



**BERMUDA**

**COURT FEES AND EXPENSES RULES 1972**

**SR&O 46 / 1972**

*[made under sections 2 and 3 of the Court Fees and Expenses Act 1971 and brought into operation on 2 January 1973]*

TABLE OF CONTENTS

- 1 Court functions and fees payable for them
- 2 Expenses of witnesses and others
- 3 Costs
- 4 Manner of payment of fees
- 5 Refunds
- 6 Attachment of earnings order
- 7 Non-service or execution of process
- 8 Disposal of fees *[revoked]*
- 9 Witness expenses

SCHEDULE

FIRST SCHEDULE

SECOND SCHEDULE

COURT FEES

THIRD SCHEDULE

Barristers and Attorneys

**Court functions and fees payable for them**

1 (1) In respect of each Act the short title of which appears as a heading in the First Schedule and in respect of each of the functions specified under that heading in relation to that Act or a particular section thereof there shall be payable a fee as set out in that Schedule in relation to such function.

## **COURT FEES AND EXPENSES RULES 1972**

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(2) Such fees shall, unless otherwise specified in the Act under which the function is performed, be paid to the Registrar or to such public officer as may be designated by the Registrar for the purpose.

### **Expenses of witnesses and others**

2 (1) In respect of each Act the short title of which appears as a heading in the Second Schedule and in respect of each of the matters specified under that heading in relation to that Act or a particular section thereof there shall be payable the fee or expense set out in that Schedule in relation to such matter.

(2) Such fees and expenses shall, unless otherwise specified in the Act by virtue of which such fee or expense is payable, be certified as properly payable by the Registrar or such officer of a court as may be designated by the Registrar for the purpose, and no payment shall be made in the absence of such certification.

### **Costs**

3 In respect of any proceedings under the Magistrates Act 1948 [*title 8 item 15*], there shall be taxed and allowed to a party in proceedings before a court of summary jurisdiction the fixed fees set out in the Third Schedule and such further fees as may be taxed and allowed under Order XIX of the Magistrates' Court Rules 1973 [*title 8 item 15(a)*].

### **Manner of payment of fees**

4 (1) The fees prescribed in the First Schedule for the purposes of the Magistrates Act 1948 [*title 8 item 15*] and the Provost Marshal General Act 1965 [*title 8 item 5*] shall where practicable be paid by any stamp for the time being available for the payment of stamp duty in Bermuda.

(2) Where fees are paid by means of an adhesive stamp it shall be the duty of the responsible officer to ensure that it is effectively cancelled so as to render the stamp incapable of being used again for the payment of court fees or for the payment of stamp duty or any postal purpose.

### **Refunds**

5 The Accountant General may, on the recommendation of a magistrate or of the Registrar, refund a court fee paid in error, or in the event of any stamp being improperly cancelled under rule 4 or for any other proper cause:

Provided that no application for a refund under this rule shall be made after the elapse of a year from the date of the payment.

### **Attachment of earnings order**

6 (1) The following persons shall not be charged the fees prescribed in the First Schedule for an application for an attachment of earnings order or for the service thereof where the order is sought for the purpose of securing the payment of a maintenance debt—

- (a) the applicant for the order;

## **COURT FEES AND EXPENSES RULES 1972**

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(b) the person in whose favour the order is or is to be, made,

but such fees shall be recoverable from payments made by the employer to the clerk in the manner specified in the Magistrates Act 1948 [*title 8 item 15*].

(2) In this paragraph and in the First Schedule “maintenance debt” shall have the meaning given in Order XXVI of the Magistrates’ Court Rules 1973 [*title 8 item 15(a)*].

### **Non-service or execution of process**

7 (1) If any summons, writ or other process of court cannot be served for any reason beyond the control of the Provost Marshal General or other person charged with such service, there shall be paid for his services in connection therewith the same fee as for the service of the summons, writ or process.

(2) If any writ of execution cannot be executed for any reason beyond the control of the Provost Marshal General or other person charged with such execution, then there shall be paid for his services in connection therewith the same fee as for the service of a writ.

