

# Competitiveness of fees charged for Commercial Court Services: An overview of selected jurisdictions

Centre for Commercial Law Studies  
School of International Arbitration,  
Queen Mary, University of London

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# 1. INTRODUCTION

## 1.1. *Background*

The Ministry of Justice (MoJ) is considering a series of reforms to the structure of fees charged for bringing cases to the family and civil, including commercial, courts.

In doing so, it is keen to ensure that proposed changes to fees as applied to commercial cases would not damage the attractiveness of England & Wales as a forum for the resolution of international commercial disputes, which are heard in courts housed in the Rolls Building, part of the Royal Courts of Justice in London. The MoJ therefore wishes to understand better the position in a selection of alternative jurisdictions, both in terms of the facilities available for hearing commercial cases and the associated fee structures.

In this context the MoJ has commissioned the Centre for Commercial Legal Studies (CCLS) at Queen Mary, University of London to undertake a comparative assessment of the court services and fee frameworks in respect of commercial disputes in the following jurisdictions/regions:

- Singapore
- the United States (in particular, State of New York and Delaware)
- Australia (Victoria and New South Wales)
- the UAE (Emirate of Dubai).

## 1.2. *Scope*

The objective of this assessment was threefold:

- To lay out the current position in each of the above jurisdictions in relation to:
  - the availability of specialist Courts to hear commercial cases, and the services offered by such Courts (logistical and technological support available, e.g. electronic filing of documents; hearing by video link etc.); and
  - the fee framework associated with such Court services, including an explanation of the fees applicable to the issue, allocation and hearing of cases and, where possible, the policy considerations underlying the fee framework (e.g. whether the aim is to recover some or all costs, be competitive or generate a profit).
- To assess how the position in these competitor jurisdictions compares to the position in the commercial courts of England & Wales, housed in the Rolls Building.
- To ascertain whether there are any plans, in each competitor jurisdiction, to reform the services or associated fee structures offered in relation to commercial cases.

*Note:* The assessment was limited to those jurisdictions outlined above, considered by the MoJ to be among the most popular for resolution of commercial disputes, to enable findings to be available in time to inform the MoJ's proposals for reform of Court fees.<sup>1</sup>

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<sup>1</sup> See: <https://consult.justice.gov.uk/digital-communications/court-fees-proposals-for-reform>

### 1.3. *Methodology*

Public domain information and literature was reviewed and a small number of telephone interviews were conducted with established legal professionals who have substantial multi-jurisdiction experience in the field of international commercial litigation (three interviews were conducted in the US, two in both Singapore and Australia, and one in Dubai).

### 1.4. *Structure of report*

Following this introduction, section 2 describes the court services offered at the Rolls Building and the associated fee structures, in respect of what are defined in this report as “*Business Disputes*”<sup>2</sup>.

Sections 3, 4, 5 and 6 describe the same for Singapore, the United States, Australia and the UAE respectively, comparing the structures with the current position at the Rolls Building.

Section 7 offers an overarching conclusion and notes the limitations of the assessment.

For ease of reference all sums in this report have been converted into Sterling (based on an exchange rate for each jurisdiction calculated as at 21 October 2013<sup>3</sup>). Detailed descriptions of fees structures in each jurisdiction are laid out in Annexes A – I, with figures presented in local currency.

### 1.5. *Summary of findings*

- Findings from this comparative analysis of court services and associated costs suggest the commercial courts in England & Wales (as housed in the Rolls Building) enjoy a competitive advantage over the courts of Singapore in respect of Business Disputes, particularly where a hearing lasts for longer than three days.
- They do not have a similar edge over courts in the State of New York. This is due, in part, to the combination of a high degree of specialisation in said courts and relatively modest fees charged (in particular for larger disputes). In relation to the aspects of fees and services examined, this assessment found no evidence to suggest the courts of Delaware constitute direct competition for England & Wales.
- Findings also suggest the Rolls Building courts enjoy a competitive advantage over the Courts of Australia in respect of Business Disputes. While services are more or less comparable, courts in England & Wales seem better placed in terms of fees charged.
- In Dubai, one has to distinguish between the ordinary Courts and the Dubai International Financial Centre (DIFC) courts. The services offered at the Rolls Building (including the expertise of judges) are comparable to those on offer at the DIFC Courts but available evidence suggests they are superior to those offered in the Dubai Courts. In terms of fees, courts in the Rolls Building have a significant advantage over both types of Dubai courts. In addition, the jurisdiction of the DIFC Courts remains limited in comparison to that of the various Rolls Building courts.

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<sup>2</sup> For the purpose of this report, the term ‘*Business Cases*’ is meant to encompass the areas of law in which the Courts of the Rolls Building have jurisdiction i.e. general commercial matters, bankruptcy, insolvency, admiralty, technology and construction disputes.

<sup>3</sup> Exchange rate provided by <http://www.xe.com/currencyconverter>. All sums have been rounded up for convenience.

- Table 1 summarises the main points of comparison between the Rolls Building and relevant courts in the alternative jurisdictions examined in this report, in terms of price (fees). Costs have been derived based on a claim for over £500,000.

**Table 1: Court fees applicable for claims of over £500,000 (all figures in Sterling\*)**

Jurisdiction		Filing claim	Allocation to track	Hearing fee	Pre-trial checklist	Daily hearing fee**	Total basic payable amount
England & Wales***		1,670	220	1,090	110	n/a	<b>3,090</b>
Singapore		500	n/a	500	n/a	4,500	<b>5,500</b>
New York	Federal Court	248	n/a	n/a	n/a	n/a	<b>248</b>
	State Court	189	n/a	n/a	19	n/a	<b>208</b>
Delaware	Superior Court	207	n/a	n/a	n/a	n/a	<b>207</b>
	Court of Chancery	223	n/a	n/a	n/a	n/a	<b>223</b>
Australia	Federal Court	1,877	n/a	3,134	n/a	3,765	<b>8,776</b>
	Supreme Court: New South Wales	1,636	n/a	2,725	n/a	3,270	<b>7,631</b>
Dubai	Ordinary Courts	5,054	n/a	n/a	n/a	n/a	<b>5,054</b>
	Dubai International Financial Centre	12,372	n/a	619	n/a	1,854	<b>14,845</b>

\* Rounded up and based on exchange rates as at 21 October 2013.

\*\* Daily hearing fees based on a four-day hearing where fees are payable from the second day to the fourth in all jurisdictions where applied.

\*\*\* Allocation and hearing fees based on allocation to the multi-track.

## 2. ENGLAND & WALES - THE ROLLS BUILDING

### 2.1. Court services

The Rolls Building is the world's largest specialist centre for the resolution of financial, business and property litigation. It houses the combined High Court business, property and commercial competence of the Chancery Division (including Bankruptcy and Insolvency), the Admiralty and Commercial Court, and the Technology and Construction Court.<sup>4</sup>

Areas of Judicial expertise offered in the Rolls Building include, amongst others: asset recovery, banking and financial services, company law, construction, insolvency & restructuring, intellectual property and patents, professional liability, property, shipping, technology, and trusts.<sup>5</sup>

From a logistical point of view, the Rolls Building offers to practitioners a large number of Court rooms<sup>6</sup> with good IT facilities (including Wi-Fi connectivity and facilities for the electronic presentation of evidence).

### 2.2. Fee framework and underlying policy

A point which distinguishes the civil courts in England and Wales from other jurisdictions is that they are mostly funded by Court fees paid by the users of the courts. Approximately 82 per cent of the total cost of running civil and family Courts (including the commercial courts in the Rolls Building) is funded through Court fees with the remaining 18 per cent met by the general taxpayer. In other words, the civil and family Courts are almost 'self-financing'. At present, the policy underlying the fee framework applicable across the full range of civil and family proceedings, including those at the Rolls Building, is to cover the costs of Court proceedings (with the exception of fee remissions), but not to generate any revenue exceeding these costs.<sup>7</sup>

The fees charged by the High Court of England & Wales in civil proceedings vary depending on the type of action pursued<sup>8</sup>. In claims to recover a sum of money (which concerns a large proportion of Business Disputes) an *ad valorem* system applies, which provides a minimum fee of £35 for claims of less than £300, and a maximum flat fee of £1,670 for claims exceeding £300,000.<sup>9</sup> In addition, a general fee may be payable depending on the track to which the claim is allocated. For fast and multi-track cases, this fee is £220<sup>10</sup>. The same criterion applies also to fees charged for cases which proceed to a hearing.<sup>11</sup> If a case is on the fast track, the fee payable for the hearing is £545. If it is on the multi-track, the fee payable is £1,090.<sup>12</sup> In addition to these fees a £110 fee is payable where the claimant files a pre-trial checklist or the Court fixes the trial date or trial week. By way of example, if a claim of more than £300,000 is filed and it is allocated to the multi-track, the basic payable fees would be £3,090.

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<sup>4</sup> <http://www.justice.gov.uk/courts/rcj-rolls-building/rolls-building>.

<sup>5</sup> *Ibid.*

<sup>6</sup> 31 Court rooms including 3 'super courts' to handle large disputes, 4 Courts configured in 'landscape' format for multi-party cases, 55 consultation rooms which are pre-bookable with a range of facilities. *Ibid.*

<sup>7</sup> <http://www.justice.gov.uk/courts/fees/why-we-charge>.

<sup>8</sup> See the Civil Proceedings Fees (Amendment No. 2) Order 2013 (CPF) which came into force on 1st July 2013.

<sup>9</sup> In proceedings before the High Court where no money is claimed or in those for the recovery of land or proceedings for any other remedy before the High Court a fixed fee of £465 is payable (CPF fees 1.4 and 1.5).

<sup>10</sup> The bulk of commercial cases are allocated to the multi-track. The fee for track allocation for small claims over £1,500 is £40 (CPF fees 2.1 AND 2.2.).

<sup>11</sup> CPF 2.3.

<sup>12</sup> For small claims the maximum hearing fee is £325.

## 3. SINGAPORE

### 3.1. *Court services*

The structure of the court system in Singapore varies significantly from that of England & Wales.

