of such fee in respect of the second company and one-quarter of such fee in respect of each company thereafter, the total fees to be divided equally between the companies unless otherwise agreed by all the companies in writing.
 4. Where a security is created by one document by more than one company in favour of more than one grantee, then the fee payable shall be the full prescribed fee in respect of the first grantee, one-half of such fee in respect of the second grantee and one-quarter of such fee in respect of each grantee thereafter.
 5. Unless Otherwise agreed by the parties in writing the company or companies creating a security shall pay the fees of the advocate for the grantee as well as the fees of its or their own advocate.

FOURTH SCALE

SCALE OF NEGOTIATING COMMISSION ON SALES AND MORTGAGES

	<i>Scale fee</i>	<i>KSh.</i>
For negotiating a sale of property by private loan secured by mortgage	On the first £10,000 per	112
	£100 Over £10,000 to 30,000 per £100	52
	Over £30,000 per £100	30

NOTES:

1. In calculating fees payable under any of the above scales a fraction of £100 up to and including £50 shall be accounted as one-half but over £50 shall be accounted as a whole unit of calculation.
2. In the above scales, "mortgage" includes a conveyance, assignment or other assurance or an agreement to convey, assign or otherwise assure the immovable property or any estate, interest or other right therein to secure the payment of moneys; and "charge" includes an agreement to charge immovable property or any estate, interest or other right therein to secure the payment of moneys; but neither word includes a memorandum of equitable mortgage by deposit of documents or a memorandum of charge by deposit of title or an agreement exclusively collateral thereto unless the collateral agreement contains an agreement or covenant to execute a mortgage or charge at some future time or when called upon.

SCHEDULE II

SCALE OF CHARGES FOR THE PREPARATION OF LEASES, AGREEMENTS FOR LEASES AND
TENANCY
AGREEMENTS AT A RACK RENT

	<i>Scale fee</i>	%
	Annual Rent:	
1. To the advocate preparing, settling and completing lease or agreement and counterpart	Up to £2,500	15
	Over £2,500 to £5,000	7.5
	Over £5,000	4.5
2. To the advocate perusing, amending and completing lease or agreement or counterpart	One-half of the fee payable under 1 above.	

NOTES:

1. Where a varying rent is payable the amount of the annual rent means the amount of the largest rent payable under the lease or agreement.
2. In the case of extension of the term of a lease, agreement for lease or tenancy agreement capable of being affected by way of an endorsement on or annexure to the original instrument the charge shall be calculated under Schedule V.
3. Charges as to conveyances in fee, or for any other freehold estate reserving rent, or building leases reserving rent or other long leases not at a rack rent, or agreement for the same respectively, shall be calculated under Schedule V.

SCHEDULE III

1. FORMATION AND INCORPORATION OF COMPANIES WITH SHARE CAPITAL

A fee calculated according to the following scales, the fee to cover taking instructions to incorporate the company, drawing memorandum of association (if any), preparing and lodging all necessary company forms at the Companies Registry on the incorporation of the company (but excluding any prospectus) and procuring certificate of incorporation including all routine attendances and correspondence in connection therewith.

(a) Private company without articles or with articles adopting Table "A" by reference without any modification.

<i>Nominal Capital</i>	<i>Fee</i>
(i) Not exceeding £5,000	Sh. 4,500 to Sh. 9,000 according to time, complexity and responsibility.
(ii) Not exceeding £25,000	Sh. 15,000 to 22,500 according to time, complexity and responsibility.
(iii) Exceeding £25,000	
On the first £25,000	4.5%
Over £25,000 to £50,000	1.5%
Over £50,000 to £100,000	0.75%
Over £100,000 to £500,000	0.375%
Over £500,000	0.15%

(b) Private company with articles adopting Table "A" by reference but with

SCHEDULE III—(Contd.)

- modification not less than the fee set out at (a) increased by one-quarter.
- (c) Private company with articles not adopting Table "A" in whole or in part not less than the fee set out at (a) increased by one-half.
- (d) Public company with articles adopting Table "A" by reference without any modification, not less than the fee set out at (a) increased by one-quarter.
- (e) Public company with articles adopting Table "A" by reference but with modification not less than the set out at (a) increased by one-half.
- (f) Public company with articles not adopting Table "A" in whole or in part not less than double the fee set out at (a).
2. FORMATION AND INCORPORATION OF COMPANIES WITHOUT SHARE CAPITAL
- (a) Without articles of association or with articles adopting Table "A" without any modification Sh. 15,000 to 22,500
- With full articles of association Sh. 30,000 to 75,000
- In either case according to time, complexity and responsibility.

3. REGISTRATION OF FOREIGN COMPANIES

A fee between Sh. 15,000 and Sh. 60,000 to cover taking instructions to register preparing and lodging the necessary company forms at the Companies Registry and procuring certificate of registration, including all routine attendances and correspondence in connection therewith according, to time, complexity and responsibility.

4. OTHER COMPANY WORK

All work relating to company matters other than that for which fees are prescribed in this Schedule shall be charged under the appropriate Schedule.

SCHEDULE IV

TRADE MARKS

- | | KSh. |
|--|-------|
| 1. APPLICATIONS | |
| (a) Instructions to register one trade mark in one class | 3,600 |
| (b) Instructions to register second and further trade marks in the name of the same proprietor simultaneously per trade mark in one class | 2,100 |
| (c) Filing priority application | 2,025 |
| 2. REGISTERED USERS | |
| (a) Instructions to file an application to enter one registered user of one registered trade mark or more than one registered trade mark of the same proprietor incorporated in the same set of documents and subjects to the same conditions and restrictions in each case— | |
| (i) for the first one single registered trade mark | 3,000 |
| (ii) for the second registered trade mark | 1,350 |
| (iii) for the third registered trade mark | 900 |
| (iv) for the fourth and each subsequent registered trade mark, applications being filed simultaneously | 360 |
| (b) Drawing statement of case, statutory declaration in support and application, depending on the amount of work involved but not less than | 4,500 |

SCHEDULE IV—(Contd.)