### **Disposal of fees**

8 [*revoked by BR 10/1994*]

### **Witness expenses**

9 The payment of witness expenses in excess of the minimum prescribed in the Second Schedule shall be in the discretion of the court and witness expenses shall not be paid in excess of that minimum unless the court is satisfied that the witness has suffered a loss of earnings not less than the amount it determines ought to be paid.

**COURT FEES AND EXPENSES RULES 1972**

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**SCHEDULE  
FIRST SCHEDULE**

**COURT FEES**

(Payments into the Consolidated Fund)

1 Protection of Justices Act 1897

| Section Reference |                                                          |        |
|-------------------|----------------------------------------------------------|--------|
| s.18              | Preparation of case stated—                              |        |
| (1)               | for every folio or part thereof                          | \$3.00 |
| (2)               | for every additional copy of every folio or part thereof | \$1.00 |
| (3)               | delivery of case stated                                  | \$3.00 |
| (4)               | for every recognizance                                   | \$5.00 |
| (5)               | for every surety                                         | \$3.00 |

2 Evidence Act 1905

| Section Reference |                                                                |        |
|-------------------|----------------------------------------------------------------|--------|
| (1) s.35(2)       | Furnishing of certificate                                      | \$2.00 |
| (2) s.50(2)       | Certificate of register of vessel                              | \$2.00 |
| (3) s.51(3)       | Certificate of conviction, etc.                                | \$3.00 |
| (4) s.55(2)       | Copy of extract of public document per folio or photostat page | \$0.50 |

## COURT FEES AND EXPENSES RULES 1972

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### 3 Magistrates Act 1948

|                                                                        |          |
|------------------------------------------------------------------------|----------|
| (1) For the issue of summons for the recovery of a sum of money which— |          |
| (a) does not exceed \$1000                                             | \$30.00  |
| (b) exceeds \$1000 but does not exceed \$2000                          | \$50.00  |
| (c) exceeds \$2000 but does not exceed \$3000                          | \$60.00  |
| (d) exceeds \$3000 but does not exceed \$4000                          | \$70.00  |
| (e) exceeds \$4000 but does not exceed \$25,000                        | \$100.00 |
| (2) For the reissue of summons                                         | \$20.00  |
| (3) Originating application—                                           |          |
| (a) under Matrimonial Proceedings (Magistrates' Courts) Act 1974       | Free     |
| (b) under the Minors Act 1950 for the payment of money                 | Free     |
| (c) otherwise under the Minors Act 1950                                | \$20.00  |
| (d) under the Adoption of Children Act 2006                            | \$125.00 |
| (e) under Part IVB of the Children Act 1998                            | Free     |
| (f) under the Landlord and Tenant Act 1974                             | \$70.00  |
| (4) Notice to quit                                                     | \$75.00  |
| (5) Warrant of eviction                                                | \$100.00 |

**COURT FEES AND EXPENSES RULES 1972**

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| (6) Contempt of court                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | \$65.00                                                                                                                                                      |
| (7) Warrant of arrest                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | \$75.00                                                                                                                                                      |
| (8) Where no other fee is specifically provided for                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$75.00                                                                                                                                                      |
| (9) On entering an appeal to a court of summary jurisdiction where no other fee is specifically provided                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | \$75.00                                                                                                                                                      |
| (10) On an application for substituted or other service                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | \$25.00                                                                                                                                                      |
| <p>On every other application made in a suit before the day fixed for the hearing except an application—</p> <p>(i) for the extension of time for the service of a summons or an originating application;</p> <p>(ii) to postpone or adjourn the hearing of the suit;</p> <p>(11) (iii) to restore a suit to the list after adjournment <i>sine die</i>;</p> <p>(iv) for the substitution, joinder or addition of party where the change is by operation of law;</p> <p>(v) for the appointment of a guardian <i>ad litem</i>.<br/><i>This fee is payable whether the application is made on notice or ex parte by consent.</i></p> | \$50.00                                                                                                                                                      |
| (12) On the delivery of a counter-claim                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | The amount (if any) whereby the fee payable on entering proceedings for the sum of money counter-claimed exceeds the fee paid by the plaintiff or applicant. |
| (13) On taxation of costs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 2½% of the amount allowed with a minimum of \$5.00                                                                                                           |
| (14) On application for an attachment of earnings order to secure a maintenance payment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Free                                                                                                                                                         |