In so far as Business Cases are concerned, the court structure is simpler, consisting of two tiers: the Subordinate Courts<sup>13</sup> and the High Court.<sup>14</sup> Business Disputes may be heard in either tier, dependant on the sum of money claimed and the specific area of law concerned.<sup>15</sup> In general, all business cases are heard by the Subordinate Courts if the sum claimed is less than c.£125,000, and by the Supreme Court (High Court) if the sum claimed exceeds that amount. The latter has exclusive jurisdiction over Admiralty and Bankruptcy cases regardless of the sum claimed.

Legal practitioners interviewed for this report suggested that as a general rule, judges hearing Business Disputes in Singapore do not have the same degree of specialisation as English judges sitting at the Rolls Building. In Singapore the same judge may hear not only Business Disputes but also family and criminal cases. In addition, because cases are distributed randomly among them, judges are not able to specialise in specific areas of business law and have to entertain a very diverse caseload.

Moreover, the threshold between the Subordinate Court and the High Court in Singapore is relatively high (c.£125,000). As a consequence, both courts entertain a significant number of Business Disputes. This high monetary threshold contributes indirectly to the lack of specialisation of judges.

In terms of geography, the Subordinate Courts and the Supreme Court are located in two different buildings. Singapore does not have a specialised building hosting all hearings in respect of Business Disputes, unlike in England & Wales where all business disputes are heard in courts located in the Rolls Building.

The services that Singaporean courts provide in both buildings are, however, comparable to those provided by the Rolls Building.<sup>16</sup> The Supreme Court Building (housing the High Court) offers Internet wireless hotspots<sup>17</sup>, digital transcription system,<sup>18</sup> electronic hearings<sup>19</sup> and mobile technology facility services. However, the digital transcription system is provided at additional cost. As in the Rolls Building, most Singaporean Courts are equipped with the technology and equipment to support video-conferencing and lawyers may also link up their laptops to the audio-visual systems if required, so evidence may be projected onto monitors and screens for simultaneous viewing by judges and opposite counsel. Finally, both courts offer the possibility of filing claims electronically.<sup>20</sup>

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<sup>13</sup> These Courts are divided into the Magistrate's Court, which hears cases of sums not exceeding £30,000 and the District Courts, which hear actions of sums not exceeding £125,000.

<sup>14</sup> The High Court and the Court of Appeal are part of the Supreme Court. Only the first has original jurisdiction in business cases above £125,000 and exclusive jurisdiction on Admiralty, Companies and Bankruptcy proceedings (Art. 17 Supreme Court of Judicature Act).

<sup>15</sup> The High Court has exclusive jurisdiction over Bankruptcy and Admiralty cases regardless of the sum in issue. There is also a Small Claims Tribunal, which hears specific claims and in general those claims do not exceed £5,000.

<sup>16</sup> The Supreme Court is housed in a newer building offering better, more modern facilities than the Subordinate Court building.

<sup>17</sup> These services are also offered by the Subordinate Courts but only in certain courtrooms.

<sup>18</sup> Which allows audio recordings of the Court proceedings to be digitally captured and near real-time transcription and synchronisation of the final digital audio recording, with annotations made by Judges during hearings.

<sup>19</sup> Outside counsel can use their laptop computers in court, access electronic case files and present their cases using the appropriate technology.

<sup>20</sup> Singapore has very recently implemented a new electronic filing system – in place in the Supreme Court since January 2013 and added to the Subordinate Courts on 30 September 2013. This allows parties to see all documents filed in proceedings online.

Overall, there is no real difference in terms of logistical and technological support offered by the courts in Singapore and those located in the Rolls Building. The primary point of differentiation lies in the degree of specialisation of judges, which was felt by those practitioners interviewed to be higher in England than in Singapore.

### 3.2. Fee framework and underlying policy

The fee framework for Business Disputes in Singapore differs from the one applicable in the courts in England & Wales in a number of respects. In particular Singaporean Courts are not self-funded and the majority of their costs are met by the taxpayers.

In summary, the fee framework for Business Disputes is as follows:

- Fees payable vary according to which Court (Subordinate or High Court) a filing is made.
- Filings before the High Court are charged at c.£250 where the sum claimed is below c.£500,000 and c.£500 when the claim exceeds that amount. Claims before the Subordinate Courts have a fixed fee rate of c.£75 or c.£50 depending on whether they are filed before the District Court or the Magistrates Court respectively.
- Singaporean courts do not charge a track allocation fee, unlike courts in England & Wales.
- In some instances Singaporean courts charge a daily fee for hearings.<sup>21</sup> On fixing a date for a hearing in the High Court, in addition to the filing fee a daily fee is payable if the trial involves a hearing of more than 3 days. For example, for a 4-day hearing, the additional daily fee (covering the fourth day) is c.£3,000<sup>22</sup> if the claim is lower than c.£500,000 or c.£4,500<sup>23</sup> if the claim is above that sum.<sup>24</sup>

Comparison of the fee structures in England & Wales and in Singapore gives rise to the following observations:

- *Filing*: the *ad valorem* system in the High Court in England and Wales imposes a maximum filing fee of £1,670 for claims over £300,000, whereas in Singapore, the highest payable fee before the High Court is £500.<sup>25</sup> Filing fees applied by courts in the Rolls Building are thus significantly higher than those applied in Singapore.
- *Allocation*: Singapore does not have the track-allocation fee which Rolls Building Courts charge. From that point of view the courts in England & Wales are more onerous in terms of costs, given this additional layer of fee. Generally, those interviewed indicated that the Singaporean Courts are considered efficient and fast.
- *Hearing*: On the other hand, Rolls Building Courts do not charge a daily hearing fee. A single fee is charged to a maximum of £1,200 (pre-trial check list fee + hearing fee)<sup>26</sup> whereas in Singapore the daily fee after the third day is considerably higher. This may be a way for Singapore to allocate costs in accordance to a non-regulated track system.

To take a practical example, a relatively complex Business Dispute in which the sum claimed is over £500,000, and where the hearing lasts 4 days, would cost in Singapore c.£5,500<sup>27</sup> against £3,090<sup>28</sup> in the Rolls Building.

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<sup>21</sup> For detailed information about the hearing fees see Annex A.

<sup>22</sup> SGD 6,000.

<sup>23</sup> SGD 9,000.

<sup>24</sup> There are also specific fees for the fifth day, the sixth to the tenth day and from the eleventh day onwards. However, these fees do not increase alongside the increase of the number of days.

<sup>25</sup> The payable fees before the Subordinate Courts are not taken into account in this analysis. However, if considered, the conclusion would be the same as the maximum fee to pay before a Subordinate Court is £75.

<sup>26</sup> This amount is for cases on the multi-track. For the other tracks, the fee is even less.

<sup>27</sup> This includes £500 for filing the claim, £500 when fixing the date for hearing and £4,500 for 4 days of hearing.

<sup>28</sup> This includes £1,670 according to the *ad valorem* schedule (claim of more than £300,000), £220 for the track allocation (fast track or multi track), £110 for the pre-trial checklist and £1,090 for the hearing (multi track).



Overall therefore, even though filing a case before the Rolls Building courts is more expensive than in Singapore, once daily fees charged by Singaporean courts for hearings lasting over 3 days are taken into account, total court fees are likely to be lower in England & Wales than in Singapore for a significant number of Business Disputes. This financial advantage increases the longer the disputes last.

## 4. UNITED STATES

### 4.1. New York

#### 4.1.1. Court services

The structure of the Court system in New York varies significantly from that in England and Wales, largely due to the federal character of the United States.

In New York, Business Disputes are heard both by State Courts and Federal Courts. There are several State Courts in the State of New York depending on the county concerned. As far as Business Disputes are concerned, the most relevant is the 'Supreme Court<sup>29</sup> of the State of New York for the County of New York', and more precisely its 'Commercial Division'. For Federal Courts, the most relevant is the U.S. District Court for the Southern District of New York (SDNY).<sup>30</sup> These two courts correspond to those located in the Rolls Building in that both are highly specialised in commercial matters.

The commercial division of the Supreme Court hears claims over c.£94,000<sup>31</sup>. Cases below this threshold are heard by the Supreme Court but not in the commercial division. The Federal Court hears cases involving Federal law issues<sup>32</sup> and cases in which the Court assumes jurisdiction on diversity jurisdiction basis.<sup>33</sup> Contrary to the Rolls Buildings these courts are located in different premises.

In general terms, both courts are logistically equipped to support the latest technology that may be used in Court proceedings although it is for the parties' counsel to bring in whatever technology they wish to avail themselves of during proceedings. Both Courts allow for electronic filing, electronic presentation of evidence, and audio recording of hearings<sup>34</sup>. While Federal Courts provide, as a general rule, better logistical support and technology than the State courts, the commercial division of the New York Supreme Court boasts a so called e-courtroom named "*Court room 2000*", which offers high-tech services<sup>35</sup>. These services include (at additional cost) real-time reporting facilities, which allows for instantaneous voice-to-text transcription<sup>36</sup>. The e-Court rooms' witness box is equipped with touch-screen monitors, which may be used by witnesses for such illustrative purposes as to mark pieces of evidence or make drawings on a display.<sup>37</sup>

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<sup>29</sup> Despite the name this is a first instance tribunal, not an appellate jurisdiction.

<sup>30</sup> Because these two Courts are located in Manhattan they hear the bulk of the finance and the commercial disputes in New York State.

<sup>31</sup> US\$125,000.

<sup>32</sup> In particular, Federal Courts have exclusive jurisdiction over bankruptcy and admiralty cases. See <http://www.uscourts.gov/FederalCourts>. Practitioners interviewed for this assessment suggested there is an emerging trend to try to have claims heard in the Federal Court for a number of reasons such as better-developed case law, faster resolution of cases, consistent and thus predictable treatment of specific issues, among others.

<sup>33</sup> Diversity jurisdiction exists when there is complete diversity of citizenship among the parties and the amount in controversy exceeds £46,000 exclusive of interest and costs.

<sup>34</sup> In the Federal Court, there are extra fees for the transcripts of the hearings. See also [http://www.nysd.uscourts.gov/courtrm\\_tech.php](http://www.nysd.uscourts.gov/courtrm_tech.php).

<sup>35</sup> See [http://www.nycourts.gov/courts/comdiv/newyork\\_millennium.shtml](http://www.nycourts.gov/courts/comdiv/newyork_millennium.shtml).

