

SUPPLEMENT to the Solomon Islands GazetteMonday 31st May, 2010

S.I. No.29

[Legal Notice No. 39]

CONSTITUTION**SOLOMON ISLANDS COURTS (CIVIL PROCEDURE)
(AMENDMENT) RULES 2010**

These Rules are made –

- (a) pursuant to section 90 of the Constitution by the Rules Committee; and
- (b) pursuant to section 76 of the Magistrate's Courts Act (Cap.20), section 115 of the Bankruptcy Act (Cap.3), and section 5 of the Foreign Judgments (Reciprocal Enforcement) Act (Cap. 13) by the Chief Justice –

Citation and commencement

1. These Rules may be cited as the Solomon Islands Courts (Civil Procedure) (Amendment) Rules 2010, and commence on the date upon which they are approved by Parliament, pursuant to section 90 of the Constitution.

Schedule 1 replaced

2. The Solomon Islands Courts (Civil Procedure) Rules 2007 are amended by revoking Schedule 1 and substituting the following Schedule 1 set out in these Rules.

Application

3. These Rules apply to any fees paid after the commencement of these Rules.

Revocation

- 4. (1) The High Court Fees Rules 2003 are revoked.
- (2) The court fees prescribed in the High Court (Civil Procedure) Rules 1964 and Magistrates' Courts (Civil Procedure) Rules 1969 are repealed and replaced with the fees set out in Schedule 1 set out in these Rules.

**“Schedule 1
(Rule 20.6)**

FEES PAYABLE IN THE REGISTRY

Item	Description of fee	High Court	Magistrate's Court
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Starting Proceedings

1	Application for divorce, adoption, probate and any other proceedings dealing solely with family matters.	\$85	\$35
2	Application for registration of a foreign judgment.	\$1700	Not in jurisdiction
3	Application not for a money judgment or the delivery of goods or where the claim does not exceed \$500.	\$395	\$35
4	Application or counterclaim where the claim exceeds \$500 and does not exceed \$2,000	\$395	\$70
5	Application or counterclaim where claim exceeds \$2,000 and does not exceed \$10,000.	\$395	\$115
6	Application or counterclaim where the claim exceeds \$10,000 and does not exceed \$25,000.	\$790	\$250
7	Application or counterclaim where the claim exceeds \$25,000 and does not exceed \$50,000.	\$510	\$400
8.	Application or counterclaim where the claim exceeds \$50,000 and does not exceed \$100,000.	\$790	\$400
9.	Application or counterclaim where the claim exceeds \$100,000 and does not exceed \$500,000		

10	Application or counterclaim where the claim exceeds \$500,000	\$1700	\$400
11	National Parliamentary electoral petitions	\$2000	Not in jurisdiction
12	Other electoral petitions	\$850	Not in jurisdiction
13	Creditors petition	\$1150	Not in jurisdiction
14	Bankruptcy notice	\$350	Not in jurisdiction
15	Debtors petition	No fee	Not in jurisdiction
16	Application under the Companies Act	\$1700	Not in jurisdiction
17	Filing an application to renew an application/claim	\$280	\$70

Appeals

18	Application in a case to review a decision of a registrar	\$225	Not in jurisdiction
19	Appeal from the decision of a Magistrate's Court or tribunal	\$680	Not in jurisdiction
20	Appeal under the Land & Titles Act	\$850	Not in jurisdiction

Interlocutory Applications

21	Application in a case where consent orders, or other orders not requiring attendance at court, are sought; or any application in a case concerning a child or children.	Free	Free
22	Application in a case seeking an injunction, seizing order or freezing order or similar order.	\$500	\$55
23	Application or application in a case returnable before the registrar.	\$85	Not in jurisdiction
24	Any other application in a case, including an application issued before proceedings are commenced by application.	\$150	\$35

Other

25	Summons	\$85	\$30
26	Trial fee to be paid within 14 days after the day on which a date for hearing is first fixed by the court - for each day allocated by the court.	\$170	Free
27	Assessment of costs by a registrar	5% of amount claimed for costs	Not in jurisdiction
28	Enforcement order for judgment debt less than \$25,000.	\$55	\$55
28	Enforcement order for judgment debt more than \$25,000 and less than \$50,000	\$85	\$85
30	Enforcement order for judgement debt more than \$50,000 and less than \$100,000.	\$110	Not in jurisdiction
31	Enforcement order for judgement debt more than \$100,000	\$140	Not in jurisdiction
32	Sheriff's fees payable on execution of an enforcement order.	Reasonable actual costs of execution, including travel, accommodation, sustenance, advertising, storage, auction, transport and all other associated disbursements plus 5% of the net amount recovered after deduction of costs of execution.	Reasonable actual costs of execution, including travel, accommodation, sustenance, advertising, storage, auction, transport and all other associated disbursements plus 5% of the net amount recovered after deduction of costs of execution

33	Service by the Sheriff within the limits of Honiara town	\$115	\$15
34	Service by the Sheriff in any other place	\$395 and costs of travel and subsistence	\$115 and costs of travel and subsistence
35	Typing - first page	\$115	\$115
36	Typing - second and later pages	\$30	\$30
37	Certification of any copy document (in addition to typing or copy fees)	\$20	\$20
38	Copying - by photocopy or other means, per page	\$15	\$15"

DATED AT HONIARA this thirtieth day of October 2009.

JUSTICE EDWIN GOLDSBROUGH
President of the Court of Appeal (Ag)

SIR ALBERT R PALMER,
CHIEF JUSTICE

MR GABRIEL SURI
ATTORNEY-GENERAL

APPROVED by Parliament this twenty-second day of March, 2010.

Taeasi Sanga (Mrs)
Clerk to National Parliament