**COURT FEES AND EXPENSES RULES 1972**

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| (15) On application for an attachment of earnings order (other than a consolidated attachment order) to secure payment of a judgment debt which does not exceed \$10,000 | \$30.00  |
| (16) On a consolidated attachment order—                                                                                                                                 |          |
| (a) to secure maintenance debts                                                                                                                                          | Free     |
| (b) to secure payment of judgment debts                                                                                                                                  | \$50.00  |
| (17) On the issue of a judgment summons under the Debtors Act 1973 to secure payment of a judgment debt which—                                                           |          |
| (a) does not exceed \$1000                                                                                                                                               | \$30.00  |
| (b) exceeds \$1000 but does not exceed \$2000                                                                                                                            | \$50.00  |
| (c) exceeds \$2000 but does not exceed \$3000                                                                                                                            | \$60.00  |
| (d) exceeds \$3000 but does not exceed \$4000                                                                                                                            | \$70.00  |
| (e) exceeds \$4000 but does not exceed \$25,000                                                                                                                          | \$100.00 |
| (18) For the reissue of a judgment summons                                                                                                                               | \$20.00  |
| (19) On the issue of an order of commitment made on a judgment summons where the order issues for an amount which does not exceed \$25,000                               | \$75.00  |
| (20) On the issue of a writ of execution against goods                                                                                                                   | \$100.00 |

**COURT FEES AND EXPENSES RULES 1972**

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| (21) For keeping possession of goods under a writ of execution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 2½% per day of the value of the goods seized. Maximum fee per day \$10.00 or where a possession man is employed \$100.00 per day. In addition thereto, where there are animals to be fed, the reasonable expenses of feeding them. |
| <p>For removing or taking steps to remove goods to place of deposit</p> <p>This fee and the fee previous thereto is not payable for more than seven days<br/> <i>Provided that—</i><br/>           (22) <i>(a) where possession is kept after the seventh day at the request in writing of both the execution creditor and execution debtor; these fees are payable for a reasonable further time; and</i><br/> <i>(b) where notice of claim by a third party to or in respect of the goods has been given to the bailiff, the number of days for which possession fees may be charged shall be determined by the court.</i></p> | The reasonable expenses thereof.                                                                                                                                                                                                   |
| (23) On application for the restitution of goods seized in execution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | \$100.00                                                                                                                                                                                                                           |
| (24) For advertising a sale by auction pursuant to sections 24 and 25 of the Act                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The reasonable expenses thereof.                                                                                                                                                                                                   |
| (25) On the issue of a witness summons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | \$30.00                                                                                                                                                                                                                            |
| (26) For the preparation and furnishing to any person a copy of any of the records of the court examined and certified by an authorized officer—                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                    |
| (a) for the first three folios or part thereof                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$7.00                                                                                                                                                                                                                             |
| (b) for each additional three folios or part thereof                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | \$5.00                                                                                                                                                                                                                             |
| (c) for certified copy of judgment or order                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | \$15.00                                                                                                                                                                                                                            |

**COURT FEES AND EXPENSES RULES 1972**

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| (d) for every folio of part thereof                                                               | \$5.00  |
| (e) for every search in the registry, for each register, file or document referred to or required | \$15.00 |

4 Provost Marshal General Act 1965

|                                                                                                                                                                                                                                                                                                                                                                                            |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| (1) For the service of any summons other than a judgment summons (including a reissued summons)                                                                                                                                                                                                                                                                                            | \$70.00  |
| (2) For the service of a judgment summons (including a reissued summons)                                                                                                                                                                                                                                                                                                                   | \$70.00  |
| (3) For the execution of a warrant of arrest                                                                                                                                                                                                                                                                                                                                               | \$100.00 |
| (4) For the execution of any other warrant, whether on issue or reissue                                                                                                                                                                                                                                                                                                                    | \$100.00 |
| (5) For the service or execution of any writ or other process not otherwise specified                                                                                                                                                                                                                                                                                                      | \$100.00 |
| If any writ or process is required to be served on more than one person, one half of the proper fee may be charged for each additional person except in actions under the Attachment Act 1874 [ <i>title 8 item 46</i> ], in which the full fee may be charged for the service of the attachment writ on each garnisher, which shall include the taking of the prescribed interrogatories. |          |
| (6) For the sale of goods, property and real estate under a writ of execution, being the commission thereon                                                                                                                                                                                                                                                                                |          |
| On the amount realized by the sale—                                                                                                                                                                                                                                                                                                                                                        |          |
| (a) on the first \$2,500                                                                                                                                                                                                                                                                                                                                                                   | 10%      |
| (b) on the next \$25,000                                                                                                                                                                                                                                                                                                                                                                   | 5%       |
| (c) on the next \$100,000                                                                                                                                                                                                                                                                                                                                                                  | 2½%      |
| (d) thereafter                                                                                                                                                                                                                                                                                                                                                                             | 1%       |