<sup>36</sup> It also allows word indexing in transcripts, exhibit indexing and paperless transcripts. In general, this service is charged separately. See [http://www.nycourts.gov/courts/comdiv/newyork\\_millennium.shtml](http://www.nycourts.gov/courts/comdiv/newyork_millennium.shtml).

<sup>37</sup> Other services offered by the State Court include an interactive whiteboard where presentation of drawings or writings can be made in large format on video monitors in the courtroom using a sophisticated touch-sensitive screen; electronic transcripts which can be delivered securely by e-mail with enhanced viewing, mouse-click searching, and indexing capabilities; and a customized electronic podium with all the necessary equipment to present evidence electronically.

### 4.1.2. Fee framework and underlying policy

In terms of fees, the main difference between England & Wales and New York lies in the fact that neither the State Courts nor the Federal Courts are self-funded. The costs of running the Courts are financed by the State of New York in the first case, and by the Federal Government in the second. The money raised through fees is not directly re-allocated to the Court system and is not intended to cover such costs.

It is not possible to assert that fees payable for filing a case are always higher or lower in England & Wales than in New York. This is because the New York Courts, both State<sup>38</sup> and Federal<sup>39</sup>, charge a flat fee for filing, whereas in England & Wales the fee depends on the sum in issue. That said, the filing fees charged in New York are comparatively low. Filing a claim before the Federal Court requires payment of a fixed fee of c.£248<sup>40</sup> regardless of the amount in dispute. The fee payable before the State Court at filing is c.£189<sup>41</sup>. In the High Court in England, a fee comparable to the New York fees (State and Federal) would be charged for cases in which the amount in dispute is between £5,000.01 and £15,000<sup>42</sup>; higher fees would be charged for larger cases and lower fees for smaller cases. As a significant proportion of Business Disputes (especially those involving an international element) concern sums exceeding £15,000, it is reasonable to conclude that the commercial courts in England & Wales do not have a competitive advantage over the New York Courts in respect of filing fees.

New York Courts (both State and Federal) do not require payment of a fee for allocating a case to a particular track. Likewise, there are no hearing fees. There are, however, various small fees that are charged throughout proceedings (see tables at Annexes B and C). For example, a modest fee is payable in the State Courts for each motion or cross motion filed with the court. Another is the 'note of issue' fee, which corresponds roughly to the fee for the pre-trial checklist charged by the Courts in England & Wales. Even taken together, though, these fees remain relatively low. As a result, the commercial courts in England & Wales do not offer a competitive advantage over those in New York in respect of fees overall, especially for larger cases where New York Courts appear to be particularly cost effective.

## 4.2. Delaware

Whilst Delaware is widely recognized as the pre-eminent forum in the US for corporate law disputes<sup>43</sup> (because of the vast number of companies registered in Delaware), interviewees confirmed that Delaware courts do not hold the same pre-eminent position with respect to wider commercial law disputes. In particular, they suggested the Delaware courts do not enjoy, internationally, as good a reputation in relation to general business law disputes as the New York courts.

The structure of the court system in Delaware is similar to that of New York. At Federal law level, the relevant court is the United States District Court for the District of Delaware<sup>44</sup>. The

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<sup>38</sup> For a detailed list of fees charged by the New York State Court see Annex C.

<sup>39</sup> For a detailed list of fees charged by the Federal Court see Annex B.

<sup>40</sup> See Annex B. New Action Fee US\$350 + Administrative Fee \$50 = US\$400.

<sup>41</sup> See Annex C. Summons and Complaints (Index Number) Fee US\$210 + Request for Judicial Intervention Fee US\$ 95 + = US\$305.

while Delaware is highly specialized in matters relating to corporations, it does not share the same degree of specialization in Business Disputes as the Courts in the Rolls Building.<sup>42</sup> For cases in which the amount in dispute is between £5,000.01 and £15,000 the fee would be £245.

<sup>43</sup> According to one author, "A majority of the Fortune 500 are incorporated in Delaware, and the Chancery Court is a major draw because of its unusual focus on business cases and track record of resolving disputes in a timely, principled way". Richard B. Schmitt, Judge Fights to Uphold Delaware's Reputation of Being Fair to Corporations, ABA Journal, Online article of 1 November 2012.

<sup>44</sup> See <http://www.ded.uscourts.gov>.

'offer' in New York in terms of logistical support, services, fee framework and underlying policy are entirely applicable to Delaware as far as the Federal Courts are concerned.

At State level, Business Disputes in Delaware are heard by the Superior Court<sup>45</sup> and the Court of Chancery<sup>46</sup>. The first hears general contractual disputes but also has jurisdiction over criminal cases. The Court of Chancery has jurisdiction to hear all matters relating to equity and deals with most commercial matters.<sup>47</sup> Services offered by courts in both jurisdictions are similar, including electronic filing services, digital audio recording, real-time transcription, wireless access and electronic evidence presentation systems. In terms of fees, the total basic amount to bring a Business Dispute before the Superior Court would be c.£207<sup>48</sup>. It would be c.£223 before the Court of Chancery<sup>49</sup>.

As with New York, the courts of the Rolls Building do not have a competitive advantage in terms of fees in comparison with the Courts of Delaware. The reasons for this are the same as for New York, i.e. the policy behind the funding of the Court system is not linked to actual costs. However, while Delaware is highly specialized in matters relating to corporations, it does not share the same degree of specialisation in respect of wider Business Disputes as the courts at the Rolls Building.

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<sup>45</sup> Fee schedule at Annex E.

<sup>46</sup> Fee schedule at Annex D.

<sup>47</sup> This tribunal deals largely with corporate issues, trusts, estates, other fiduciary matters, disputes involving the purchase of land and questions of title to real estate as well as commercial and contractual matters.

<sup>48</sup> This includes the fee for filing a claim for damages (£108), the request for a trial fee (£93) and the Court security assessment fee (£6).

<sup>49</sup> This includes a fee for filing a new case with 1 or 2 defendants (£155), State-wide security fee (£6) and an additional deposit for Court costs (£62). If there are more than 2 defendants, the fee for filing a new case is £216.

## 5. AUSTRALIA

### 5.1.1. Court Services

As with the other jurisdictions examined, the court system in Australia differs significantly from that of England & Wales, largely because of the presence of Federal and State Courts.<sup>50</sup>

The Federal Court (FC) and the Federal Circuit Court share jurisdiction in respect of federal law matters such as bankruptcy<sup>51</sup>, consumer protection, copyright<sup>52</sup>, industrial law and admiralty law<sup>53</sup>, although views from those interviewed suggested the Federal Circuit Court are rarely involved in pure commercial matters. It is mainly the FC and the State Courts that hear Business Disputes.<sup>54</sup>

In the State of Victoria, they are heard mainly by the Supreme Court of Victoria (SCV)<sup>55</sup>. In New South Wales, they are entertained by the Supreme Court of New South Wales (SCNSW),<sup>56</sup> which is divided into the Common Law Division<sup>57</sup> and the Equity Division.<sup>58</sup> Naturally, because of the federal nature of the system, Australia does not offer an equivalent to the Rolls Building, i.e. a single set of premises concentrating all Courts with jurisdiction over Business Disputes.

As in England & Wales, the Australian system offers specialised courts for Business Disputes<sup>59</sup>. That said, interviewees suggested that the SCV does not hold as strong a reputation for Business Disputes as the FC and the SCNSW, due perhaps to a suggested lower volume of cases and thus a lower level of experience in handling Business Disputes. The level of logistical support that Australian courts provide is comparable to that of the courts at the Rolls Building. The SCNSW, the SCV and the Federal Courts offer video conferencing technology for civil procedures together with multi-media electronic evidence display/playback facilities and Wi-Fi connectivity. In addition, both state Courts permit the electronic filing of documents. However, live transcription comes at an additional cost.

## 5.1. Fee framework and underlying policy

### 5.1.1. Victoria

The fees charged by the SCV for filing a claim and hearing a case are higher than those charged by the courts at the Rolls Building. For a case involving a hearing lasting 4 days, the

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<sup>50</sup> The Court structure varies depending on the state. For the purposes of this report, only the states of Victoria and New South Wales are taken into account. In addition, in terms of fees, the focus is on the trial divisions of the Supreme Court of each state because they hear the most complex commercial cases at a State level.

<sup>51</sup> The Federal Circuit Court has an identical jurisdiction to that of the Federal Court of Australia in matters arising under the Bankruptcy Act 1966.

<sup>52</sup> The Federal Courts share first instance jurisdiction with the Supreme Courts of the States and Territories in the complex area of intellectual property (copyright, patents, trademarks, designs and circuit layouts).

<sup>53</sup> The Court has concurrent jurisdiction with the Supreme Courts of the States and Territories to hear maritime claims under the Admiralty Act 1988.

<sup>54</sup> For the purposes of this report, only the states of Victoria and New South Wales are taken into account.

<sup>55</sup> The trial division (which is divided into the Commercial and Equity Division; the Common Law Division; and the Criminal Division) hears civil claims, generally over £120,000.

<sup>56</sup> Which has jurisdiction over civil, commercial and admiralty cases.

<sup>57</sup> This division hears claims for damages for personal injury, breach of contract, professional negligence, possession of land and defamation.

<sup>58</sup> This division hears admiralty, commercial and corporations cases. This is the division hearing the typical Business Disputes.

<sup>59</sup> There are divisions and subdivisions within the different Courts depending on which specific area of the law the case in question deals with.

SCV would charge: c.£2,265 for filing<sup>60</sup> and c.£1,739 for the hearing<sup>61</sup>. The total fees would thus be c.£4,004.

