



In the Supreme Court of Bermuda

A/50

27th March 2024

CIRCULAR NO. 12 OF 2024

TO ALL ATTORNEYS:

RE: AMENDMENTS TO COURT FEES (COURT OF APPEAL)

RULES OF THE COURT OF APPEAL FOR BERMUDA AMENDMENT RULES 2024

Following amendments made to the Rules of the Supreme Court 1985 and the Civil Appeal Rules 1971, which brought into effect changes to the fee structure for filings in the Supreme Court, this Circular is to advise that amendments have now been made to the **Rules of the Court of Appeal for Bermuda**. **The amendments will bring increases to the fee structure for filings in the Court of Appeal.**

A copy of the **Rules of the Court of Appeal for Bermuda Amendment Rules 2024** are attached to this Circular, and may also be found on www.bermudalaws.bm or on the Supreme Court website.

The fee increases will come into effect on **Monday, 1st April 2024.**

Dated the 27th day of March 2024



ACTING REGISTRAR

CC: The Attorney-General's Chambers
Department of Public Prosecutions
Hamilton Police Station
Commissioner of Police
Commissioner of Corrections
Magistrates Court
Bermuda Bar Association
Legal Aid Office

BERMUDA

**RULES OF THE COURT OF APPEAL FOR BERMUDA AMENDMENT RULES
2024**

BR / 2024

The President, in exercise of the power conferred by section 9 of the Court of Appeal Act 1964, makes the following Rules:

Citation

1 These Rules may be cited as the Rules of the Court of Appeal for Bermuda Amendment Rules 2024.

Revokes and replaces the Third Schedule

2 The Third Schedule of the Rules of the Court of Appeal for Bermuda is revoked and replaced by the contents of the Schedule to these Rules.

Commencement

3 These Rules shall come into operation on 1 April 2024.

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SCHEDULE

(Paragraph 2)

**THIRD SCHEDULE
FEES**

* “commercial action” has the meaning provided in Order 72 of the Rules of the Supreme Court 1985.

** A “special sitting” is one for which leave is granted by the President of the Court of Appeal because it could not be accommodated within a regular session of the Court.

		FEE FOR NON-COMMERCIAL ACTIONS*	FEE FOR COMMERCIAL ACTIONS*	
1	(1)	On filing Notice of Appeal against a final judgment or decision (including service of notice on respondent):	\$300.00	\$1,000.00
	(2)	On respondent’s Notice of Intention to contend that the decision of Court below be varied:	\$275.00	\$800.00
	(3)	On filing Notice of Appeal against an interlocutory order or decision:	\$125.00	\$500.00
	(4)	On filing motion or notice of application for leave to appeal or notice of application for extension of time:	\$125.00	\$500.00
	(5)	On filing Notice of Appeal where leave granted (including service of notice on respondent):	\$175.00	\$800.00
	(6)	On filing motion or application for extension of time—		
		(a) if the time has not yet expired:	\$50.00	\$400.00
		(b) if the time has already expired:	\$125.00	\$600.00
	(7)	On filing any motion or application not otherwise provided for:	\$125.00	\$500.00
	(8)	On filing motion for stay of execution (if application is made by separate motion):	\$125.00	\$500.00
	(9)	On filing amended or additional grounds of appeal—		

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	(a) if filed without leave of the Court:	\$125.00	\$500.00
	(b) if filed with leave of the Court under Order 2, rule 2(8):	\$250.00	\$900.00
(10)	On filing notice of address for service under Order 2, rule 6 (including service of notice on appellant):	\$50.00	\$300.00
(11)	On settling the record:	\$175.00	\$800.00
(12)	For transcript from the official record of the proceedings in the Supreme Court:	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.
(13)	For preparation of the record (per page, per copy):	\$2.00	\$4.00
(14)	For the Registrar's certificate that the conditions of appeal have been fulfilled:	\$200.00	\$800.00
(15)	On amending or adding to grounds of appeal by leave or direction of the Court at the hearing:	\$125.00	\$1,000.00
(16)	Hearing fee payable in advance for any appeal:	\$500.00	\$2,000.00 per half-day
(17)	On filing motion to restore appeal dismissed under Order 2, rule 17:	\$200.00	\$1,000.00
(18)	On filing motion to restore appeal struck out under Order 2, rule 21:	\$200.00	\$1,000.00
(19)	On filing motion to set aside and re-hear appeal determined <i>ex parte</i> :	\$175.00	\$700.00

