

**BERMUDA**

**RULES OF THE SUPREME COURT AMENDMENT RULES 2023**

**BR / 2023**

The Chief Justice, in exercise of the power conferred by section 62 of the Supreme Court Act 1905, makes the following Rules:

**Citation**

1 These Rules may be cited as the Rules of the Supreme Court Amendment Rules 2023.

**Amends order 62**

2 Order 62 of the Rules of the Supreme Court 1985 is amended by inserting after rule 34 the following—

**“62/34A Scales of costs**

34A Subject to the foregoing rules, the scale of costs contained in the Schedule to this Order, together with the notes and general provisions contained in that Schedule shall apply to scales of costs, fees payable and taxation of all costs incurred in relation to matters heard in the Supreme Court.”.

**Amends the Schedule**

3 The Schedule to Order 62 of the Rules of the Supreme Court 1985 is amended by deleting “Schedule to Order 62 (Rule 32)” and substituting “Schedule to Order 62 (Rule 34A)”.

**Revokes and replaces Part I of the Schedule**

4 Part I (Fees Payable into the Registry of the Supreme Court) of the Schedule to Order 62 of the Rules of the Supreme Court 1985 is revoked and replaced by the contents of the Schedule to these Rules.

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**SCHEDULE**

(paragraph 4)

**PART I****FEES PAYABLE INTO THE REGISTRY  
OF THE SUPREME COURT (RULE 34A)**

\* “commercial action” has the meaning provided in Order 72.

|    |                                                                                  | FEE FOR NON-COMMERCIAL ACTIONS | FEE FOR COMMERCIAL ACTIONS* |
|----|----------------------------------------------------------------------------------|--------------------------------|-----------------------------|
| 1  | On filing and issuing a writ of summons:                                         | \$100.00                       | \$500.00                    |
| 2  | On filing an originating summons or motion:                                      | \$100.00                       | \$500.00                    |
| 3  | On filing a petition:                                                            | \$100.00                       | \$500.00                    |
| 4  | On filing and issuing a concurrent writ of summons:                              | \$50.00                        | \$300.00                    |
| 5  | On renewing writ of summons:                                                     | \$50.00                        | \$300.00                    |
| 6  | On filing or issuing amended writ of summons or an amended originating summons:  | \$25.00                        | \$100.00                    |
| 7  | On application for leave to serve process out of the jurisdiction:               | \$100.00                       | \$300.00                    |
| 8  | Lodgment fee under Order 11, rule 7 in relation to the Carriage by Air Act 1961: | \$50.00                        | \$200.00                    |
| 9  | On entering an appearance or conditional appearance:                             | \$50.00                        | \$200.00                    |
| 10 | On entering judgment in default of appearance or defence:                        | \$50.00                        | \$200.00                    |
| 11 | On entering judgment in a claim in detinue in default of appearance:             | \$50.00                        | \$200.00                    |

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|----|------------------------------------------------------------------------------------------------------------------|----------|------------|
| 12 | On entering judgment in a claim for possession of land other than a mortgagee's action in default of appearance: | \$100.00 | \$250.00   |
| 13 | On filing written authorization in a relator action:                                                             | \$25.00  | \$100.00   |
| 14 | On filing third party notice:                                                                                    | \$50.00  | \$200.00   |
| 15 | On filing withdrawal of appearance:                                                                              | \$25.00  | \$200.00   |
| 16 | On filing discontinuance or withdrawal:                                                                          | \$50.00  | \$200.00   |
| 17 | On paying money into court—                                                                                      |          |            |
|    | (a) where the sum is less than \$5,000:                                                                          | \$100.00 | \$400.00   |
|    | (b) where the sum is \$5,000 or more but less than \$10,000:                                                     | \$175.00 | \$750.00   |
|    | (c) where the sum is \$10,000 or more:                                                                           | \$250.00 | \$1,000.00 |
| 18 | On a request for a certificate of—                                                                               |          |            |
|    | (a) the amount and description of any land:                                                                      | \$50.00  | \$200.00   |
|    | (b) lodgment in court of any fund:                                                                               | \$50.00  | \$200.00   |
|    | (c) non-lodgment in court of any land:                                                                           | \$50.00  | \$200.00   |
|    | (d) any transaction for which no other fee is prescribed:                                                        | \$50.00  | \$200.00   |
| 19 | On a request for information in writing relating to—                                                             |          |            |
|    | (a) an account which has been granted for upwards of six years; or                                               |          |            |