In contrast, the High Court of England & Wales would charge approx. £3,090.<sup>62</sup> This difference arises not only from higher fees for filing the claim and fixing the dates of the hearing, but because a daily fee is charged by the Supreme Court of Victoria for every day or part of a day of hearing.<sup>63</sup>

### 5.1.2. *New South Wales*

The fees charged by the SCNSW for filing and hearing a case are also higher than those charged in England & Wales. The fee structure, however, is more complex, as follows:

- Different fee rates apply depending on whether an individual or a corporation is filing the claim.<sup>64</sup>
- The standard filing fee for an individual is c.£597.<sup>65</sup> For a corporation it is c.£1,636.<sup>66</sup>
- For allocating a hearing date the standard flat fee for an individual is c.£1,193.<sup>67</sup> For a corporation it is c.£2,725.<sup>68</sup>
- In addition there are daily fees for hearings that last over one day. For instance, for the 2nd, 3rd and 4th day, the fee for individuals is c.£475 per day.<sup>69</sup> For corporations it is c.£1,090 per day.<sup>70</sup> These increase the longer the hearings are.<sup>71</sup>

Considering the same example as above, in the case of New South Wales (assuming that the claimant is a corporation), the payable fees would be c.£7,631. Thus the same case would be more expensive in New South Wales than in Victoria, and in both cases would be substantially more costly than in England & Wales.

### 5.1.3. *Federal*

The fee structure in Federal Courts is even more complex. There are three different fee rates depending on the identity of the claimant (categorised as publicly listed company, private corporation, and 'other' claimants). Higher fees are payable if the claimant is a publicly listed company or a private corporation.<sup>72</sup>

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<sup>60</sup> This includes for the commencement of proceedings: fees for writ £575 (\$961.70), summons for directions £210 (\$350.50) and entry to Commercial Court £1,480(\$1,447.30) = total £2,265. See Annex F.

<sup>61</sup> Notice of trial £680, and 4 days of hearing £1,059 = £1,739.

<sup>62</sup> As stated before, this includes £1,670 according to the ad valorem schedule (claim of more than £300,000), £220 for the track allocation (fast track or multi track), £110 for the pre-trial checklist and £1,090 for the hearing (multi track).

<sup>63</sup> These fees vary according to the number of days with a maximum of £985 per day after the 9th day of hearings.

<sup>64</sup> There is a standard fee rate and a corporation fee rate. See the Civil Procedure Regulation 2012. The District Court of New South Wales applies the same fee structure to the one of the Supreme Court but the amounts are lower. See Civil Procedure Regulation 2012, Schedule 1 Part 3.

<sup>65</sup> Item 1 Annex G: \$999.

<sup>66</sup> Item 1 Annex G: \$2737

<sup>67</sup> Item 7 Annex G: \$1,995.

<sup>68</sup> Item 7 Annex G: \$4,560.

<sup>69</sup> Item 12 Annex G: \$795.

<sup>70</sup> Item 12 Annex G: \$1,824.

<sup>71</sup> On the 5th, 6th, 7th, 8th or 9th day the standard individual fee is £764 (\$795 Annex G), and the corporation fee is £1,894 (\$3,168 Annex G).. See Civil Procedure Regulation 2012, Schedule 1 Part 1 (Annex G).

<sup>72</sup> See Annex H.

- The filing fee before the FC is c.£2,817 for a publicly listed company, c.£1,877 for a corporation and c.£645 in other cases (e.g. individuals).<sup>73</sup> For Bankruptcy cases the fees are c.£2,612, c.£1,740 and c.£725 respectively.<sup>74</sup>
- The fees for setting a date for a hearing before the FC are c.£4,702 for a publicly listed company, c.£3,134 for a corporation and c.£1,288 in all other cases.<sup>75</sup>
- In addition there are daily fees for hearings over one day, which increase the longer the hearings are. For example, for the 2nd, 3rd and 4th days the fees are c.£1,882, c.£1,255 and c.£514 for public companies<sup>76</sup>, corporations and individuals respectively and for the 5th, 6th, 7th, 8th and 9th days they are c.£3,385, c.£2,256 and c.£855 respectively.<sup>77</sup>

Taking the same example as for the two state courts (i.e. dispute requiring a four-day hearing), the fees that a publicly listed company would have to pay for filing and hearing the case would be c.£13,165.<sup>78</sup> For a private corporation it would be c.£8,766. In both cases, fees before this court are substantially higher than in the courts of the Rolls Building.

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<sup>73</sup> Item 101 Annex H: \$4,720, \$3,145 and \$1,080 respectively. See also <http://www.fedcourt.gov.au/forms-and-fees/court-fees/fees>.

<sup>74</sup> Item 112 Annex H: \$4,375, \$2,915 and \$1,215.

<sup>75</sup> Item 116 Annex H: \$7,870 \$5,245 and \$2,155 respectively.

<sup>76</sup> Item 118 Annex H: \$3,150, \$2,100 and \$860.

<sup>77</sup> Item 119 Annex H: \$5,665, \$3,775 and \$1,430 respectively.

<sup>78</sup> This includes the filing fee (£2,817), the settling for hearing fee (£4,702) and the fee for the second to the fourth day (£1,882). The same example for a corporation would be filing fee (£1,877), the settling for hearing fee (£3,134) and the fee for the second to the fourth day (£1,255).

## 6. DUBAI

### 6.1. *Court Services*

The UAE Federal Constitution permits each Emirate to have its own judicial authority. Dubai has therefore retained its own independent Courts (and judges), which are not a part of the UAE Federal Judicial Authority.<sup>79</sup>

Dubai's Court system is divided in two: the regular Dubai Courts and the "off-shore" Court system of the Dubai International Financial Centre (DIFC).

The "ordinary" jurisdiction comprises a Court of First Instance, a Court of Appeal and a Court of Cassation. Each of these Courts has separate divisions namely: Civil Court, Commercial Court, Criminal Court, Labour Court, Real Estate Court and Personal Status Courts.<sup>80</sup> Business Disputes are entertained by the Civil<sup>81</sup> and Commercial Courts<sup>82</sup> of First Instance.<sup>83</sup> However, the degree of specialisation in Business Disputes of the Ordinary Courts is not comparable to that of the courts at the Rolls Building. In general, even though the ordinary Courts in Dubai offer electronic filing and well equipped hearing rooms with wired and wireless telecommunication capabilities, views canvassed from legal practitioners for this report suggested that the quality of services offered by these courts (including the level of specialist knowledge among judges) is lower than that of the courts at the Rolls Building.

The DIFC Courts are an independent common law judiciary system located within Dubai, with jurisdiction over civil and commercial disputes in or relating to the DIFC. The equivalent court hearing business cases to the ones located in the Rolls Building is the Court of First Instance. In contrast to courts in the "ordinary" jurisdiction, this court has a great level of specialisation in business cases not only because it does not hear any other type of cases but also because several of its judges are former judges of the High Court of England & Wales, with others having held similar positions in jurisdictions including Singapore. The DIFC Courts offer, in relatively small premises, high quality services such as video conferencing (at additional cost), electronic transcripts and recording of hearings (also at additional cost),<sup>84</sup> as well as electronic filing (which is not only available but recommended). However, as the DIFC Courts hear only cases in connection with the DIFC, their caseload remains limited at present.

### 6.2. *Fee framework and underlying policy*

The Ordinary Courts of Dubai charge a fee of 7.5% of the value of the claim, up to a maximum of c.£5,054.<sup>85</sup> As a consequence, even though no additional hearing fee is charged, the total fees charged for Business Disputes can be high. Thus for a case where

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<sup>79</sup> See Andrew Tarbuck & Chris Leste, Dubai's Legal System, Creating Legal and Regulatory Framework for a Modern society, available at [http://www.lw.com/upload/pubContent/pdf/pub2787\\_1.pdf](http://www.lw.com/upload/pubContent/pdf/pub2787_1.pdf).

<sup>80</sup> See [http://www.dubaicourts.gov.ae/portal/page?\\_pageid=292,447242&\\_dad=portal&\\_schema=PORTAL](http://www.dubaicourts.gov.ae/portal/page?_pageid=292,447242&_dad=portal&_schema=PORTAL)

<sup>81</sup> These Courts hear civil cases of full jurisdiction and civil and commercial cases of summary jurisdiction among other not relevant for this report.

<sup>82</sup> These Courts hear commercial cases of full jurisdiction and civil and commercial cases of summary jurisdiction.

<sup>83</sup> Both the Civil and Commercial Courts have two circuits: (i) the minor circuits which consist of a single judge to look into commercial claims of value less than £17,000 as well as counter cases regardless of their value and; (ii) the major circuits which consist of three judges presided by one of them, look into commercial claims, the value of which is not estimated or more than £17,000 as well as the counter cases regardless of their value, and also bankruptcy cases.

<sup>84</sup> For transcripts, the Court will charge £619 plus any addition fees of third parties and £170 for the recording of hearings.

<sup>85</sup> See <http://www.dubaicourts.gov.ae/jimage/uploads/manual/e31.pdf>.



the amount in dispute is over £300,000, fees would be substantially higher than the maximum charged by courts in the Rolls Building, i.e. £5,054 against £3,090.

At the DIFC courts, the position can be summed up as follows:

- A fee representing 5% of the value of the dispute and/or the property concerned is charged. There is a minimum fee of c.£619 and a maximum fee of c.£12,372.<sup>86</sup>
- A fee of c.£619 is also charged when setting down for hearing.
- A further fee of c.£309 is charged for each half-day of hearing, after the first day.<sup>87</sup>
- For a case in which the amount in dispute is £300,000, with a 4-day hearing, the total amount of fees payable would be c.£15,463.

The policy behind the fee structure in Dubai could not be ascertained for this report, although the DIFC courts receive funding from the Emirate of Dubai directly (i.e. not from DIFC itself). Those practitioners interviewed believed that fees are not calculated to cover actual costs incurred.

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<sup>86</sup> In addition to this fee, a 40% surcharge will be added to the applicable fees for any document filed by means other than the e-filing facility.

<sup>87</sup> See Practice Direction 3 of 2012 — DIFC Courts' Fees, Section I.1 (Originating Proceedings), Section III.1 and 2 (Hearings) (Annex I)

## 7. CONCLUSION

This comparative assessment of court services and associated costs suggests the commercial courts in England & Wales, housed in the Rolls Building, occupy a competitive position overall against most of the alternative jurisdictions examined.

In terms of the package of fees required to file, allocate and hear a case, it is substantially less costly to pursue a Business Dispute in England & Wales than in the relevant court in Singapore, Australia or Dubai. This is particularly true of cases which last for several days or longer, as England & Wales do not apply a daily hearing fee. The exception comes from the courts in New York and Delaware, where fees charged are modest in comparison

Logistical support and technology services are more or less comparable across all jurisdictions considered. The position is seemingly less equivalent in terms of degree of judicial specialisation. Evidence on this aspect of the overall offer to commercial court litigants is limited to views of a small number of practitioners, but suggests the high level of specialisation of judges sitting in the Rolls Building places England & Wales in a strong position. Of the jurisdictions considered in this report, only those judges hearing Business Disputes in the DIFC courts in Dubai and in the courts of New York routinely bring a similarly high degree of specialisation.