**COURT FEES AND EXPENSES RULES 1972**

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| <p>Where no sale takes place by reason of an execution being withdrawn, satisfied or stopped</p> | <p>The amount (if any) whereby the fee payable on entering proceedings for the sum of money counterclaimed exceeds the fee paid by the plaintiff or applicant.</p> |
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*[First Schedule replaced by BR 35/1993 effective 20 July 1993; amended by BR10/1994 effective 31 March 1994; para 3 amended by 2002:36 Sch para 5 effective 19 January 2004; para 3 amended by 2011 : 17 s. 11(a) effective 4 November 2013; First Schedule revoked and replaced by BR 61 / 2024 rule 2 effective 1 August 2024]*

**COURT FEES AND EXPENSES RULES 1972**

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**SECOND SCHEDULE**

(Rule 2)

**COURT FEES**

**(Payments out of the Consolidated Fund)**

|      |                                                                                                              |                                                                                                                      |
|------|--------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| 1    | Evidence Act 1905                                                                                            |                                                                                                                      |
| s.7  | Witness expenses                                                                                             | From \$20.00 to \$100.00                                                                                             |
| s.9  | Witness expenses                                                                                             | From \$20.00 to \$100.00                                                                                             |
| s.10 | Fees payable to professional witnesses for each day's attendance to give professional evidence               | From \$5.00 to \$50.00 as the presiding Judge or Magistrate or the Chairman of the commission of inquiry may decide. |
|      | For every post mortem examination                                                                            | at the current rate determined by the Bermuda Hospitals Board.                                                       |
|      | For every professional examination in respect of any person and report (if any) thereon                      | \$20.00 to \$100.00                                                                                                  |
|      | For every professional examination or analysis in respect of any matter or thing and report (if any) thereon | \$20.00 to \$100.00                                                                                                  |
| 2    | Magistrates Act 1948                                                                                         |                                                                                                                      |
|      | Payment to interpreters                                                                                      | From \$20.00 to \$100.00                                                                                             |
|      | Medical practitioners and other specially qualified persons attending to give professional evidence          | In accordance with the scales laid down under item 1 of this Schedule.                                               |
|      | Other witnesses, for each day's attendance in court                                                          | From \$20.00 to \$100.00                                                                                             |
|      | Attendance of Chairman of Special Court (if not a Magistrate)                                                | \$200.00                                                                                                             |

**COURT FEES AND EXPENSES RULES 1972**

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Attendance of Members of Special Court \$150.00  
Expenses of witnesses of a Special Court From \$20.00  
to \$100.00

3 Coroners Act 1938

s.26 Witnesses other than medical practitioners or From \$20.00 to  
other specially qualified persons attending to \$100.00  
give professional evidence, for each day's  
attendance, such sum as the Coroner may allow  
not exceeding  
Jurors, for each day's attendance \$50.00

*[Second Schedule replaced by BR 35 / 1993 effective 20 July 1993; Second Schedule amended by BR 120 / 2025 rule 2 effective 1 January 2026]*