(c) Drawing registered user agreement, depending on the amount of work involved but not less than	6,000
(d) Instructions to file an application under section 31 (8) (b) for cancellation of a registered user in respect of one registered trade mark or more than one registered trade mark of same proprietor—	
(i) for the first or single registered trade mark	2,400
(ii) for the second registered trade mark	1,620
(iii) for the third registered trade mark	1,080
(iv) for the fourth and each subsequent trade mark, application being filed simultaneously	540
(e) Drawing application for cancellation and statement of ground, depending on amount of work involved but not less than	1,350
(f) And for each subsequent registered trade mark included in the same application for cancellation, the grounds for cancellation being the same	450
(g) Instructions to file an application for variation of terms of appointment of registered user	3,000
3. ASSIGNMENTS	
(a) Instructions to file an application to register a subsequent proprietor of one registered trade mark (or more than one registered trade mark standing in the same name under the same devolution of title and filed simultaneously) with or without goodwill—	
(i) for the first registered trade mark	1,800
(ii) for the second registered trade mark	810
(iii) for each subsequent registered trade mark	540
(b) Instructions to file application for directions by the Registrar for advertisement of the assignment of trade marks in use without goodwill and attending to the advertisement thereof—	
(i) for one registered trade mark assigned	1,800
(ii) for every other registered trade mark assigned under the same devolution of title filed simultaneously	810
(c) Instructions to apply for extensions of time in which to apply for directions to advertise	900
4. RENEWALS	
(a) Instructions to renew the registration of one trade mark in one class ..	1,980
(b) Instructions to renew the registration of second and further trade marks in the same proprietor simultaneously	1,350
(c) Instructions to restore the registration of one trade mark in one class under the provisions of rule 68 of the Trade Marks Rules	2,400
5. CHANGE OF NAME	
(a) Instructions to register change of name of the registered proprietor in	

SCHEDULE IV—(Contd.)

	respect of one trade mark in one class	1,080
(b)	Instructions to register change of name of the registered proprietor in respect of second and further trade marks simultaneously, for each change of name per trade mark in one class	720
6.	CHANGE OF ADDRESS	
(a)	Instructions to register change of address of the registered proprietor in respect of one trade mark in one class	1,080
(b)	Instructions to register change of address of the registered proprietor in respect of second and further trade marks simultaneously, for each change of address per trade mark in one class	720
7.	ALTERATIONS OR AMENDMENTS	
(a)	Instructions to amend or alter one registered trade mark in one class	1,800
(b)	Instructions to amend or alter second and further registered trade marks simultaneously in one class, per trade mark per class	720
8.	SEARCHES AND COPIES	
(a)	Attendances to search the register or a file at the registry and advising thereon, per quarter hour or part thereof by—	
	(i) an advocate	900
	(ii) an unqualified employee	600
(b)	Instructions to obtain Registrar's preliminary advice on Form T.M. 27 or T.M. 28 including drawing the prescribed form	900
(c)	Instructions to obtain registry certified copies of documents—	
	(i) One copy of any document	1,500
	(ii) Second and additional copies of same document obtained simultaneously	450
9.	OPPOSITION AND RECTIFICATION PROCEEDINGS	
(a)	Instructions to enter opposition or to defend opposition proceedings or to apply for rectification or to defend rectification proceedings where such opposition or proceedings are conducted before the Registrar—such fee as the taxing officer in the exercise of his discretion and taking into consideration the nature and importance of the opposition or rectification, the value of the trade mark to the parties concerned, the amount of evidence filed and the time required for the proceedings and all other relevant circumstances shall decide but not less than	12,600
(b)	Attendance before the Registrar conducting opposition or rectification proceedings every whole day	8,400
	(c) Every half-day or part thereof	4,200
	(d) On interlocutory matters, taking judgement, etc. every 15 minutes or part thereof	575
10.	MISCELLANEOUS MATTERS	
(a)	Instructions to advise on registrability of a mark, or on a point of	

SCHEDULE IV—(Contd.)

law or practice; such fee as may be reasonable in the circumstances but not less than	3,750
(b) Attendance on the Registrar, for every 15 minutes or part thereof—	
(i) for argument	1,050
(ii) for filing papers	300
(c) Correspondence, where charged for separately (see the note to this part of this Schedule)—	
(i) per letter	150
or per folio	90
(ii) receiving and perusing letters:	
per letter	60
or per folio	36
(d) Drawing all other necessary documents (notices of opposition, statutory declarations, counter-statements, etc.)	
(i) per folio	240
(ii) files copies, per folio	24
(e) Perusing documents, pleadings, statutory declarations, etc. to be charged for as for perusals at item 8 (a) of Schedule VI.	
(f) All other necessary attendances (including attendances to take minutes of evidence of witnesses other than the party for whom the advocate is acting), per quarter hour or part thereof ..	450

Note.—The fees in items 1, 2, 3, 4, 5, 6 and 7 above are inclusive, unless otherwise provided, of drawing statutory forms and authorizations as necessary, and of all necessary routine correspondence with and attendances at the registry and correspondence with the client, but they do not cover additional matters shown in items 8 and 9 and work occasioned by objections or queries by the Registrar or third parties or by any other complication or unusual delay, which matters and writ shall be charged for separately.