This assessment has not identified any recent developments or plans in the international jurisdictions examined to reform the fee structures as described in this report.

### *7.1 Limitations and further work*

The limited scope of this work is acknowledged. Only a selected number of jurisdictions were able to be considered within the available timeframe, and a limited number of expert interviews conducted.

The MoJ might consider further research in due course to examine the jurisdictions discussed in this report in more detail, alongside other jurisdictions which hear business disputes involving one or more foreign party.

## ANNEX A

### High Court of Singapore Fee Schedule for Hearings (in Singaporean Dollars)

	Value of claim up to S\$1 million	Value of claim more than S\$1 million
1st to 3rd day	Free	Free
4th day	S\$6,000.00 per day or part thereof	S\$9,000.00 per day or part thereof
5th day	S\$2,000.00 per day or part thereof	S\$3,000.00 per day or part thereof
6th to 10th day	S\$3,000.00 per day	S\$5,000.00 per day
11th day onwards	S\$5,000.00 per day	S\$7,000.00 per day

## ANNEX B

### United States Federal Courts Fee Schedule (in US Dollars)

District Court Fee Schedule and Related Information	
Issued in accordance with 28 U.S.C. § 1914 (b)	
<p>Acceptable Forms of Payment</p> <p>Fees may be paid in cash, by certified check, money order or credit card. All major credit cards are accepted. Personal checks will be accepted from attorneys admitted to practice in the Southern District of New York. Please make your check or money order payable to the "Clerk of Court-SDNY".</p> <p>Please Note:</p> <p>There is an additional administrative fee of \$50.00 for all new Civil Actions filed in the Court.</p> <p>The Clerk in White Plains will not accept cash payments in excess of \$100.</p>	
Effective May 1st, 2013	
New Action (Complaint, Notice of Removal, Petition, etc.)	\$ 350.00
Administrative Fee for new Civil Actions (In Addition to the New Action Fee)	\$ 50.00
Atty. Admission	\$ 200.00
Atty. Admission/Waiver EDNY	\$ 185.00
Certificate of Good Standing / Wall Certificate	\$ 18.00
Pro Hac Vice Motion (per attorney - due at the time of filing motion)	\$ 200.00 /atty
Notice of Appeal	\$ 455.00
Certified Copy	\$ 11.00
Certificate of Disposition	\$ 11.00
Exemplification	\$ 21.00
Apostile	\$ 2.00
Record Search	\$ 30.00
Docket Sheet	\$ 0.50 /page
Pro Se Manual	\$ 15.00
Transcript of Judgment	\$ 11.00

Registration of Judgment	\$ 46.00
Miscellaneous Filing Fees	\$ 46.00 /case
Returned Check Fee	\$ 53.00
Microfiche of Court Record	\$ 6.00
Retrieval of Archived Record	\$ 53.00
Appeal to District Judge from a Conviction by a Magistrate Misdemeanor Case	\$ 37.00
Petition of Writ of Habeas	\$ 5.00
Tape Duplication	\$ 30.00
Cuban Liberation Civil Filing Fee	\$ 6355.00

## ANNEX C

### Supreme / County Courts Fee Schedule – State of New York (Civil Matters)

Item	Fee
Obtaining Index Number	\$210 [CPLR §8018(a)(1),(3)]
Request for Judicial Intervention	\$95 [CPLR §8020(a)]
Note of Issue*	\$30 [CPLR §8020(a)]
Motion or Cross-Motion	\$45 [CPLR §8020(a)]
Demand for Jury Trial	\$65 [CPLR §8020(c)]
Stipulation of Settlement or Voluntary Discontinuance	\$35 [CPLR §8020(d)]
Notice of Appeal	\$65 [CPLR §8022(a)]

\*The Note of Issue filing fee is \$125 where a Request for Judicial Intervention is not required to be filed.

## ANNEX D

### Fee Schedule Court of Chancery– State of Delaware

CIVIL ACTION FEES	
Filing a new case or petition	
With 1 or 2 defendants	\$250
With 3 or more defendants	\$350
Asserting class action or derivative claims	\$600
Involving service under 10 <i>Del. C.</i> § 3114	
with 10 or less defendants	\$600
with more than 10 defendants	\$850
To confirm or vacate an arbitration award	\$500
For partition	\$150
For decree of distribution	\$150
To sell real property to pay debts	\$150
For instructions	\$150
For adjudication of presumed death	\$150
For order disposing of remains	\$150
For elective share	\$150
For admission of a copy of decedent's will to probate	\$150
For a rule to show cause to compel return of assets	
Pursuant to 12 <i>Del. C.</i> § 2105	\$150
For sequestration	\$850
(In addition to filing fees an extra \$100 is collected at time of filing as a deposit for court costs)	
Counterclaims, cross-claims, or third-party claims are charged at the same rates as a new case or petition	
Amended complaint	\$150
An amended complaint must be separately docketed. A party cannot rely on the form of amended complaint attached to a motion for leave to amend.	
Motion or application for expedited proceedings	\$300
Note: A motion or application for expedited proceedings must be filed in connection with any motion or application for a temporary restraining order or preliminary injunction or in conjunction with any summary proceeding	
Service letters under 10 <i>Del. C.</i> § 3114 (per letter)	\$10

TRUST FEES	
Petitions	
For administration of new trust	\$25
To modify a trust	\$650
Otherwise civil action fees apply	
Trustee bond	\$10
Filing, recording & indexing accounts of trustees and receivers	
Amount of principal and income of trust:	
Principal and income	
Less than \$500 to \$1,000	\$10
\$1,001 to \$5,000	\$20
\$5,001 to \$15,000	\$60
Each additional \$1,000 to \$10,000 or part thereof	\$15
Charge per page	\$1
Filing inventory, charge per page	\$2
Mailing notices to interested parties (per notice)	\$5
Trustee release	\$10
Registering certificates of trust	\$25
Filing an exception to trust accounting	\$100
Orders modifying a trust - per additional order beyond one	\$150



## ANNEX E

### Fee Schedule Superior Court– State of Delaware

As required by the State, effective December 1, 2007, the Prothonotary shall collect a \$10.00 Court Security Assessment Fee upon all initial civil filings.

- ▶ The filing fee shall cover the first forty (40) filings of an action. An additional fee of \$225.00 shall be paid after each increment of fifty (50) filings is recorded.
- ▶ A request for a trial date shall be accompanied by a nonrefundable fee of \$150.00 paid by the requesting party.

Superior Court fees for the services specified as follows:

COMPLAINTS	
Complaints for Damages	175.00
Condemnation	175.00
Ejectments	175.00
Justice of the Peace Court Appeals	175.00
Automobile Arbitration Appeals	175.00
Declaratory Judgments	175.00
Foreign Judgments	175.00
Replevins	175.00
Foreign Attachments	175.00
Domestic Attachments	175.00
Interpleaders	175.00
Transfers from Court of Chancery	175.00
Removals from Court of Common Pleas	175.00
Amicable Actions	175.00

#### COMPLAINTS SUBJECT TO SUMMARY PROCEEDINGS FOR COMMERCIAL DISPUTES

The filing fee for complaints subject to Summary Proceedings for Commercial Disputes shall be .005 times the amount in controversy, but not less than \$175.00 nor more than \$5,000.

MECHANIC'S LIENS & MORTGAGES	
Mortgages	175.00

Mechanic's Liens	175.00
<b>INVOLUNTARY COMMITMENTS</b>	
Involuntary Commitments	N/C
<b>APPEALS</b>	
Industrial Accident Board	N/C
Unemployment Insurance Appeal Board	N/C
Public Service Commission	200.00
Motor Vehicle	175.00
All Other Administrative Agencies	175.00
Court of Common Pleas	175.00
Certiorari	175.00
<b>MISCELLANEOUS PETITIONS</b>	
Complaints Requesting Orders i.e. Return of Property, Subpoena Requests, Release of Surplus Funds from Sale of Property, etc.	75.00
Expungement of Criminal Record	75.00
Habeas Corpus	N/C
Mandamus	175.00
Prohibition	175.00
Judgment or Mortgage Complaints i.e. To extend, renew, satisfy, vacate, set aside, etc.	175.00
Appointment of Attorney	N/C
Road Resolution	20.00
Tax Ditch, plus advertising costs	175.00
Possession of Property	50.00
Quo Warranto	175.00
Forma Pauperis	N/C
Recording Bonds of Office	10.00
Recount of Vote	175.00
Road Vacation	175.00

JUDGMENTS	
Transfers from Other State & District Court i.e. Justice of the Peace, Court of Common Pleas, Family Court, U.S. District Court, Chancery Court	25.00
Administrative Agency i.e. Department of Labor, Division of Revenue, etc. Entering a judgment in Judgment Docket, except when confessed under warrant of attorney	25.00
Rule 58.1 Confession Judgment	175.00
Rule 58.3 Execution of Judgment	30.00
Foreign Judgment (10 Del.C. § 4781)	50.00
Lien Extension by agreement of parties	15.00
City & County Monitions Tax Lien	25.00
Testatum (to transfer Judgment to another County)	10.00
Petition for Sheriff's Deed	20.00
Judgment marked to the use of another party	10.00
Power of Attorney for Prothonotary to satisfy judgment	20.00
Abstract of Judgment from Justice of the Peace	5.00
Demolition Lien	10.00
Racketeering-Influenced/Corrupt Organization (RICO)	N/C

EXECUTIONS	
Each Writ i.e. Initial writ, alias, and any writ thereafter including, but not limited to fieri facias, venditioni exponas, levare facias, order of sale, writ of possession	50.00
MISCELLANEOUS SERVICES	
Notary Certificate	5.00
New Notary Commission	20.00
Renewal of Notary Commission	10.00
Bad Check Processing Charge	25.00
Registration of Fictitious Name or Business Name	25.00
Preparation of Appeal to Supreme Court	100.00
Certificate of Abatement	10.00
Certified copy of any document	10.00

(not to exceed 3 pages without additional copy charge)	
Exemplified copy of any document (not to exceed 3 pages without additional copy charge)	10.00
Subpoena issued by Prothonotary	10.00
Presigned numbered subpoenas	N/C
Closed Case retrieval fee	10.00
Closed Case retrieval fee (expedited)	25.00
Jury Panel Listing	25.00
Request for Trial Date or Pretrial Conference	150.00

The cost for Special Juries shall be as stated in the [Plan for Special Juries](#).  
 [See also: Superior Court Civil Rule 3(e).]