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|    |     |                                                                                                                   |          |                         |
|----|-----|-------------------------------------------------------------------------------------------------------------------|----------|-------------------------|
|    | (b) | a fund which has not been dealt with for upwards of six years,                                                    |          |                         |
|    |     | where the account or fund is identified in the request by reference to the relevant cause or matter.              | \$50.00  | \$200.00                |
| 20 |     | On a request for information in writing where no account or fund is specified in the request:                     | \$50.00  | \$200.00                |
| 21 |     | On filing summons for directions by consent:                                                                      | \$75.00  | \$300.00                |
| 22 |     | On filing summons for directions without consent:                                                                 | \$100.00 | \$400.00                |
| 23 |     | On filing of a summons before a Judge:                                                                            | \$100.00 | \$400.00                |
| 24 |     | On hearing of any summons for Chambers before a Judge (payable at the time the matter is requested to be listed): | \$150.00 | \$1,000.00 per half-day |
| 25 |     | On filing of a summons by the Registrar:                                                                          | \$70.00  | \$300.00                |
| 26 |     | On hearing of any summons before the Registrar:                                                                   | \$70.00  | \$300.00                |
| 27 |     | Trial of any cause or matter (other than a divorce matter) before—                                                |          |                         |
|    | (a) | a judge alone:                                                                                                    | \$400.00 | \$1,000.00 per half-day |
|    | (b) | a judge with a jury:                                                                                              | \$800.00 | —                       |
|    | (c) | a judge with the assistance of assessors or such fee as the Judge may order:                                      | \$600.00 | \$1,500.00 per half-day |
|    | (d) | the Registrar:                                                                                                    | \$250.00 | —                       |
|    | (e) | a special referee with or without assessors:                                                                      | \$350.00 | \$900.00 per half-day   |
| 28 |     | On issuing certificate of a Judge:                                                                                | \$35.00  | \$100.00                |

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|    |                                                                                                                           |                             |                             |
|----|---------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------|
| 29 | Assessment of damages by a Judge or the Registrar:                                                                        | \$175.00                    | \$500.00<br>per half-day    |
| 30 | On ascertaining pursuant to an order—                                                                                     |                             |                             |
|    | (a) the estate or outstanding estates of any person; or                                                                   |                             |                             |
|    | (b) any property subject to a trust, mortgage or charge; or                                                               |                             |                             |
|    | (c) any partnership assets:                                                                                               | \$125.00                    | \$500.00                    |
| 31 | On settling—                                                                                                              |                             |                             |
|    | (a) an arrangement approved by the Court for the variation of any trusts:                                                 | \$125.00                    | \$500.00                    |
|    | (b) a scheme for the management of a charity:                                                                             | \$125.00                    | \$1,000.00                  |
| 32 | On taking a receiver's account:                                                                                           | \$125.00                    | \$500.00                    |
| 33 | On sealing a writ of subpoena:                                                                                            | \$25.00                     | \$200.00                    |
| 34 | On filing an affidavit or any other document in respect of which no specific filing fee is provided for in this Schedule: | \$25.00                     | \$50.00                     |
| 35 | On filing an exhibit:                                                                                                     | \$15.00<br>for each exhibit | \$30.00<br>for each exhibit |
| 36 | On filing an order:                                                                                                       | \$25.00                     | \$50.00                     |
| 37 | On examination of a claim:                                                                                                | \$100.00                    | \$500.00                    |
| 38 | On issuing the Registrar's certificate:                                                                                   | \$25.00                     | \$200.00                    |
| 39 | On filing a writ of execution:                                                                                            | \$25.00                     | \$100.00                    |
| 40 | On filing a writ of sequestration:                                                                                        | \$25.00                     | \$100.00                    |
| 41 | On the Registrar or any authorized officer signing a document:                                                            | \$25.00                     | \$100.00                    |