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(20)	On filing a bill of costs:	\$50.00	\$400.00
(21)	On taxing a bill of costs where taxation is non-contentious:	\$100.00	\$500.00
(22)	On taxing a bill of costs where taxation is contentious:	\$250.00	\$800.00 per half-day
(23)	On filing motion to set aside Taxing Officer's decision or order:	\$125.00	\$800.00
(24)	(a) On filing notice of abandonment of appeal:	\$125.00	\$1,000.00
	(b) Adjourning a case to a future session:	\$125.00	\$1,000.00
(25)	On every certificate of the order of the Court of Appeal made on the final determination of appeal:	\$50.00	\$1,000.00
(26)	For swearing an affidavit or making a declaration, per deponent:	\$25.00	\$50.00
(27)	For marking any paper annexed to an affidavit or declaration:	\$5.00	\$25.00
(28)	On filing a security bond:	\$25.00	\$500.00
(29)	On filing any other document or exhibit:	\$25.00	\$50.00
(30)	On justification of sureties, for each surety:	\$50.00	N/A
(31)	For the drawing up of any order or judgment:	\$50.00	\$200.00
(32)	For every subpoena:	\$25.00	\$150.00
(33)	On warrant for prisoner to give evidence:	\$25.00	N/A
(34)	On inspection of any document or judgment:	\$25.00	\$50.00

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(35)	For searching the archives, for each period of six months or part thereof:	\$50.00	\$200.00
(36)	For preparing a copy where authorized:	\$2.00 per page	\$4.00 per page
(37)	On filing motion for leave to appeal to the Privy Council:	\$500.00	\$4,000.00
(38)	On every bond where the appeal is to the Privy Council:	\$50.00	\$300.00
(39)	On making and drawing up order for leave to appeal to the Privy Council:	\$75.00	\$400.00
(40)	Filing submissions or skeleton arguments:	\$25.00	\$150.00
(41)	Special sitting** fees shall be as set out below—		
	<p>(a) For the convening of a special sitting** of up to three (3) days' duration:</p> <p><i>This fee shall be payable by an appellant (or in any case where there is more than one appellant, the appellants in equal portions) who in any proceeding other than a criminal proceeding obtains with the leave of the President of the Court of Appeal the fixture of the hearing of an appeal which may not be accommodated within the regular sessions of the Court:</i></p> <p><i>Provided that an appellant (or appellants) who succeeds upon appeal, in whole or in part, may in the discretion of the Court be awarded the recovery of fees paid or such portion as in its discretion the Court thinks fit, pursuant to this subparagraph as costs of the appeal.</i></p>	\$30,000.00	\$30,000.00

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	<p>(b) For the convening of a special sitting** of duration beyond three (3) days for each additional day:</p> <p><i>This fee shall be payable by an appellant (or in any case where there is more than one appellant, the appellants in equal portions) who in any proceeding other than a criminal proceeding obtains with the leave of the President of the Court of Appeal the fixture of the hearing of an appeal which may not be accommodated within the regular sessions of the Court:</i></p> <p><i>Provided that an appellant (or appellants) who succeeds upon appeal, in whole or in part, may in the discretion of the Court be awarded the recovery of fees paid or such portion as in its discretion the Court thinks fit, pursuant to this subparagraph as costs of the appeal.</i></p>	\$10,000.00	\$10,000.00
	<p>(c) In a case where arrangements must be made for the rental of a hearing room for the convening of the Court in subparagraphs (41)(a) and (41)(b), the arrangements, unless otherwise directed by the Court, will be made by the Registrar in consultation with the parties as to the specifications required for configuration and fitting out. All related costs, unless otherwise ordered by the Court, shall be paid to the Court by the appellant (or appellants as the case may be in equal portions) subject to any recovery of those costs, in whole or in part, as may ultimately be allowed as costs of the appeal.</p>		
2	The fee for the service of any document or process shall be that charged for such service by the Supreme Court.		
3	The allowances payable to witnesses shall be those payable to witnesses in the Supreme Court.		
4	The fee for the services of a special interpreter of a language not in common use shall be that charged for such services by the Supreme Court.		

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5	The following fees in connexion with appeals are assessable in accordance with the rules in force in the Supreme Court, and are not prescribed by these Rules— Fees for any application made to and determinable by the Supreme Court.		
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Made this 22nd day of March 2024

President
Court of Appeal

C.S.C.S. C. J. G.