### MEDIATION

When a Superior Court Commissioner serves as a mediator, the fee for mediation services shall be a minimum of two (2) hours at the rate of \$150 per hour of hearing time. Each party shall pay the party's share to the Prothonotary within twenty (20) days of notice of the appointment of the Commissioner as a mediator. It is the obligation of each attorney, or any party appearing pro se, to timely pay the costs of ADR and any additional mediation fee when billed. The Court may impose sanctions against any party who fails to timely pay any fee required by this rule. The fee shall be deposited to the General Fund.

### NON-FEE CHARGES

Copy Charge (maximum per page)	1.50
Copy Charge—FAX (maximum per page)	8.00

### TRANSCRIPTS (Based on per-page rate. Effective May 11, 2003.)

Original & 1 copy (normal)	3.00
Additional 1 copy (normal)	2.00
Original & 1 copy (expedited)	5.00
Additional 1 copy (expedited)	3.00
Original & 1 copy (daily/overnight)	6.50
Additional 1 copy (daily/overnight)	4.00
Realtime**	2.50

\*\*Plus mandatory transcript rate for normal delivery.

\*The Court may order parties to pay other costs such as postage, printing, advertising, and lodging/meals for jurors.



## Supreme Court – Prothonotary's Office Fees

Pursuant to the *Supreme Court (Fees) Regulations* 2012

Effective from 1 July 2013

This list has been compiled by the Prothonotary's Office to assist the Court's users. Generally fees will increase annually. If in any doubt about payment of fees, please contact one of our staff.

### ADMISSION OF BARRISTERS AND SOLICITORS

Admission as an Australian Lawyer (fee for admission ceremony and authentication of certificate)	\$351.70
Certificate of good standing	\$151.50
Duplicate Certificate of Admission (where original has been lost or destroyed)	\$151.50

### AFFIDAVIT

No fee is payable to file an affidavit unless the affidavit is one of the following:

(a) AFFIDAVIT AS TO STOCK (Form 73B)	\$961.70
(b) AFFIDAVIT commencing a review under the <i>Administrative Law Act</i> 1978.	\$961.70

### CERTIFICATE FOR THE SUPREME COURT

(Under Section 86 of the <i>County Court Act</i> 1958 and under Section 112 of the Magistrates' Court Act 1989)	\$350.50
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### COMMERCIAL COURT

#### Commence proceeding:

Writ	\$961.70
Summons for Directions	\$350.50
Entry to Commercial Court	\$2,447.30
TOTAL	<u>\$3,759.50</u>

#### Application for Admission to List:

Application by Summons	\$350.50
And, if the Application is successful - Entry to List	\$2,447.30
Otherwise all other fees on this List apply to Commercial Court documents	

### COSTS COURT

Commence a proceeding in the Costs Court:

(a) Where the costs relate to a proceeding in the Supreme Court	\$350.50
(b) Where the costs relate to a proceeding in the County Court	\$279.90
(c) Where the costs relate to a proceeding in the Magistrate's Court	\$279.90
(d) Where the costs relate to a proceeding in the Victorian Civil and Administrative Tribunal	\$165.60

### COUNTERCLAIM (Known as "Defence and Counterclaim")

(no fee is payable to file an amended counterclaim or a defence only)	\$961.70
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### DEFAULT JUDGMENT (in default of appearance or defence)

\$350.50

## ENTRY TO LIST

### INTELLECTUAL PROPERTY LIST

To Commence	\$961.70
Entry to list fee (payable at the time of issue)	<u>\$1,136.30</u>
TOTAL	<u><u>\$2,098.00</u></u>

### TECHNOLOGY, ENGINEERING AND CONSTRUCTION LIST

Writ	\$961.70
Entry to list fee (payable at the time of issue)	<u>\$2,447.30</u>
TOTAL	<u><u>\$3,409.00</u></u>

All other fees on this list apply to Technology, Engineering and Construction List documents.

### VALUATION, COMPENSATION & PLANNING LIST

To Commence	\$961.70
Entry to list fee (payable at the time of issue)	<u>\$1,136.30</u>
TOTAL	<u><u>\$2,098.00</u></u>

### EX PARTE APPLICATION - see Notice to Produce

### HEARING FEES

For hearing an appeal by the Court of Appeal or for hearing a trial by Judge or by Judge with a jury	
(a) for days 2 to 4—per day or part of a day;	\$590.60
(b) for days 5 to 9—per day or part of a day;	\$986.10
(c) for day 10 and subsequent days—per day or part of a day	\$1,647.40

No fee is payable in respect of a proceeding under Parts 4, 5 and 6 of Order 58 or Rule 75.06 of Chapter I

**INTERLOCUTORY PROCESS** (Corporations Law) \$350.50

**INTERSTATE JUDGMENT** - Registering under *Service and Execution of Process Act* 1992 (Cth) \$62.90

### JURY FEES

(a) First day jury fees (included in <b>Notice of Trial fee</b> )	\$697.20
(b) For each day after the first day of a trial, not exceeding 6 days	\$501.00
(c) For each day of a trial in excess of 6 days	\$993.60

### LATE FILING FEE

In addition to any other fee payable where the Prothonotary opens the Registry outside the hours 9.30am to 4.00pm -

(a) Within 1/2 hour before the prescribed opening time or within 1/2 hour after the prescribed closing time	\$43.70
(b) At any other time	\$986.10

**MAGISTRATES' COURT CERTIFICATE** - see Certificate for the Supreme Court

### MEDIATION FEE

For every sitting of a court official at mediation for every hour or part thereof	\$79.60
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### NOTICE OF APPEAL FROM AN ASSOCIATE JUDGE

To the Court of Appeal	\$3,306.30
To a single Judge	\$350.50

### NOTICE OF APPEAL (OTHER THAN FROM AN ASSOCIATE JUDGE)

To the Court of Appeal	\$3,306.30
Other than to the Court of Appeal	\$961.70

No fee is payable on commencement of an appeal under Part 4, 5 or 6 of Order 58 of Chapter 1

<b>NOTICE OF REFERRAL</b> (Part 3 of Order 8 of Chapter II - Valuation and Compensation Cases Rules)	
To Commence	\$961.70
Setting Down Fee (to be paid at the time of filing the Notice of Referral)	\$1,136.30
TOTAL	<u>\$2,098.00</u>
<b>NOTICE OF TRIAL</b>	
Trial by Judge alone <u>includes first day hearing fee</u>	\$1,136.30
Trial by Judge & Jury (includes prescribed first day jury fee and <u>first day hearing fees</u> )	\$1,833.50
<b>NOTICE TO PRODUCE A FILE TO COURT</b> (for the making of orders)	\$350.50
No fee is payable where -	
(a) A file is to be produced for the information of the Court only and no Orders will be sought	
(b) The Court has granted liberty to apply	
(c) The notice requests production of a related file	
(d) The notice is in form 29C	
<b>OBJECTION</b> - (Part 2 of Order 8 of Chapter II - Valuation and Compensation Cases Rules)	
To Commence	\$961.70
Setting Down Fee to be paid at the time of filing the objection	\$1,136.30
TOTAL	<u>\$2,098.00</u>
<b>ORIGINATING MOTION</b>	\$961.70
No fee is payable to file an Originating Motion pursuant to the following rules:	
(a) Rule 75.05 of Chapter I - Contempt of Court.	
(b) Rule 80.03(4) of Chapter I - A proceeding for an Order for substituted service of foreign process made by the Attorney-General.	
(c) Rule 81.01 of Chapter I - A proceeding for an Order for the examination of a witness in Victoria in relation to a matter pending before a Court or Tribunal in a place out of Victoria	
<b>ORIGINATING PROCESS</b> (Corporations Law e.g. wind up, re-instatement)	\$961.70
<b>PHOTOCOPYING</b> (for each page)	\$0.60
<b>PRE-TRIAL CONFERENCE FEES</b>	
For every sitting of a court official at pre-trial conference	\$119.40
<b>PRODUCING A COURT FILE TO ANOTHER COURT OR TRIBUNAL</b>	\$18.00
<b>PUBLIC NOTARIES</b>	
(a) Authentication of an order for Appointment as a Public Notary	\$581.70
(b) Originating Motion (Public Notaries Act 2001 s.6(1))	\$961.70
(c) Application for Certificate of Eligibility (Public Notaries Act 2001 s.5(3))	\$372.40
<b>REGISTRATION OF INTERSTATE JUDGMENT UNDER SERVICE AND EXECUTION OF PROCESS ACT 1992 (CTH)</b>	\$62.90
<b>SEARCHING A COURT FILE</b>	
For inspecting a Court file, searching a database, inspecting a register, retrieving a document or accessing any material filed, lodged or produced to or held by the Court, for each request	\$21.80
If the search, inspection, retrieval or accessing referred to above involves the retrieval of files held offsite an additional fee per file of	\$12.80
(No fee is payable to file a Search for a Notice of Appearance in relation to obtaining a judgment in default).	
<b>SETTING DOWN</b>	
Setting down or otherwise entering a proceeding into a List including the Court of Appeal List (other than the TEC List, the Judicial Review List and Appeals List, the Personal Injuries List, or the Commercial List of the Commercial Court) includes the first day hearing fees	\$1,136.30

**SUBPOENAS**

To issue a subpoena (Form 42A or Form 42AA of Chapter I) \$166.90

To view documents produced pursuant to an issued subpoena \$21.80  
(Fee is payable per Court file, not per subpoena)

**SUMMONS**

(Interlocutory application) \$350.50

(Commencing a proceeding under Order 65) \$961.70

No fee is payable to file a Summons for the following:

- (a) Order 57 - an application for an Order that a Writ of Habeas Corpus shall issue
- (b) An application in relation to an appeal under Section 272 of the *Criminal Procedure Act 2009*
- (c) Rule 63.64 of Chapter I - an application by a client or other person liable to pay costs to have the solicitors' bill of costs taxed by the Taxing Associate Judge on an appointment obtained as of course and without an Order of the Court
- (d) Rule 75.05 of Chapter I - Contempt of Court
- (e) Rule 80.03(4) of Chapter I - An application for an Order for substituted service of foreign process made by the Attorney General.
- (f) Rule 81.01 of Chapter I - An application for the examination of a witness in Victoria in relation to a matter pending before a Court or Tribunal in a place out of Victoria
- (g) Order 5 of Chapter II - Case stated by a Tribunal
- (h) Order 6 of Chapter II - Reference by a Tribunal of a question of law
- (i) Order 12 of Chapter II - Jury Service Appeals
- (j) Order 1 of Chapter IV - Adoption Rules

**THIRD OR SUBSEQUENT (e.g. FOURTH) PARTY NOTICE** \$961.70

**WARRANT** - No fee is payable to issue a warrant

If the warrant is on a Magistrates' Court Order, a fee of **\$350.50** is payable to file the Certificate for the Supreme Court.