SCHEDULE V

FEES IN RESPECT OF BUSINESS THE REMUNERATION FOR WHICH IS NOT
OTHERWISE PRESCRIBED OR WHICH HAS BEEN THE SUBJECT
OF AN ELECTION UNDER PARAGRAPH 22

PART I—AGREED HOURLY RATE

1. Fees falling to be assessed under this Schedule may either be charged in accordance with paragraph 2 of this Part or assessed in accordance with Part II.
2. An advocate may charge his fees at such hourly rate or rates as may be agreed with his client from time to time.

PART II—ALTERNATIVE METHOD OF ASSESSMENT

1. INSTRUCTIONS

Such fee for instructions as, having regard to the care and labour required, the number and length of the papers to be perused, the nature or importance of the matter, the amount or value of the subject matter involved, the interest of the parties, complexity of the matter

SCHEDULE V—(Contd.)

and all other circumstances the case, may be fair and reasonable, but so that due allowances shall be given in the instruction fee for other charges raised under this Schedule.

2. DRAWING AND PERUSING, ETC.

	KSh.
For drawing	120
For engrossing	24
For fair copying	15
For perusing	36

3. ATTENDANCE

In ordinary cases, per 15 minutes or part thereof	375
On routine telephone calls within Kenya for 3 minutes or part thereof	75
In other cases the taxing officer may increase or diminish the above charges if for any special reason he sees it fit.	

4. TIME ENGAGED

Where charge is so based in lieu of charges per item of work done: per hour or part thereof	1,500
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5. CORRESPONDENCE

Letters	150
or per folio	90
Receiving and perusing letters	60
or per folio	36

6. OPINIONS

For formal written opinion, such fee as may be reasonable in the circumstances, having regard to the same considerations as set out above for the assessment of instructions, but not less than	1,500
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7. JOURNEYS FROM HOME

For every day of not less than seven hours employed in travelling	7,500
Where a lesser time than seven hours is so employed, per hour ..	1,200

Provided that the taxing officer may increase or diminish the above Allowance if for any special reason he sees it fit.

8. DEBT COLLECTION

In respect of non-contentious debt collection matters an advocate may enter into a general agreement with a client to charge therefor upon the following inclusive scale in lieu of charging per item for work done. Provided that in any case where not more than one letter of demand has been written the scale shall be reduced by one-half, subject to a minimum fee of Sh. 225 and provided further that where the letter of demand is followed by the institution of proceedings at the instance of the same advocate the scale does not apply and the letter shall be charged for under item 5 of this Schedule or under Schedule VI or Schedule VIII as may be appropriate.

	KSh.
Where the amount of the debt does not exceed Sh. 1,000	450

SCHEDULE V—(Contd.)

(b) Where the amount of the debt exceeds Sh. 1,000 but does not exceed Sh. 3,000	750
(c) Where the amount of the debt exceeds Sh. 3,000 but does not exceed Sh. 6,000	1,050
(d) Where the amount of the debt exceeds Sh. 6,000 but does not exceed Sh. 10,000	1,350
(e) Where the amount of the debt exceeds Sh. 10,000 but does not exceed Sh. 100,000	1,500 plus 7.5 per cent on the amount over 10,000
(f) Where the amount of the debt exceeds Sh. 100,000	8,250 plus 1.5 per cent on the amount over 100,000

9. CHATTELS TRANSFERS

For drawing and completing an instrument under the Chattels Transfer Act including all necessary and proper searches, affidavits, stamping and registration.

KSh.

(a) Where the amount secured does not exceed Sh. 50,000	3,000
(b) Where the amount secured exceeds Sh. 50,000 one-half of the scale fee under 1 of the First Scale of Schedule I adjusted in accordance with the notes to that Schedule.	

SCHEDULE VI

COSTS OF PROCEEDINGS IN THE HIGH COURT
A—PARTY AND PARTY COSTS

1. INSTRUCTION FEES

The fee for instructions in suits shall be as follows, unless the taxing officer in his discretion shall increase or (unless otherwise provided) reduce it:

- (a) To sue in any proceedings (whether commenced by plaint, petition originating summons or notice of motion) in which no defence or other denial of liability is filed: where the value of the subject matter can be determined from the pleading, judgement or settlement between the parties and—

<i>That value exceeds</i>	<i>But does not exceed</i>		
Sh.	Sh.	Sh.	Sh.
—	500,000		20,000
500,000	750,000		25,000
750,000	1,000,000		35,000

SCHEDULE VI—(Contd.)

over 1,000,000

fees as for Sh. 1,000,000
plus an additional 1.5 per cent

- (b) To sue in any proceedings described in paragraph (a) where a defence or other denial of liability is filed; or to have an issue determined arising out of interpleader or other proceedings before or after suit; or to present or oppose an appeal where the value of the subject matter can be determined from the pleadings, judgement or settlement between the parties and—

That value exceeds But does not exceed

Sh.	Sh.	Sh.
—	500,000	35,000
500,000	750,000	45,000
750,000	1,000,000	55,000
over 1,000,000		fee as for Shs. 1,000,000 plus an additional 1.5 per cent

- (c) To defend proceedings where the defendant substantially adopts the defence of another defendant: an instruction fee calculated under subparagraph 1 (a).

- (d) To defend any other proceedings: an instruction fee calculated under sub-paragraph 1 (b).

