

REPUBLIC OF NAURU

CIVIL PROCEDURE ACT 1972

CIVIL PROCEDURE (COSTS) RULES 1982

In exercise of the powers conferred on me by section 76 of the Civil Procedure Act 1972, I hereby make the following Rules -

TITLE

1. These Rules may be cited as the Civil Procedure (Costs) Rules 1982.

SCALE OF COSTS

2. For the purpose of Order 40, Rule 2 of the Rules of Court set out in the Schedule to the Civil Procedure Rules 1972, the scales of costs of barristers and solicitors for their professional service for proceedings in the Supreme Court and the District Court are those set out in the Schedule to these Rules; and the scale of costs of pleader for their professional services in such proceedings shall be the same as that scale, save that, where a minimum amount and a maximum amount is shown in that scale for any item, the maximum amount for that item in the scale of costs of pleaders shall be one half of the maximum amount shown in the scale of costs of barristers and solicitors.

Made this 9th day of November, 1982.

I. R. Thompson
CHIEF JUSTICE.

SCHEDULE

(RULE 2)

Item	District Court \$	Supreme Court \$
1. Drawing, issuing, filing and service on one party of writ of summons (including statement of claim indorsed thereon), originating summons, notice of originating motion, third party notice	10-25	10-40
2. Issue and service on one party of concurrent writ of summons or originating summons.	3	3

(Note to Items 1 and 2)

Reference in these items to service on one party of a writ of summons shall, in relation to a writ

of summons issued in an Admiralty action in rem, be construed as references to service of the writ on a ship or on a registrar, as the circumstances of the case require.)

3.	Renewing writ of summons issued -		
	(a) in Admiralty action	-	10-20
	(b) in any other action	6	6
	including drawing and filing affidavit, attending on application for renewal and obtaining order.		
4.	Drawing, presenting, filing and service on one party of any petition	-	5-10
5.	Drawing, issuing, filing and service on one party of any motion.	3-6 3-6	3-10 3-10
6.	Drawing, filing and service on one party of statement of claim (if not indorsed on writ), or other pleading.	5-10	5-20
7.	Drawing, filing and service on one party of particulars of pleading and drawing and service on one party of request for such particulars.	3-10	3-20
8.	Drawing amendment of document referred to in item 1, 4, 5 or 6 and service on one party of amended document	3-6	3-10
9.	Drawing notice of writ of summons for service out of the jurisdiction	3	-
10.	Drawing any document, attending on any application and doing any other work necessary to obtain -		
	(a) order for substituted service of any document;		
	(b) order giving leave to serve any document out of the jurisdiction,	Discretionary	Discretionary
	and obtaining order		
11.	Drawing, issuing, filing and service on one party of summons -		
	(a) to proceed under a judgement or order.....	5	5

	(b) for order in terms of annexed minutes.....	5	5
	(c) to extend time.....	5	5
12.	Drawing, issuing, filing and service on one party of summons for directions -		
	(a) in Admiralty action.....	-	Discretionary
	(b) in any other action.....	3-6	3-10
13.	Drawing, issuing, filing and service on one party of summons to attend at chambers (other than summons referred to item 11 or 12)	3-6	3-10
14.	Drawing brief on an interlocutor application or on further consideration thereof including copy for counsel	3-15	3-130
15.	Attending to obtain appointment for hearing before judge, registrar or magistrate	3	3
16.	Attending to deliver papers required for use of judge, registrar or magistrate in chambers	3	3
17.	Attending hearing of summons or application in chambers	3-30 per day	3-50 per day
18.	Attending to draw up and enter any order	3	5
19.	Drawing, filing and service of -		
	(a) affidavit of documents or list of documents..		
	(b) interrogatories for examination of a party....	10-25	10-40
	(c) affidavit in answer to interrogatories – including, when appropriate, attending deponent to be sworn and copy for service.		
20.	Attending to inspect, or produce for inspection, documents production of which for inspection is required by order of the Court or by virtue of any provision of Order 21 -		
	for the first hour or part of an hour.....	5-10	5-10
	for every subsequent half hour or part there.....	2.5-5	2.5-5