**WRIT** \$961.70

No fee is payable to issue a Writ of Habeas Corpus



## ANNEX G

### New South Wales - Schedule of fees Supreme Court

(Clause 4)

#### Part 1 Supreme Court

Item	Column 1 Matter for which fee payable	Column 2 Standard fee	Column 3 Corporation fee
1	Filing an originating process (other than an originating process referred to in items 2–6)	\$999.00	\$2,737.00
2	Filing an originating process by which an application for a grant of representation, or reseal of a grant of representation, in respect of an estate the sworn gross value of which:		
	(a) is less than \$100,000.00	Nil	—
	(b) is \$100,000.00 or more but less than \$250,000.00	\$666.00	—
	(c) is \$250,000.00 or more but less than \$500,000.00	\$922.00	—
	(d) is \$500,000.00 or more but less than \$1,000,000.00	\$1,384.00	—
	(e) is \$1,000,000.00 or more but less than \$2,000,000.00	\$1,845.00	—
	(f) is \$2,000,000.00 or more but less than \$5,000,000.00	\$3,075.00	—
	(g) is \$5,000,000.00 or more	\$5,125.00	—
3	Filing in the Court of Appeal a notice of intention to appeal	\$286.00	\$653.00
4	Filing in the Court of Appeal a summons seeking leave to appeal or a cross-summons seeking leave to cross-appeal in proceedings where a notice of intention to appeal has been filed by the same party	\$1,022.00	\$2,000.00
5	Filing in the Court of Appeal a summons seeking leave to appeal or a cross-summons seeking leave to cross-appeal in proceedings where a notice of intention to appeal has not been filed by the same party	\$1,308.00	\$2,653.00
6	Filing in the Court of Appeal a notice of appeal or notice of cross-appeal:		
	(a) in proceedings where leave to appeal	\$2,017.00	\$4,090.00

has been granted

	(b) in proceedings where a notice of intention to appeal has been filed by the same party	\$3,039.00	\$6,090.00
	(c) in any other proceedings	\$3,325.00	\$6,743.00
7	Allocating a date for hearing of the proceedings by one or more judges, a judge and jury or an associate judge	\$1,995.00	\$4,560.00
8	Filing a requisition for trial by jury	\$1,031.00	\$2,062.00
9	Retaining a jury after the first day of trial Note. The fees under this item are to be paid by the party requesting a jury for the trial.	\$470.00 per day	\$941.00 per day
10	Referring proceedings for arbitration under Division 2 of Part 5 of the <u>Civil Procedure Act 2005</u>	\$771.00	—
11	Filing an application for an order for the rehearing of proceedings under Division 3 of Part 5 of the <u>Civil Procedure Act 2005</u>	\$587.00	\$1,177.00
12	Hearing of proceedings by one or more judges, for each day of hearing or part of a day of hearing:		
	(a) on the 2nd, 3rd or 4th day	\$795.00	\$1,824.00
	(b) on the 5th, 6th, 7th, 8th or 9th day	\$1,278.00	\$3,168.00
	(c) on or after the 10th day	\$2,572.00	\$6,252.00
13	Hearing of proceedings by an associate judge, for each day of hearing or part of a day of hearing on or after the 2nd day	\$699.00	\$1,398.00
14	Preparing appeal papers (for such number of copies as the registrar orders to be printed) in volumes of not more than 250 pages	\$674.00 per volume	\$1,349.00 per volume
15	Filing a notice of motion	\$366.00	\$838.00
16	Preparing a copy of a will	\$55.00	—
17	Conducting a genealogical search on a probate file (for each file searched)	\$107.00	—
18	Conducting a search for an application for a grant of representation or reseal of a grant of representation (for each file searched)	\$55.00	—
19	Lodging a caveat against an application for a grant of representation or reseal of a grant of representation	\$39.00	\$78.00

20	Conducting an adoption search (for each file searched)	\$55.00	—
21	Issuing a registrar's certificate as to the signature of a public notary	\$55.00	—
22	Publishing on the NSW Online Registry website a notice of intention to apply for a grant of representation or reseal of a grant of representation	\$41.00	—

## ANNEX H

### Schedule of Fees - Federal Court Australia

Fees payable from 11 October 2013

#### Notes

1. A public authority is regarded as a "corporation".
2. Small businesses and not-for-profit associations are regarded as "other".
3. Some Court fees may be exempted or payment time deferred in some circumstances.
4. Court fees are GST exempt.
5. Fees (other than 102, 103, 104 and 124) are subject to biennial increase.

Item No.	Document or service	Publicly listed company	Corporation	Other
101	<p>Filing of a document by which a proceeding in the federal Court is commenced, other than:</p> <p>(a) a proceeding or application mentioned in items 102 to 104, 112, 113 or 115 to 115B; or</p> <p>(b) an appeal from a judgment of a court; or</p> <p>(c) an application for leave or special leave to appeal; or</p> <p>(d) an incidental proceeding in the course of, or in connection with, a proceeding; or</p> <p>(e) an application under the Trans-Tasman Proceeding Act 2010</p>	\$4720	\$3145	\$1080
102	Filing of an application under section 46PO or 46PP of the <u><i>Australian Human Rights Commission Act 1986</i></u> .	\$55	\$55	\$55
103	Filing of an application under section	*\$65.50	*\$65.50	*\$65.50

	539 of the <i>Fair Work Act 2009</i> in either of the following circumstances: (a) the applicant has been dismissed from employment in alleged contravention of Part 3-1 of that Act; (b) the applicant alleges a breach of section 351 of that Act.	* This is the fee prescribed for subsection 395(2) of the <i>Fair Work Act 2009</i> for the filing of the application.		
104	Filing of an application under section 539 of the <i>Fair Work Act 2009</i> if the applicant has been dismissed from employment in alleged contravention of section 772 of that Act.	*\$65.50	*\$65.50	*\$65.50
		* This is the fee prescribed for subsection 395(2) of the <i>Fair Work Act 2009</i> for the filing of the application.		
105	Filing of a bill of costs	\$350	\$350	\$350
106	Filing an affidavit or other document originating an application for leave or special leave to appeal.	\$4705	\$3135	\$1450
107	Filing of a notice of appeal commencing an appeal from a judgment of a Court if no fee has been paid under item 106.	\$11,760	\$7840	\$3630
108	Filing of a notice of appeal commencing an appeal from a decision of the Administrative Appeals Tribunal.	\$11,760	\$7840	\$3630
109	Filing of a notice of appeal in a proceeding in relation to which a fee has been paid under item 106.	\$7060	\$4705	\$2180

110	Filing of an application to review a decision of the Registrar of the Federal Court under subsection 35A(5) of the Federal Court Act.	\$1920	\$1280	\$525
111	Filing of: (a) an interlocutory application, other than an interlocutory application mentioned in another item; or (b) an application under the Trans-Tasman Proceeding Act 2010, other than an application mentioned in item 115C	\$1450	\$965	\$395
112	Filing a document by which a proceeding in the Federal Court under the <u>Bankruptcy Act 1966</u> is commenced.	\$4375	\$2915	\$1215
113	Filing of an application for an order for substituted service of a bankruptcy notice.	\$970	\$645	\$265
114	Filing of a cross-claim.	\$4720	\$3145	\$1080
115	Filing of an urgent application without notice, by a person (the prospective applicant) who intends to commence a proceeding, for any of the following: (a) if the proceeding relates to property - an order: (i) for the detention, custody, preservation of inspection of property; or (ii) to authorise a person to enter land, or do an act or thing, to give	\$8250	\$5500	\$2000

	<p>effect to the order;</p> <p>(b) if the proceeding relates to the right of the prospective applicant to an amount in a fund - an order that the amount in the fund be paid into the Federal Court or otherwise secured.</p>			
115A	<p>Filing of an application, including an interlocutory application, for an order:</p> <p>(a) restraining a person from removing, disposing of, dealing with, or diminishing the value of, assets; or</p> <p>(b) for the purposes of preventing the frustration or inhibition of the Court's process by seeking to meet a danger that a judgment or prospective judgment of the Court will be wholly or partly unsatisfied.</p>	\$8250	\$5500	\$2000
115B	<p>Filing of an application, including an interlocutory application, for an order for the purpose of securing or preserving evidence and requiring a person to permit other persons to enter premises for the purpose of securing the preservation of evidence that is, or may be, relevant to an issue in a proceeding or anticipated proceeding.</p>	\$8250	\$5500	\$2000
115C	<p>Filing of an application to register a New Zealand judgment under the Trans-Tasman Proceedings Act 2010</p>	\$95	\$95	\$95

