



Tuvalu

**MAGISTRATES' COURTS (FEES IN CIVIL
CASES) RULES**

2008 Revised Edition

CAP.7.36.1



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MAGISTRATES' COURTS (FEES IN CIVIL CASES) RULES

MADE UNDER SECTION 75 OF THE MAGISTRATES' COURTS ACT¹

1 Citation

These Rules may be cited as the Magistrates' Courts (Fees in Civil Cases) Rules.

2 Fees in civil causes, etc., in Magistrates' courts

The fees prescribed in the Schedule to these Rules shall be charged in respect of the matters to which they are respectively assigned in civil causes and matters brought in a Magistrate's Court.

3 Fees payable to clerk of court

The fees prescribed in the Schedule shall be paid to the clerk of the Magistrate's Court in which the cause or matter is to be tried.

4 Magistrates may waive fees

A Magistrate's Court may if it thinks fit dispense with the payment of any fee on account of the poverty of any party or for other sufficient reason.

SCHEDULE**I. FEES - IN CIVIL CAUSES OR MATTERS**

1.	On issue of Summons-	\$	c
	(a) Where the amount involved does not exceed \$20.....		50
	(b) Where the amount involved exceeds \$20 but does not exceed \$50.	1	50
	(c) Where the amount involved exceeds \$50 but does not exceed \$100.....	2	00
	(d) Where the amount involved exceeds \$100 but does not exceed \$150.....	3	00
	(e) Where the amount involved exceeds \$150 but does not exceed \$200.....	4	00
	(f) Where the amount involved exceeds \$200 but does not exceed \$500.....	5	00
	(g) Where the amount involved exceeds \$500 but does not exceed \$1,000.....	6	00
2.	On summons where judicial relief is sought but not the recovery of money or property and where the amount involved cannot be estimated.....	1	50
3.	On set-off or counterclaim: a fee of the same amount as the fee payable on the issue of a summons.		
4.	Renewal of writ of summons, etc.: a fee of half the amount as the fee payable on the issue of a summons.		
5.	On hearing: a fee of the same amount as the fee payable on the issue of a summons but if the defendant admits the claim or makes default, half the amount of such fee.		
6.	On an application to enforce and order by attachment or to commit a judgment debtor to prison.....	1	50

7.	On every summons to a witness.....		50
8.	On every oath to the truth of an affidavit or deposition administered by a magistrate or by a justice of the peace.....		50
9.	On every oath administered after office hours.....	1	50
10.	Marking any exhibit attached to any affidavit.....		50
11.	On every application or summons not specifically charged.....	1	50
12.	Entering by plaintiff notice of discontinuance of action.....		50
13.	Every exhibit used on trial.....		50
14.	Order of attachment.....	1	50
15.	Order for execution and sale.....	1	50
16.	Order for committal.....	1	50
17.	On any order of the court not specifically charged.....	1	50
18.	On certifying a copy of a document as an office copy.....		50
19.	On copies of proceedings for every 72 words or part of 72 words....		50
II. FEES - CIVIL APPEAL			
1.	On giving notice of intention to appeal.....	1	50
2.	On filing grounds of appeal.....	1	50
3.	For the copy of the record of appeal for the appellate court - for every 72 words of part of 72 words.....		50
III. SHERRIFF'S FEES			
1.	For the service of writ of summons or subpoena or any other process on each defendant or		50

	witness.....		
2.	In addition to No. 1, where service is to be effected on any person more than 2 miles from the nearest court house and where that journey is to be performed by land, a fee of 5 cents per mile with a minimum fee of 5 cents. The amount of the fee payable under this item is to be calculated without reference to the return journey.		
3.	In addition to Nos. 1 and 2, reasonable travelling expenses actually incurred by the officer effecting service. Where an officer is engaged on more than one service the court may order that the sum payable under this item be apportioned.		
4.	Seizure.....	4	00
5.	For every arrest in a civil case.....	2	00
6.	In conveying to prison from place of arrest a fee not exceeding 20 cents per day with reasonable travelling expenses actually incurred.		
7.	For executing process of attachment or committal.....	4	00
8.	For any duty not herein provided for.....	Such sum as the court may allow.	

ENDNOTES

¹ LN 42/1963, LN 4/1980