(e) Bankruptcy proceedings—

(i) debtors applicant—	Sh.
to present or oppose a debtor's petition	2,500
to apply or oppose discharge	1,500
(ii) creditor's application—	
to apply for issue of a bankruptcy notice	500
to present or oppose a creditor's petition	2,500
to apply for or to oppose a discharge	1,500

(f) Companies—

(i) to present or oppose proceeding under rule 5 (1) of the Companies (Winding-up) Rules	9,000
(ii) to support a petition for winding-up of a company	1,800
(iii) to present or oppose any other proceedings under the the Companies Act	3,000

(g) Matrimonial causes—

(i) to present a petition for dissolution of marriage, nullity, judicial separation, or restitution of conjugal rights—	
where the proceedings are defended	9,000
where the proceedings are defended, or to defend proceedings, such sum as may be reasonable but not less than	18,000
(ii) to apply for additional or ancillary relief, or for custody or access—	

SCHEDULE VI—(Contd.)

if the application is dealt with together with the petition or answer, as the case may be	KSh. 1,500
if the application is not dealt with together with the petition or answer	6,000
(iii) to apply for a Registrar's certificate	375
(iv) to present or oppose an application to a judge under the Matrimonial Causes Rules or Guardianship of Infants Act not otherwise provided for; such sum as may be reasonable but not less than	1,350
<i>(h) Adoption and guardianship—</i>	
(i) to present or oppose an application for adoption such sum as may be reasonable but not less than	6,000
(ii) to present or oppose an application for guardianship: such sum as may be reasonable but not less than	7,500
<i>(i) To present or oppose an election petition; such sum as may be reasonable but not less than</i>	30,000
<i>(j) Prerogative orders—</i>	
To present or oppose an application for a prerogative order: such sum as may be reasonable but not less than	20,000
<i>(k) To present or oppose objections to an award made by an arbitrator</i>	6,000
<i>(l) To sue or defend in any case not provided for above: such sum as may be reasonable but not less than</i>	6,000
<i>(m) To present or oppose an appeal in any case not provided for above: such sum as may be reasonable but not less than</i>	4,500
<i>(n) To counter-claim: a fee under subparagraph (a) or (b), as appropriate.</i>	
<i>(o) Matters arising during proceedings—</i>	
(i) to prepare an affidavit	450
(ii) to prepare interrogatories or answers thereto	2,500
(iii) to apply for a commission or letter of request for the examination of a witness	1,500
(iv) to prepare a brief for counsel in relation to a commission for examination of a person not residing in Kenya: such sum as may be reasonable but not less than	9,000
(v) to prepare a case stated for the opinion of the court: such sum as may be reasonable but not less than	3,000
(vi) to present an application for a temporary injunction or similar order if unopposed	1,500
if opposed	3,000
(vii) to present or oppose in cases where the judge shall certify that the matter is complex; such sum as the judge may certify to be reasonable	
(viii) to present or oppose any other application not otherwise provided for, whether by summons in chambers or by notice of motion—	

SCHEDULE VI—(Contd.)

where the application is unopposed	1,250
where the application is opposed, such sum as may be reasonable but not less than	2,500

Provided that—

- (i) the taxing officer, in the exercise of this discretion, shall take into consideration the other fees and allowances to the advocate (if any) in respect of the work to which any such allowance applies, the nature and importance of the cause or matter the amount involved, the interest of the parties, the general conduct of the proceedings, a direction by the trial judge, and all other relevant circumstances;
- (ii) in any case which a certificate for more than one advocate has been given by the judge, the instruction fee allowed on taxation as between party and party and other charges shall be doubled where requisite;
- (iii) in any case which a certificate for senior counsel has been given by the judge, the instruction fee allowed on taxation as between party and party shall be increased by one-half and other charges shall be doubled where requisite, the allowance for attendances of senior counsel in court conducting or leading the cause being on the higher scale;
- (iv) for the purpose of assessing an instruction fee in any suit—
 - (a) for the possession of premises, with or without a claim for arrears of rent: or
 - (b) for the specific performance of a lease, the value of the subject-matter shall be taken to be the arrears of rent or mesne profits, if any, that may be found due, increased by sum equivalent to the annual rental value of the premises or to one-tenth of the capital value of the premises, whichever is the higher;
- (v) for the purposes of assessing an instruction fee in a case where payment into court has been made under Order XXVI of the Civil Procedure Rules the following rules shall apply—
 - (a) where the plaintiff accepts payment into court under the provisions of Order XXVI, rule 2 (1), he may claim the full instruction fee;
 - (b) where the plaintiff accepts payment into court after the time allowed by Order XXVI, rule 2 (1), but before one month after the setting down of the case for hearing, he may claim three quarters of the instruction fee;
 - (c) where the plaintiff does not accept the payment into court and does not recover more than the payment he may claim his costs to the date of payment, including one-half of the instruction fee.

2. FEES FOR GETTING UP OR PREPARING FOR TRIAL

In any case in which a denial of liability is filed or in which issues for trial are joined by

SCHEDULE VI—(Contd.)

the pleadings, a fee for getting up and preparing the case for trial shall be allowed in addition to the instruction fee and shall be not less than one-third of the instruction fee allowed on taxation:

Provided that—

- (i) this fee may be increased as the taxation officer considers reasonable but it does not include any work comprised in the instruction fee;
- (ii) no fee under this paragraph is chargeable until the case has been confirmed for hearing, but an additional sum of not more than 15 per cent of the instruction fee allowed on taxation may, if the judge so directs, be allowed against the party seeking the adjournment in respect of each occasion upon which a confirmed hearing is adjourned;
- (iii) in every case which is not heard the taxing officer must be satisfied that the case has been prepared for trial under this paragraph.