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|    |                                                                                   |                                 |                                 |
|----|-----------------------------------------------------------------------------------|---------------------------------|---------------------------------|
| 42 | On examination of a debtor:                                                       | \$100.00                        | \$300.00                        |
| 43 | On hearing originating motion or summons in Chambers or in Court:                 | \$300.00                        | \$1,000.00 per half-day         |
| 44 | On receiving documents, arranging service and issuing certificate under Order 69: | \$250.00                        | \$500.00                        |
| 45 | On receiving application under Order 70 for taking of evidence:                   | \$100.00                        | \$200.00                        |
| 46 | On dealing with deposition under Order 70, rule 5:                                | \$100.00 plus Registry expenses | \$200.00 plus Registry expenses |
| 47 | On hearing of a special case in respect of arbitration proceedings:               | \$500.00                        | \$1,000.00                      |

### *Divorce*

|    |                                                                                                             | FEE FOR NON-COMMERCIAL ACTIONS | FEE FOR COMMERCIAL ACTIONS* |
|----|-------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------|
| 48 | On application for hearing of a special procedure divorce (including order for directions and the hearing): | \$250.00                       | —                           |
| 49 | On application for hearing of an uncontested divorce (including order for directions and the hearing):      | \$300.00                       | —                           |
| 50 | On listing ancillary relief application (including order for directions and the hearing):                   | \$300.00                       | —                           |
| 51 | On application for hearing of a contested divorce (including order for directions and hearing):             | \$500.00                       | —                           |
| 52 | On filing a divorce petition:                                                                               | \$150.00                       | —                           |
| 53 | On filing an affidavit or any other document:                                                               | \$25.00                        | —                           |

### *Taxation of Costs*

|    |                            | FEE FOR NON-COMMERCIAL ACTIONS | FEE FOR COMMERCIAL ACTIONS* |
|----|----------------------------|--------------------------------|-----------------------------|
| 54 | On filing a bill of costs: | \$50.00                        | \$200.00                    |

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|    |                                                              |          |                          |
|----|--------------------------------------------------------------|----------|--------------------------|
| 55 | On taxing a bill of costs where taxation is non-contentious: | \$100.00 | \$400.00                 |
| 56 | On taxing a bill of costs where taxation is contentious:     | \$200.00 | \$800.00<br>per half-day |
| 57 | On review of a bill of costs by a Judge:                     | \$200.00 | \$800.00<br>per half-day |

*Fees in Admiralty Proceeding not elsewhere provided for in this Schedule*

*In the Registry*

|    |                                                                                                                                                                                                                                                                                                                                                                | FEE FOR NON-COMMERCIAL ACTIONS | FEE FOR COMMERCIAL ACTIONS* |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------|
| 58 | On issuing a warrant of arrest:                                                                                                                                                                                                                                                                                                                                | \$200.00                       | \$500.00                    |
| 59 | On issuing of instrument of release under Order 75, rule 13:<br><br><i>Note of item:<br/>This item includes drawing the instrument and other documents required in connection with the issue of the instrument, obtaining any consent so required and any attendances required to procure the issue of the instrument and the filing of any such document.</i> | \$200.00                       | \$500.00                    |
| 60 | On filing and entering a caveat:                                                                                                                                                                                                                                                                                                                               | \$100.00                       | —                           |
| 61 | On filing bail bond:                                                                                                                                                                                                                                                                                                                                           | \$100.00                       | \$400.00                    |
| 62 | On filing preliminary action in collision actions:                                                                                                                                                                                                                                                                                                             | \$100.00                       | \$400.00                    |
| 63 | On filing praecipe in respect of appraisalment and sale of property:                                                                                                                                                                                                                                                                                           | \$100.00                       | \$400.00                    |
| 64 | On taxing marshal's account under Order 75, rule 23(4):                                                                                                                                                                                                                                                                                                        | \$200.00                       | \$500.00                    |
| 65 | On hearing of reference by the Registrar under Order 75, rule 42:                                                                                                                                                                                                                                                                                              | \$600.00                       | \$1,200.00                  |