116	Setting down for hearing a proceeding (including an application, appeal, cross-claim or cross-appeal) or an issue in question in a proceeding.	\$7870	\$5245	\$2155
117	For the hearing of an application (including a cross-claim) under subsection 35A(5) of the Federal Court Act – for each day or part of a day.	\$3135	\$2090	\$860
118	For the hearing of an application (including a cross-claim) other than: (a) an application mentioned in item 117; or (b) an issue or question in such an application; or (c) an appeal (including a cross-appeal) for the 2nd, 3rd and 4th days, or part of those days.	\$3150	\$2100	\$860
119	For the hearing of an application (including a cross-claim) other than: (a) an application mentioned in item 117; or (b) an issue or question in such an application; or (c) an appeal (including a cross-appeal) for the 5th, 6th, 7th, 8th and 9th days, or part of those days.	\$5665	\$3775	\$1430
120	For the hearing of an application (including a cross-claim) other than: (a) an application mentioned in item 117; or (b) an issue or question in such an	\$11,175	\$7450	\$2875



	<p>application; or</p> <p>(c) an appeal (including a cross-appeal) for the 10th, 11th, 12th, 13th and 14th days, or part of those days.</p>			
121	<p>For the hearing of an application (including a cross-claim) other than:</p> <p>(a) an application mentioned in item 117; or</p> <p>(b) an issue or question in such an application; or</p> <p>(c) an appeal (including a cross-appeal) for the 15th and subsequent days, or part of the 15th and subsequent days.</p>	\$16,765	\$11,175	\$4315
122	<p>For the hearing for an examination by a Registrar of the Federal Court under:</p> <p>(a) section 50 or 81 of the Bankruptcy Act 1966; or</p> <p>(b) Division 1 of Part 5.9 of the Corporations Act 2001; for each day or part of a day.</p>	\$3150	\$2100	\$860
123	<p>On request, production of file of the Federal Court and the making of a copy or copies of a document or documents in the file (regardless of the number of documents to which the request relates).</p>	<p>(a) for the production of the file: \$43</p> <p>(b) for each page included in a copy made in accordance with the request: \$1.00</p>		
124	<p>For each service or execution, or attempted service or execution, of process of the Federal Court by an officer of the Court.</p>	<p>An amount equal to:</p> <p>(a) the amount of any expenses reasonably incurred by the officer in the service or execution, or attempted service or execution, of the process; and</p>		

		(b) a charge worked out at the hourly rate of salary payable to the officer for the time involved in the service or execution, or attempted service or execution.		
125	For the seizure and sale of goods by an officer of the Federal Court in the execution of the process of the Court (except in relation to a proceeding under the <u>Admiralty Act 1988</u> ).	\$940	\$940	\$940
126	For issuing a subpoena.	\$270	\$180	\$90
127	For issuing a summons to a person, under section 50 or 81 of the Bankruptcy Act 1966, to attend examination about a debtor's examinable affairs.	\$600	\$400	\$200
128	For taxation of a bill of costs in which the amount claimed in the bill is \$10 000 or less.	\$1025	\$1025	\$1025
129	For taxation of a bill of costs in which the amount claimed in the bill is more than \$10 000 and no more than \$100 000.	\$3500	\$3500	\$3500
130	For taxation of a bill of costs in which the amount claimed in the bill is more than \$100 000 and no more than \$500 000.	\$4000	\$4000	\$4000
131	For taxation of a bill of costs in which	\$4500	\$4500	\$4500

	the amount claimed in the bill is more than \$500 000.			
132	For mediation by an officer of the Federal Court - for each attendance at the mediation.	\$2460	\$1640	\$700

## ANNEX I

### Schedule of Fees – DIFC Courts (Dubai)

Practice Direction No. 3 of 2012 DIFC Courts' Fees

Citation

This Practice Direction is issued pursuant to the powers conferred on me by Article 8 (3) (a) of Dubai Law No. 9 of 2004, as amended. It may be cited as **Practice Direction 3 of 2012 – DIFC Courts' Fees** and may be abbreviated to PD 3/2012.

The attached schedule 1 of this Practice Direction prescribes the fees of the DIFC Courts that will come into effect on the date of signature. These fees replace those prescribed in DIFC Courts Practice Direction No. 6 of 2011.

Chief Justice of the DIFC Courts

Dated: 20 May 2012

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Schedule 1

DIFC Courts' Fees

#### I. Originating Proceedings — Court of First Instance (CFI)

1. Part 7 claim (Money and/or property claims):

5% of the value of the claim and/or the property with a minimum of USD 1000 and a maximum of USD 20,000.

2. All Other Claims:

**USD1,000**

3. Filing Proceedings against a party or parties not named in originating proceedings:

**USD 500**

Notes:

(1) All other claims include, but are not limited to:

(a) Part 8 claims;

(b) Winding-up petitions;

(c) Unquantified damages claims;

(d) Arbitration claims; and

(e) Proceedings for judicial review.

(2) Where a claim is both for money and for other relief (whether cumulatively or in the alternative) only the higher applicable fee is payable.

(3) For a claim made by way of counterclaim the same fee shall be payable as if the relief or remedy sought were the subject of separate proceedings.

(4) Where a claim or counterclaim is amended so that a higher fee would have been payable if it had been so drawn originally, the party making the amendment shall pay the difference.

#### II. Applications

Upon receiving an application notice or any other document in which the applicant seeks a Court order, such fee to include the issue of any applicable order, direction or otherwise:

**USD 250**

Notes:

(1) The fee is payable whenever an application notice is received by the Registry (whether under RDC Part 23, pursuant to another Rule or informally by letter and whether on, or without, notice to the other party; except for applications made orally at a hearing).

### III. Hearings

1. On setting down for a hearing (up to 1 day):

**USD 1,000**

2. For each half-day of a hearing after the first day:

**USD 500<sup>1</sup>**

Notes:

(1) With regard to hearings by telephone, or video conference, the costs of the transmission, including the costs of hiring equipment and technical personnel to operate it, will initially be the responsibility of, and must be met by, the party requesting the telephone or video conferencing facility. Such costs will be invoiced in addition to the setting down for a hearing fee.

### IV. Appeals

Filing an Appellant's/Respondent's Notice:

**USD 2,000**

Notes:

(1) For a cross-appeal, the same fees are payable as for an appeal.

(2) The same fee applies for an application for permission, request for reconsideration of refusal of permission and for the review of decisions of the Registrar, SCT or a single judge.

(3) Setting down for hearing fees under Article III apply to appeal hearings.

### V. Enforcement (ENF)

The same fees as for an application notice under Article II are applicable.

### VI. Determination of Costs

1. Upon filing a request for a detailed costs assessment hearing (see Article II-Applications):

**USD 250**

2. Upon issuing:

(a) default costs certificate or certificate for an agreed amount:

**USD 100**

(b) an interim costs certificate:

**5% of the sum certified**

(c) a final costs certificate:

**5% of the sum certified**

Notes:

(1) A separate setting down fee for the detailed cost assessment hearing shall apply (see Article III — Hearings).

(2) Where the sum certified in a final costs certificate includes costs certified in an interim certificate in respect of which Fee VI.2 (b) has been paid, the fee for the final costs certificate will be correspondingly reduced.

#### VII. Small Claims Tribunal

1. Filing fees for claims related to an employment dispute shall be assessed as follows:

**2% of the value of the claim with a minimum of USD 55 and a maximum of USD 4,000.**

2. Should a claim relating to an employment dispute be referred to the CFI, an additional fee shall be payable at the rate of:

**1% of the value of the claim with a minimum of USD 55 and a maximum of USD 4,000.**

3. Filing fee for all other claims:

5% of the value of the claim with a minimum of USD 100.

4. Should a claim relating to a non-employment dispute be referred to the CFI a further fee shall be payable at the rate of:

**2.5% of the value of the claim with a minimum of USD 60.**

Notes:

(1) For a claim made by way of counterclaim the same fee shall be payable as if the relief or remedy sought were the subject of separate proceedings.

(2) The SCT Registrar shall have the discretion to defer, reduce, or waive applicable fees in the SCT if the SCT Registrar, in his/her sole discretion, considers it appropriate in the circumstances.

#### Transcripts, Recordings, and Photocopies

1. Transcripts of hearings (unofficial only):

(a) USD 385 per hour for overnight turnaround

(b) USD 337 per hour for 2 day turnaround

(c) USD 298 per hour for 4 day turnaround

(d) USD 248 per hour for 7 day turnaround

In accordance with Rule 35.99 of the Rules of the DIFC Courts, should a party wish to request the DIFC Courts to have a transcript of any hearing(s) drawn up, the Court shall charge an administrative fee of **AED 1000** for the handling of such a request, in addition to the applicable third party charges.

Once a transcript has been drawn up, it will be subsequently available to all the parties to a case and placed on the Court Management System (CMS).

2. Recordings of hearings: **USD 275**

3. Photocopies of documents from the Court records (RDC 6.9-12, 17)

• for the first page: **USD 2**

• for each subsequent page: **USD 1**

Notes:

(1) There is no fee for downloading soft copies of documents via the Web-CMS portal available on the DIFC Courts' website.

#### Register of Practitioners' Fees

1. Registration fee applicable to registration in Part I:

**USD 1,500**

2. Addition of lawyers within Part I:

**USD 100**

3. Registration fee applicable to registration in Part II:

**USD 500**

4. Renewal fee applicable to registration in Part II:

**USD 100**

All of the above mentioned fees are payable in United States Dollars or its equivalent in UAE Dirhams (at the conversion rates of US\$1:AED3.675) as determined by the DIFC Courts from time to time.

Payments may be made by using the Courts' e-payment facility or alternatively by registering your law firm with the Courts' credit facility. Payments can also be made by wire transfer or in person. Please visit our website or contact us at [Registry@difccourts.ae](mailto:Registry@difccourts.ae) for further information.

In an effort to promote the most efficient handling of cases and allocation of resource, and in line with the DIFC Courts' paperless initiative, parties are encouraged to use the DIFC Courts' e-filing facility for the filing of Court documents. Please note that a 40% surcharge will be added to the applicable fees for any document filed with the Registry for the Court of First Instance or Court of Appeal by means other than the e-filing facility.

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<sup>1</sup> The fee shall be collected when the hearing is set down by the DIFC Courts based on the number of days agreed by the parties or, failing agreement, determined by the DIFC Courts. Fees for any overrun shall be collected prior to the expiry of the period for which the hearing was originally set down. The paying party may seek reimbursement of any payment of this fee for half-days not utilised for the relevant hearing. Reimbursement of such fees shall be at the sole discretion of the DIFC Courts.