3. FEE FOR GETTING UP AN APPEAL

In any appeal to the High Court in which a respondent appears at the hearing of the appeal and which the court at the conclusion of the hearing has certified that in view of the extent or difficulty of the work required to be done subsequently to the lodging of the appeal the case is a proper one for consideration of a getting up fee, the taxing officer may allow such a fee in addition to the instruction fee and such a fee shall not be less than one-third of the instruction fee.

4. DRAWING

(a) Concise statement, plaint, written statement of defence, interlocutory application, notice of motion or chamber application, originating summons, affidavit, petition of appeal, interrogatories, agreement for compromise, adjustment or satisfaction of suit, or for reference to arbitration or any other pleading not otherwise provided for—	<i>KSh.</i>
(i) four folios or less	525
(ii) in excess of four folios: additional per folio after the first four folios	75
(b) Creditor's or debtor's petition that a debtor be adjudicated insolvent, or notice of objection thereto—	
(i) six folios or less	750
(ii) in excess of six folios per folio	75
(c) Petition for winding-up of a company incorporated under the Companies Act—	
(i) nine folios or less	1,125
(ii) in excess of nine folios: per folio	75
(d) All other documents (including proofs of witnesses; evidence), so far as necessary: per folio	90

SCHEDULE VI—(Contd.)

(e) Bill of costs: per folio		90
(f) Affidavit or return of service		120
Provided that in relation to paragraphs (a) (ii), (b) (ii), (c) (ii) and (d) the judge may direct that the costs of any repetitive or unnecessary matter shall be disallowed.		
5. COPIES		
(a) Of plaint, written statement of defence, affidavit, petition of appeal, cross objections to petition, interrogatories, replies to interrogatories, agreement in satisfaction of suit, or for reference to arbitration, exhibit bill of costs and every other document (whether for court or opposing party): per folio		15
(b) The actual cost of copies of judge's notes be spoken from day to day as a case proceeds may be allowed if certified for the trial judge.		
(c) Printing: actual costs, supported by vouchers of all necessary printing.		
(d) Photostat copies: actual costs, supported by vouchers of all necessary photocopying.		
(e) All other necessary copies: per folio		15
6. CORRESPONDENCE		
Letters before action or other necessary letters		105
or per folio		60
7. ATTENDANCIES		
	<i>Ordinary Scale KSh.</i>	<i>Higher Scale KSh.</i>
(a) On any necessary application to or formal attendance on the registrar or deputy registrar	225	—
(b) At offices of court or registrar on routine matters	150	
(c) At court in chambers on matters on a date fixed by the court for hearing, when the case cannot be taken or by advocate for calling over lists	450	
(d) At court or in chambers before judge not otherwise provided for—		
(i) half-hour or less	600	900
(ii) one hour	1,200	1,500
(iii) half-day	2,400	3,600
(iv) whole day	4,800	7,200
(e) Routine telephone calls: each necessary telephone call allowed per three minutes or part thereof	60	—
(f) With a judge on a view, if in court hours, the same fees as for attendance in court conducting case; if out of court hours: per hour including travelling time, in addition to all expenses properly incurred in getting to and from the place viewed	1,080	—

SCHEDULE VI—(Contd.)

(g) All necessary attendance (including attendances to take minutes of evidence of witnesses other than the party for whom the advocate is appearing) of any nature whatsoever not otherwise provided for: per quarter-hour ..	270	—
8. PERUSALS		
(a) Of pleadings, memorandum of appeal, record of appeal affidavits, interrogatories and answers thereto, notices to admit, petition to wind-up company, petition in insolvency, notice of motion in court, originating summons or other necessary documents not specifically provided for per folio ..		30
(b) Of notices and other routine documents ..		45
(c) Of necessary letter: per folio ..		30
9. SERVICE		
(a) Within three kilometres of the High Court or district registry of the High Court ..		120
(b) Every additional kilometre over three: such amount as is reasonable, not exceeding per kilometre; provided however if the distance is more than 30 kilometres, such fee as the Court may allow in the circumstances		20
(c) By post, if authorized ..		75
10. PLANS, MODELS, ETC.		
Actual costs supported by vouchers of all necessary plans, charts, photographs and models.		
11. TRANSLATIONS		
Actual costs, supported by vouchers, of all necessary translations.		
12. EXECUTION PROCEEDINGS		
(a) Instructions to execute decree and drawing necessary application ..		450
(b) Attendance at court filling application ..		150
(c) Attending court to peruse order ..		150
13. OBJECTION TO EXECUTION PROCEEDINGS		
(a) Instruction to prepare objection ..		900
(b) Instruction to proceed with attachment ..		450
(c) Instruction to take proceedings to establish or to oppose such proceedings ..		2,250
14. GARNISHEE PROCEEDINGS		
(a) Instruction to institute garnishee proceedings, if not opposed ..		1,350
(b) Instructions to institute or to defend garnishee proceedings, when opposed: such sum as the taxing officer considers reasonable but not less than ..		3,000
15. FEE ALLOWABLE ON CERTIFICATE OF COSTS UNDER PARAGRAPH 68A		
(a) Where no appearance has been entered in the suit ..		600
and where the defendant was served at the first attempt for each additional attempt of service ..		120

SCHEDULE VI —(Contd.)