*In the Marshal's Office*

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|    |                                                                                                                                               | FEE FOR NON-COMMERCIAL ACTIONS  | FEE FOR COMMERCIAL ACTIONS*     |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------|
| 66 | On lodging with the marshal any instrument under Order 75, rule 5(1), 13(1) or 21(2):                                                         | \$200.00                        | \$500.00                        |
| 67 | On the appointment and swearing of appraiser:<br><i>[Note: This fee may be taken by transfer from money in Court]</i>                         | \$200.00                        | \$500.00                        |
| 68 | On the delivery of a ship or goods to a purchaser:                                                                                            | \$400.00                        | \$1,000.00                      |
| 69 | On the sale of a ship or goods:<br><i>[Those fees are paid by transfer from the proceeds in court to the account of fees on proceedings.]</i> | 1.5%<br>of the price<br>thereof | 2.5%<br>of the price<br>thereof |
| 70 | For attending the discharge of a cargo or the removal of a ship or goods for each day of attendance:                                          | \$1,000.00                      | \$2,000.00                      |

## *Fees payable in the Court in the exercise of the Court's Appellate jurisdiction*

|    |                                                       | FEE FOR NON-COMMERCIAL ACTIONS | FEE FOR COMMERCIAL ACTIONS* |
|----|-------------------------------------------------------|--------------------------------|-----------------------------|
| 71 | On filing a notice of appeal (including hearing fee): | \$100.00                       | —                           |
| 72 | On filing notice of abandonment:                      | \$50.00                        | —                           |

## *Fees payable in non-contentious probate matters*

|    |                                                                                                                                                                                                        | FEE FOR NON-COMMERCIAL ACTIONS | FEE FOR COMMERCIAL ACTIONS* |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------|
| 73 | On sealing or resealing a grant of probate or letters of administration, with or without the will annexed (including recording of will or letters of administration) if the gross value of the estate— |                                |                             |
|    | (a) does not exceed \$25,000:                                                                                                                                                                          | \$35.00                        | —                           |
|    | (b) exceeds \$25,000 but does not exceed \$50,000:                                                                                                                                                     | \$75.00                        | —                           |
|    | (c) exceeds \$50,000 but does not exceed \$200,000:                                                                                                                                                    | \$150.00                       | —                           |
|    | (d) exceeds \$200,000:                                                                                                                                                                                 | \$350.00                       | —                           |