21.	Drawing and issue of witness summons including filing of application and attending to obtain summons	2	2
22.	Drawing and service of notice -		
	(a) to produce for inspection document referred to in pleading or affidavit.....	3	3
	(b) to produce document at trial or hearing.....	3	3
	(c) to admit any document or fact,.....	3	3
	including copy for service.		
23.	Instructions for trial or hearing of any cause or matter, whatever the mode of trial or hearing	Discretionary	Discretionary
24.	Instructions for appeal from an interlocutory or final order or judgement.	Discretionary	Discretionary

(Note to Items 23 and 24

These items are intended to cover the doing of any work, not otherwise provided for, necessarily or properly done in preparing for a trial, hearing or appeal, or before a settlement of the matters in dispute, including -

(a) taking instructions to sue, defend, counter-claim or appeal, or for any pleading, particulars of pleading or affidavit;

(b) considering the facts and law;

(c) attending on and corresponding with client;

(d) interviewing and corresponding with witnesses and potential witnesses and taking proofs of their evidence;

(e) arranging to obtain reports or advice from experts and plants, photographs and models;

(f) making search in any registry and elsewhere for relevant documents;

(g) inspecting any property or place material to the proceedings;

(h) perusing pleadings, affidavits and other

relevant documents;

(i) where the cause or matter does not proceed to trial or hearing, work done in connection with the negotiation of a settlement; and

(j) the general care and conduct of the proceedings.)

25.	Attendance before Court to argue case on hearing	Discretionary	Discretionary
26.	Drawing instructions to counsel to advise in writing or in conference including copy for counsel.....	4-20	4-40
27.	Attending counsel in conference.....	5-10	5-10
	And for every half hour beyond the first.....	2.5-5	2.5-5
	(Note to Item 27		
	This item includes attending to make appointment for conference.)		
28.	Drawing brief with observations to counsel and proof of evidence, per each 100 words	0.50	0.50
29.	Attending to obtain appointment to examine witness and on examination of witness before any commissioner, officer of the Court or other person appointed to examine him or under Order 48, Rule 30.	10-40 per day	10-50 per day
30.	Attending at Court for purpose of -		
	(a) any application relating to or consequent on trial or hearing of a cause or matter.....	5-25	5-40
	(b) trial or hearing of a cause or matter, otherwise than to argue case, for each day -		
	(i) on which cause or matter is included in list of causes or matters to be tried or heard but on which trial or hearing is not begun.....	5-10	5-10
	(ii) of trial or hearing.....	10-40	10-50
	(c) hearing deferred judgment.....	5	5
31.	Attending to obtain certificate of Registrar or magistrate, drawing, and attending to enter,	5	5

judgment.....		
32. Drawing bill of costs (including copy for Registrar), per 100 words	0.50	0.50
33. Attending taxation, completing bill of costs, producing vouchers for disbursements and attending to obtain taxing officer's certificate or order	10-30	10-50
34. Drawing objections to decision of taxing officer on taxation, or answers to objections, including copies for service and filing, delivery to one party of such objections or answers and attending hearing of review by taxing officer	10-30	10-50
35. Drawing application for enforcement under Order 36 Rule 1	2	2
36. Attending upon hearing of application for enforcement made under Order 36 Rule 1	5	5
37. Drawing any process for enforcement or judgment or under	5	5
38. Attending to obtain -		
(a) consent of person to act as next friend or guardian ad litem and consent or approval of any other interested party.....	5-10	5-10
(b) any other consent.....	3	3
39. Attending to give consent	3	3
40. Attending to enter appearance.....	3	3
If appearance entered for more than one person at the same time, for each additional person	1	1
(Note to item 40 This item includes copy and service of notice of appearance.)		
41. Attending to search -		
(a) for appearance.....	2	2
(b) for appearance and to obtain certificate of non-appearance.....	3	3