(b) Where appearance has been entered: a further	90
(c) Where the defendant was served out of the jurisdiction: a further	1,200
(d) Where the defendant was served in accordance with an order under Order V, rule 17 of the Civil Procedure Rules: the costs of any advertisement ordered by the court together with a further	1,050
(e) For any application made to the judge under paragraph 11 (2): a further together with the instruction fee and any court fees and affidavits swearing fees incurred; but the taxing officer shall not allow more than one instruction fee.	1,950

B.—ADVOCATE AND CLIENT COSTS

As between advocate and client the minimum fee shall be—

- (a) the fees prescribed in A above, increased by one-half; or
 - (b) the fees ordered by the court, increased by one-half; or
 - (c) the fees agreed by the parties under paragraph 57 of this Order; increased by one-half;
- as the case may be, such increase to include all proper attendances on the client and all necessary correspondences.

SCHEDULE VII

COSTS OF PROCEEDINGS IN SUBORDINATE COURTS

A.—PARTY AND PARTY COSTS

1. Where the sum found due (in the case of a wholly or partially successful plaintiff) or the sum sued for (in the case of a wholly successful defendant)—

<i>Exceeds</i> <i>Sh.</i>	<i>Does not</i> <i>exceed</i> <i>Sh.</i>	<i>Lower scale</i> <i>Sh.</i>	<i>Higher scale</i> <i>Sh.</i>
—	5,000	500	1,000
5,000	10,000	2,000	4,000
10,000	20,000	3,000	6,000
20,000	50,000	6,000	9,000
50,000	250,000	12,000	18,000
250,000	500,000	20,000	30,000

Over 500,000 under enhanced jurisdiction of subordinate court if and when applicable, a fee as for Sh. 500,000 plus 2 per cent in respect of the excess.

Note.—The “Lower Scale” shall be applied in all cases where no defence or other denial of liability has been filed and the “Higher Scale” shall be applied in all other cases.

2. In any suit or appeal by the nature of which no specific sum is sued for, claimed or awarded in the judgement (other than proceedings falling under paragraph 3 below): such costs as the court in its discretion awards but not less than Sh. 3,600 if undefended or unopposed and (subject to any special order for good reason connected with the nature and importance or the difficulty or the urgency of the matter) not to exceed Sh. 18,000.
3. (a) In proceedings for dissolution of marriage, nullity, judicial separation or restitution of conjugal rights—

SCHEDULE VII—(Contd.)

where the proceedings are undefended	3,000
where the proceedings are defended	9,000
(b) In proceedings for ancillary relief—	
if heard together with petition or answer	1,000
if not dealt together with petition or answer	2,000
(c) In other proceedings for custody, and access	2,250
4. On any application, notice of motion, chamber summons or execution proceedings, to include taking instructions to proceed or oppose, drawing application, engrossing and filling	300
5. On any necessary application to or attendance on magistrate in court or chambers	225
6. Attendance at the hearing where the hearing lasts more than one full day—	
for each full day after the first	2,500
for each part after the first	1,000
7. Where costs of adjournment of a case are awarded	450
8. Service—	
(a) within three kilometres of subordinate court or district registry of the subordinate court	100
(b) every additional kilometre over three: such amount as is reasonable, but not exceeding, per kilometre	20
provided however if the distance is more than 30 kilometres, such fee as the court may allow in the circumstances.	
(c) by post, if authorized	60
9. Drawing and filing affidavit or return of service	45

NOTES

1. When an order has been made in general terms for the payment of costs by either party and an advocate has been employed, those costs, in addition to the court fees, shall be computed under this Schedule, which shall be the minimum fee, and shall include (except as otherwise provided) taking instructions drawing or perusing pleadings or similar documents, engrossing and filing, and all necessary attendances at court or chambers.

2. Costs exceeding the scales in this Schedule may be ordered on special grounds arising out of the nature and importance or the difficulty or the urgency of the case.

3. Where success in a suit is divided, the scale may be applied distributively having regard to partial success on either side.

B.—ADVOCATE AND CLIENT COSTS

As between advocate and client the minimum fees shall be—

- (a) the fees prescribed in A above, increased by one-half; or
- (b) the fees ordered by the court, increased by one-half;
- (c) the fees agreed by the parties under paragraph 57 of this Order, increased by one-half,

as the case may be, such increase to include all proper attendances on the client and all necessary correspondence.

SCHEDULE VIII

COSTS OF PROCEEDINGS IN TRIBUNAL UNDER THE LANDLORD AND TENANT
(SHOPS, HOTELS AND CATERING ESTABLISHMENTS) ACT

A—PARTY AND PARTY COSTS

1. When an order has been made for payment of costs by either party and an advocate has been employed, those costs, in addition to the Tribunal fees, may be allowed to the successful party under paragraphs 6 and 7.

2. Costs exceeding the scale in this Schedule may be allowed for special grounds arising out of the nature and importance or the difficulty or the urgency of the case.

3. Except for good reason, to be recorded, costs shall be awarded to the party who substantially succeeds upon the reference or other proceedings.

4. The value of the subject-matter shall be determined as follows—

- (a) In a case where the amount of the annual rent is disputed, the difference between the amount proposed by the landlord and the amount offered by the tenant; or
- (b) in a case where possession is claimed, one year's rent or one year's mesne profits, plus the amount of any arrears of rent or mesne profits awarded, which total shall be determined by the Tribunal; or
- (c) in a case concerning authority to carry out repairs, the amount claimed or awarded as the costs of the repairs, whichever is less; or
- (d) in proceedings under section 13 of the Landlord and Tenant (Shops, Hotels and Catering Establishments) Act, the amount of compensation awarded; or where no compensation is awarded, the amount of compensation claimed.

5. The "Lower Scale" in paragraph 6 shall be applied where the matter is disposed of *ex parte*, by consent or by a decision on a preliminary question of law not dependent on fact and the "Higher Scale" shall be applied in all other cases.