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|    |  |                                                                                                                         |  |  |
|----|--|-------------------------------------------------------------------------------------------------------------------------|--|--|
|    |  |                                                                                                                         |  |  |
| 74 |  | Stamp Duty is payable on the net value of the estate on a sliding scale according to the date of death of the deceased. |  |  |
|    |  | Deaths occurring on the 1st April 1976 to the 31st March 1988:                                                          |  |  |
|    |  | (a) First \$10,000 - Exempt                                                                                             |  |  |
|    |  | (b) 2% on the next \$100,000                                                                                            |  |  |
|    |  | (c) 3% on anything over                                                                                                 |  |  |
|    |  |                                                                                                                         |  |  |
|    |  | Deaths occurring on the 1st April 1988 to the 24th March 1991:                                                          |  |  |
|    |  | (a) First \$10,000 - Exempt                                                                                             |  |  |
|    |  | (b) 2% on the next \$90,000                                                                                             |  |  |
|    |  | (c) 5% on anything over                                                                                                 |  |  |
|    |  |                                                                                                                         |  |  |
|    |  | Deaths occurring on the 25th March 1991 to the 31st March 1992:                                                         |  |  |
|    |  | (a) First \$20,000 - Exempt                                                                                             |  |  |
|    |  | (b) 5% on the next \$100,000                                                                                            |  |  |
|    |  | (c) 10% on anything over                                                                                                |  |  |
|    |  |                                                                                                                         |  |  |
|    |  | Deaths occurring on the 1st April 1992 to the 16th February 1993:                                                       |  |  |
|    |  | (a) First \$20,000 - Exempt                                                                                             |  |  |
|    |  | (b) 5% on the next \$80,000                                                                                             |  |  |
|    |  | (c) 10% on anything over                                                                                                |  |  |
|    |  |                                                                                                                         |  |  |
|    |  | Deaths occurring on the 17th February 1993 to the 14th February 1995:                                                   |  |  |
|    |  | (a) First \$30,000 - Exempt                                                                                             |  |  |
|    |  | (b) 5% on the next \$70,000                                                                                             |  |  |
|    |  | (c) 10% on anything over                                                                                                |  |  |
|    |  |                                                                                                                         |  |  |

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|----|--------------------------------------------------------------------------------------------------------------------------------------------------|----------|---|
|    | Deaths occurring on the 15th February 1995 to the 31st March 2010:                                                                               |          |   |
|    | (a) First \$50,000 - Exempt                                                                                                                      |          |   |
|    | (b) 5% on the next \$150,000                                                                                                                     |          |   |
|    | (c) 10% on the next \$800,000                                                                                                                    |          |   |
|    | (d) 15% on anything over                                                                                                                         |          |   |
|    |                                                                                                                                                  |          |   |
|    | Deaths occurring on or after 1st April 2010:                                                                                                     |          |   |
|    | (a) First \$100,000 - Exempt                                                                                                                     |          |   |
|    | (b) 5% on the next \$100,000                                                                                                                     |          |   |
|    | (c) 10% on the next \$800,000                                                                                                                    |          |   |
|    | (d) 15% on the next \$1,000,000                                                                                                                  |          |   |
|    | (e) 20% on anything over                                                                                                                         |          |   |
|    |                                                                                                                                                  |          |   |
| 75 | For making any notation on or amendment to the grant and record after issue, or impounding or revoking a grant, or releasing an impounded grant: | \$100.00 | — |
| 76 | For the entry, renewal or withdrawal of a caveat:                                                                                                | \$50.00  | — |
| 77 | On settling and sealing a citation:                                                                                                              | \$50.00  | — |
| 78 | On taking an account of an administrator or receiver pending suit or other person liable to account:                                             | \$250.00 | — |

### *Miscellaneous Fees*

|    |                                     | FEE FOR NON-COMMERCIAL ACTIONS | FEE FOR COMMERCIAL ACTIONS* |
|----|-------------------------------------|--------------------------------|-----------------------------|
| 79 | On any search:                      | \$10.00                        | —                           |
| 80 | On an inspection of a file:         | \$20.00                        | \$40.00                     |
| 81 | For providing a copy of a document: | \$1.00 per page                | \$2.00 per page             |