**COURT FEES AND EXPENSES RULES 1972**

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**THIRD SCHEDULE  
BARRISTERS AND ATTORNEYS**

|                                                                                                 |                                    |
|-------------------------------------------------------------------------------------------------|------------------------------------|
| Taking instructions to sue, defend or counterclaim                                              | \$100.00                           |
| Letter before action                                                                            | \$ 50.00                           |
| Preparing Summons                                                                               | \$ 25.00                           |
| Drafting statement of claim                                                                     | \$100.00                           |
| Obtaining order for substituted service                                                         | \$100.00                           |
| Affidavit of service                                                                            | \$ 25.00                           |
| Obtaining order to serve out of jurisdiction                                                    | \$100.00                           |
| Preparing Summons to serve an additional party (each party after first party)                   | \$ 25.00                           |
| Application to Court to appoint guardian of defendant or plaintiff                              | \$100.00                           |
| Attendance at court for plaintiff or defendant on return day                                    | \$ 75.00                           |
| Notice to admit                                                                                 | \$ 50.00                           |
| Filing and serving notice to admit                                                              | \$ 25.00                           |
| Taking instructions on notice to admit                                                          | \$100.00                           |
| Preparing admission                                                                             | \$100.00                           |
| Filing and service of admission                                                                 | \$ 25.00                           |
| Preparing issues to be settled by Court                                                         | \$ 75.00                           |
|                                                                                                 | for each half hour or part thereof |
| Attendance at court settling issues                                                             | \$ 75.00                           |
|                                                                                                 | per half hour or any part thereof  |
| Preparation of any pleadings ordered under Order XIV                                            | \$100.00                           |
| Filing and service of pleadings ordered under Order XIV                                         | \$ 25.00                           |
| Attendance at court on application on leave to replace on cause list                            | \$ 75.00                           |
| Preparation of case for trial (where applicable)                                                | \$ 50.00                           |
|                                                                                                 | per half hour or any part thereof  |
| Attendance at trial                                                                             | \$ 50.00                           |
|                                                                                                 | per half hour or any part thereof  |
| Attendance at court on hearing for an adjournment or where case listed but not reached that day | \$ 75.00                           |
| Preparation of affidavit evidence of any person outside the jurisdiction                        | \$100.00                           |
| Attendance at hearing of judgment when reserved                                                 | \$ 50.00                           |

## COURT FEES AND EXPENSES RULES 1972

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| Attendance at hearing of application to rescind judgment                                                                                                           | \$ 50.00                                |
| Attendance to inspect documents                                                                                                                                    | \$ 50.00                                |
| Application for order to produce                                                                                                                                   | \$ 50.00                                |
| Drawing order to produce                                                                                                                                           | \$ 25.00                                |
| Attendance, filing and service of order to produce                                                                                                                 | \$ 25.00                                |
| Preparing bill of costs for taxation                                                                                                                               | \$ 50.00                                |
| Filing and service of bill of costs                                                                                                                                | \$ 25.00                                |
| Attendance at taxation                                                                                                                                             | \$ 50.00                                |
| Application for security for costs                                                                                                                                 | \$ 50.00                                |
| Attendance at hearing of application for security for costs                                                                                                        | \$ 50.00                                |
|                                                                                                                                                                    | per half hour<br>or any part<br>thereof |
| Taking instructions for third party procedure                                                                                                                      | \$ 50.00                                |
| Preparing summons to third party                                                                                                                                   | \$ 25.00                                |
| The costs as between the defendant and the third party<br>shall be the same <i>mutatis mutandis</i> as between the plaintiff<br>and the defendant under this scale |                                         |
| Preparing writ of execution                                                                                                                                        | \$ 25.00                                |
| Obtaining note of renewal of writ of execution                                                                                                                     | \$ 25.00                                |
| Preparation of judgment summons                                                                                                                                    | \$ 25.00                                |
| Preparation of committal warrant                                                                                                                                   | \$ 25.00                                |
| Attendance on hearing of judgment summons or committal<br>warrant                                                                                                  | \$ 50.00                                |
| Drawing notice to produce                                                                                                                                          | \$ 25.00                                |
| Filing and service of notice to produce                                                                                                                            | \$ 25.00                                |

*[Third Schedule replaced by BR8/1979 effective 23 February 1979; and rescinded and replaced by BR51/2002 effective 1 October 2002]*

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*[Amended by:*

SR&O 18 / 1973  
SR&O 41 / 1976  
BR 8 / 1979  
BR 5 / 1981  
BR 11 / 1982  
BR 42 / 1988  
BR 35 / 1993  
BR 10 / 1994  
BR 51 / 2002  
2002 : 36  
2011 : 17  
BR 61 / 2024  
BR 120 / 2025]