6. (1) The instruction fee, which shall include taking instructions, drawing or perusing pleadings or similar documents, engrossing and filing the same, may be computed in accordance with subparagraph (2).

(2) (a) Where the value of the subject matter—

<i>Exceeds</i> Sh.	<i>Does not</i> <i>exceeds</i> Sh.	<i>Lower scale</i> Sh.	<i>Higher scale</i> Sh.
—	1,000	660	1,200
1,000	2,000	1,080	2,100
2,000	3,500	1,275	2,550
3,500	5,000	1,800	4,200
5,000	7,500	2,400	5,400
7,500	10,000	3,000	6,000
10,000	20,000	4,500	7,500
20,000	50,000	5,250	9,000
50,000	250,000	a fee as for Sh. 50,000 plus an additional 7.5 per cent on the lower scale or 15 per cent on the higher scale in respect of the excess.	

SCHEDULE VIII—(Contd.)

Over 250,000 a fee as for Sh. 250,000 plus an additional 1.5 per cent in respect of the excess.

- (b) On a complaint where non-pecuniary relief other than possession is sought such costs as the Tribunal in its discretion awards; but not less than Sh. 1,500 if undefended or unopposed, and if opposed, a reasonable amount not exceeding Sh. 12,000.
- (c) On proceedings for leave to levy distress, one-half the fee under (a).
- (d) In any proceedings not otherwise provided for, such fees as the Tribunal may assess but not less than Sh. 1,500.

KSh.

7. (a) On any necessary attendance on the Tribunal other than at the hearing	225
(b) On any necessary attendance by an advocate at the offices of the Tribunal other than (a) above	150
(c) Attendances at the hearing—	
(i) for each full day after the first day	1,950
(ii) for each part of the day after the first day	1,050
(d) Where costs of adjournment of the case are awarded	450
(e) Service—	
(i) within three kilometres of the Tribunal	75
(ii) every additional kilometre over three; such amount as is reasonable, not exceeding per kilometre	15
(iii) by post, if authorized	45
(f) Drawing and filing affidavit or return of service to include swearing fee	45
(g) Drawing and filing any other affidavits; (for first four folios	225
(thereafter per folio)	30

B—ADVOCATE AND CLIENT COSTS

As between advocate and client the costs shall be—

- (a) the cost prescribed in A above, increased by one-half; or
- (b) the costs ordered by the Tribunal, increased by one-half; or
- (c) the costs agreed by the parties under paragraph 57 of this Order, increased by one-half as the case may be, such increase to include all proper attendance on the client and all necessary correspondence.

SCHEDULE IX

COSTS OF PROCEEDINGS IN TRIBUNALS UNDER THE RENT RESTRICTION ACT OR ANY LEGISLATION AMENDING OR REPLACING THE SAME

A—PARTY AND PARTY COSTS

1. When an Order has been made for payment of costs by either party and an advocate has been employed, those costs, in addition to the Tribunal fees, may be allowed to the successful party under paragraphs 6 and 7.

2. Costs exceeding the scale in this schedule may be allowed for special grounds arising out of the nature and importance or the difficulty or the urgency of the case.

SCHEDULE IX—(Contd.)

3. Except for good reason, to be recorded, costs shall be awarded to the party who substantially succeeds upon the reference or other proceedings.

4. The value of the subject-matter shall be determined as follows—

- (a) in a case where the amount of the annual rent is disputed, the difference between amount proposed by the landlord and the amount offered by the tenant; or
- (b) in a case where possession is claimed, one year's rent or one year's mesne profits, plus the amount of any arrears of rent or mesne profits awarded which total shall be determined by the Tribunal; or
- (c) in a case concerning authority to carry out repairs, the amount claimed or awarded as the cost of the repairs, whichever is less; or
- (d) in proceedings under section 15 of the Rent Restriction Act, the amount of compensation awarded; or where no compensation is awarded the amount of compensation claimed.

5. The "Lower Scale" in paragraph 6 shall be applied where the matter is disposed of *ex-parte*, by consent or by a decision on a preliminary question of law not dependent on fact and the "Higher Scale" shall be applied in all other cases.

6. (1) The instruction fee, which shall include taking instructions, drawing or perusing pleadings or similar documents, engrossing and filing the same, may be computed, in accordance with subparagraph (2).

(2) (a) Where the value of the subject-matter—

<i>Exceeds</i> <i>KSh.</i>	<i>Does not</i> <i>exceed</i> <i>KSh.</i>	<i>Lower scale</i> <i>KSh.</i>	<i>Higher scale</i> <i>KSh.</i>
—	1,000	660	1,200
1,000	2,000	1,080	2,100
2,000	3,500	1,275	2,550
3,500	5,000	1,800	4,200
5,000	7,500	2,400	5,400
7,500	10,000	3,000	6,000
10,000	20,000	4,500	7,500
20,000	50,000	5,250	9,000
Over 50,000	—	a fee as for Sh. 50,000 plus an additional 7.5 per cent on the lower scale or 15 per cent on the higher scale in respect of the excess.	

(b) On a Complaint where non-pecuniary relief other than possession is sought, such costs as the Tribunal in its discretion awards; but not less than Sh. 1,500 if undefended or un-opposed, and if opposed, a reasonable amount not exceeding Sh. 12,000.

(c) On proceedings for leave to levy distress, one-half the fee under (a).

(d) In any proceedings not otherwise provided for, such fees as the Tribunal may assess but not less than Sh. 1,500.

Sh.

7. (a) On any necessary attendance on the Tribunal other than at the hearing

225

SCHEDULE IX—(Contd.)