42.	Attending at court registry to file any document	2	2
43.	Attending at court registry to bespeak or search for affidavit	2	2
44.	Attending to enter order amending record by striking out or adding a party or consolidating causes or matters	2	2
45.	Attending to -		
	(a) set down action, summons or appeal for trial or hearing.....	2	2
	(b) enter special case, or set down point of law, for argument.....	2	2
46.	Attending on the appropriate officer to certify that cause or matter set down for trial or hearing is settled or is for any other reason not to be included in list for trial or hearing.	2	2
47.	Attending on a deponent swearing any affidavit other than an affidavit of service.	2	2
48.	Attending to search for and obtain certificates of birth, marriage or death, for every 3 certificates obtained at the same registry at the same time	2	2
49.	Attending to make a general search for certificates of birth, marriage or death, per hour	5	5
50.	Attendance not provided for or allowed under any other item	2	2
51.	Drawing case for opinion of counsel before initiation of proceedings	6-30	6-50
52.	Drawing affidavit of service	3	3
53.	Drawing any other affidavit, per 100 words	0.50	0.50
54.	Drawing any notice for service or any request under Order 5 Rule 5 (3)	2	2
55.	Writing letters not included under any other item	3	3
56.	Perusing any document not provided for or allowed under any other item, per 100 words	0.20	0.20
57.	Service of any document, unless claimed as	2	2

disbursement

58. Procuring issue and service of warrant of arrest in an Admiralty cause or matter - 25

(Note to Item 58

This item includes procuring the warrant, affidavits and other documents required in connection with the issue and service of the warrant and any attendances required to procure its issue and service, the swearing of any such affidavit and the filing of any such document.)

59. Procuring issue of instrument of release under Order 48, Rule 13 - 25

(Note to Item 59

This item includes drawing the instrument and other documents required in connection with the issue of the instrument, obtaining any consent so required and any attendances required to procure the issue of the instrument and the filing of any such document.)

60. Procuring entry, renewal or withdrawal of caveat against the issue of a warrant, the release of property or the payment of money out of Court in an Admiralty cause or matter. - 5

(Note to Item 60

This item includes drawing and filing any document required to procure the entry, renewal or withdrawal and any attendances so required.)

61. Giving bail in an Admiralty cause or matter –
- (a) one surety..... - 30
 - (b) two sureties..... - 35

(Note to item 61

This item includes drawing the bail bond, affidavits and other documents require in connection with the giving of bail and any attendances required to procure the signing of bond, the swearing of any such affidavit and the

filing and service of any such document.)

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| 62. Giving guarantee or undertaking in lieu of bail in an Admiralty cause or matter | - | 20 |
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(Note to Items 61 and 62)

This item includes preparing the guarantee or undertaking and any attendances required to procure the signing and stamping thereof.)

(Note to Items 61 and 62)

The commission or fee paid to a person becoming surety to a bail bond or giving a guarantee or undertaking in lieu of bail, not exceeding \$1.00 per cent, of the amount for which the bond, guarantee or undertaking is given, shall be allowed on taxation.)

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|--|---|----|
| 63. Obtaining bail in an Admiralty cause or matter | - | 15 |
|--|---|----|

- | | | |
|-----------------|--|--|
| 64. Obtaining - | | |
|-----------------|--|--|

(a) guarantee in lieu of bail	-	15
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(b) undertaking in lieu of bail.....	-	10
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(Note to Item 64)

This item includes perusing the guarantee or undertaking and other relevant documents.)

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| 65. Procuring the issue and execution of commission of appraisal or of appraisal and sale | - | 15 |
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(Note to item 65)

This item includes drawing and filing any document required in connection with the issue and execution of the commission and any attendances so required.)

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| 66. Negotiating agreement under Order 48, Rule 33 | - | 5-20 |
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(Note to Item 66)

This item includes taking instructions in connection with the agreement, drawing and filing the agreement and any attendances

required in connection with the negotiation,
making and filing of the agreement.)

67. Negotiating agreement with respect to amount of
damages, interest or other sums payable by opposite
party

- Discretionary

(Note to Item 67

This item includes any attendances and other
work done in connection with the calculation
of, and in obtaining agreement as to, the amount
payable.)