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|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 82 | Preparing a recording from an official record:                                                                                                                                                                                                       | \$50.00<br>per hearing                                                                                                                                                                 | \$200.00<br>per hearing                                                                                                                                                                |
| 83 | For a certificate of appearance or pleading, affidavit or proceeding having been entered, filed, taken or of the negative thereof and for a similar certificate if required for use outside Bermuda, unless otherwise provided for in this Schedule: | \$50.00                                                                                                                                                                                | \$150.00                                                                                                                                                                               |
| 84 | On making or examining a copy of any document making or sealing the same as an office copy:                                                                                                                                                          | The fees specified for the purposes of the Supreme Court (Records) Act 1955.                                                                                                           |                                                                                                                                                                                        |
| 85 | Current price of preparing an official transcript plus administration fees:                                                                                                                                                                          | A transcriber's contract price or the Registrar's estimate of the cost to the Court for carrying out the transcription in relation to the length of the official transcript requested. | A transcriber's contract price or the Registrar's estimate of the cost to the Court for carrying out the transcription in relation to the length of the official transcript requested. |
| 86 | Under the Judgments (Reciprocal Enforcement) Act 1958—                                                                                                                                                                                               |                                                                                                                                                                                        |                                                                                                                                                                                        |
|    | (a) on a certificate of a judgment for registration abroad:                                                                                                                                                                                          | \$25.00                                                                                                                                                                                | \$200.00                                                                                                                                                                               |
|    | (b) on registration of a judgment obtained abroad:                                                                                                                                                                                                   | \$50.00                                                                                                                                                                                | \$400.00                                                                                                                                                                               |
| 87 | On sealing or issuing a commission to take oaths or affidavits in the Court:                                                                                                                                                                         | \$50.00                                                                                                                                                                                | \$150.00                                                                                                                                                                               |
| 88 | Upon an application for the production of records or documents to be given in evidence—                                                                                                                                                              |                                                                                                                                                                                        |                                                                                                                                                                                        |
|    | (a) where the records or documents are sent by post—                                                                                                                                                                                                 |                                                                                                                                                                                        |                                                                                                                                                                                        |
|    | (i) for the first document:                                                                                                                                                                                                                          | \$10.00                                                                                                                                                                                | \$100.00                                                                                                                                                                               |
|    | (ii) for each additional document:                                                                                                                                                                                                                   | \$5.00                                                                                                                                                                                 | \$50.00                                                                                                                                                                                |
|    | (b) where an officer is required to produce the record or document in court:                                                                                                                                                                         | \$100.00                                                                                                                                                                               | \$300.00                                                                                                                                                                               |

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|    | and, in addition, for every half-day or part thereof that he is necessarily absent from his office and his reasonable expenses of attendance:                                                                                                                                                                                                                                                                                                                                                                      | \$50.00                               | \$400.00                              |
| 89 | On taking an affidavit or an affirmation, for each person making the same:                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$100.00                              | \$300.00                              |
|    | and, in addition thereto, for each exhibit therein referred to and required to be marked:                                                                                                                                                                                                                                                                                                                                                                                                                          | \$5.00                                | \$100.00                              |
| 90 | For allowing any person to copy or make extracts from any of the records of the Court:                                                                                                                                                                                                                                                                                                                                                                                                                             | \$10.00                               | \$40.00                               |
| 91 | In respect of the preparation and furnishing to any person a copy of any of the records of the Court examined, certified and sealed by an authorized officer—                                                                                                                                                                                                                                                                                                                                                      |                                       |                                       |
|    | (a) for the first page:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | \$25.00                               | \$50.00                               |
|    | (b) for any page thereafter:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | \$2.00                                | \$4.00                                |
| 92 | Where the record of the Court in question is a document written in whole or in part in a foreign language, or comprises a map or a plan or a mechanical or scientific diagram or drawing, or a set of mathematical computations, or a photograph or other pictorial representation, or comprises other material not printed or typewritten, then the actual cost incurred in preparing the copy shall be charged, together with a surcharge of \$25.00 and in respect of the examination, certificate and sealing: | \$100.00                              | \$200.00                              |
| 93 | Registration under Order 119 of an order of the Bermuda Monetary Authority                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$200.00<br>plus Registry<br>expenses | \$400.00<br>plus Registry<br>expenses |

Made this    day of                      2023

Chief Justice