(b) On any necessary attendance by an advocate at the offices of the Tribunal other than (a) above	15
(c) Attendances at the hearing—	
(i) for each full day after the first day	1,950
(ii) for each part of the day after the first day	1,050
(d) Where costs of adjournment of the case are awarded ..	450
(e) Service—	
(i) within three kilometres of the Tribunal	75
(ii) every additional kilometre over three; such amount as is reasonable, not exceeding per kilometre	15
(iii) by post, if authorized	45
(f) Drawing and filing affidavit or return of service to include swearing fee	45
(g) Drawing and filing any other affidavits: for first four folios ..	225
thereafter per folio	30

B—ADVOCATE AND CLIENT COSTS

As between advocate and client the costs shall be—

- (a) the costs prescribed in A above, increased by one-half or
- (b) the costs ordered by the Tribunal, increased by one-half; or
- (c) the costs agreed by the parties under paragraph 57 of this order, increased by one-half as the case may be, such increase to include all proper attendance on the client and all necessary correspondence.

SCHEDULE X

PROBATE AND ADMINISTRATION

A—PARTY AND PARTY COSTS

1. INSTRUCTION FEES

- (a) To apply for grant of probate of written will, or proof of oral will, or letters of administration with or without will annexed, the proceedings not being contested: where the gross capital value of property comprised in the grant—

<i>Exceeds</i> KSh.	<i>But does not exceed</i> KSh.	KSh.
—	10,000	3,000
10,000	50,000	4,500
50,000	200,000	6,000
200,000	1,000,000	1.5 per cent of the value
1,000,000	—	1.5 per cent of the value on the first Sh. 1,000,000 thereof and three quarters per cent over Sh. 1,000,000.

- (b) To apply for re-sealing a grant, the proceedings not being contested: four-fifths of the fee provided under paragraph (a).

- (c) To apply for confirmation of grant—

SCHEDULE X—(Contd.)

(i) if uncontested	2,250
(ii) if contested; such sum as the taxing officer shall consider reasonable, but not less than	7,500
(d) To apply for grant or re-sealing, where the proceedings are contested: not less than twice the fee prescribed by paragraph (a) or (b)	
(e) To lodge a caveat or a renunciation of a right to representation ..	2,250
(f) To lodge an objection to a grant, or a citation or other application or proceeding under any provision of the Law of Succession Act not otherwise provided for in this Schedule: such sum as the taxing officer shall consider reasonable, but not less than	4,500
(g) To render an inventory or account, including an estate duty affidavit, corrective estate duty affidavit and inventory included in or annexed to an affidavit in support of petition: Sh. 1.50 per Sh. 20,000 of net estate included therein, multiplied by the number of entries, but not less than	750
2. DRAWING	
(a) Each form or document prescribed under or required by the Law of Succession Act	600
or per folio	120
(b) An inventory or account, except where embodied in a prescribed form, including an estate duty affidavit and corrective estate duty affidavit ..	450
or per entry	15
3. COPIES	
per folio	15
4. PERUSING	
(a) Wills and codicils	600
or per folio	60
(b) Any other form or document prescribed under or required by the Law of Succession Act	300
or per folio	36
5. LETTERS AND ATTENDANCES	
Including those necessary in ascertaining the particulars and extent of an estate, identities concerned, the raising and settlement of estate duty and all other work referred to in paragraphs 18 (e) and 51 (c) of this Order (other than that included in item 6 of this Schedule)—	
(a) Letters despatched	150
or per folio	90
(b) Letters received and perused	90
or per folio	36
(c) Attendances—	
(i) in ordinary cases per 15 minutes or part thereof	360
(ii) routine telephone calls within Kenya for 3 minutes or part thereof ..	75
(iii) in other cases the taxing officer may increase or diminish the above charges if, for any special reason, he sees it fit.	
6. ACTUAL ADMINISTRATION OF A TESTAMENTARY OR OTHER ESTATE OR TRUST	
(a) Such annual or semi-annual fee as may be reasonable in the circumstances, having regard to the care and labour required, the	

SCHEDULE X—(Contd.)

number and length of the papers to be perused, the value and complexity of the estate, the interests of the parties and all other circumstances.

- (b) An annual or semi-annual commission of such amount as the taxing officer shall consider reasonable, having regard to all the circumstances, but not exceeding in aggregate the following rates—
- (i) on the estimated net capital value of the estate two and one-half per cent per annum;
 - (ii) on the amount of the income of the estate in a year or half-year—three per cent; and
 - (iii) on the capital value of any portion of the estate which is realized or invested during a year or half-year—one and one-half cent, or at the election of the advocate.

(c) An amount based upon Schedule V:

Provided that—

- (i) in relation to a shorter period than a year or half-year, the commission under paragraph (b) (i) shall be calculated with reference to that period; and
- (ii) a fee or commission charged under paragraph (a) or (b) shall include all necessary correspondence received and sent and attendances relative thereto and the preparation of the set of inventory and accounts for that year; but any additional inventories or accounts required of formal documents filed or proceedings taken under the Law of Succession Act shall be charged for separately under the appropriate paragraphs of this Schedule.

B—ADVOCATE AND CLIENT COSTS

In contested matters under the Law of Succession Act, the fees as between advocate and client shall be—

- (a) the fees prescribed in A above increased by one-half; or
- (b) the fees ordered by the court, increased by one-half; or
- (c) the fees agreed by the parties under paragraph 57 of this order increased by one-half as the case may be, such increase to include all proper attendances on the client and all necessary correspondence.

Made on the 1st December, 1997.

A. M. COCKAR,
Chief Justice.