

Subsidiary Legislation made under s.38.

Supreme Court Rules 2000**LN.2000/031***Commencement***4.5.2000**

Amending enactments	Relevant current provisions	Commencement date
LN. 2003/044	Sch. 6	10.4.2003
2004/039	rr. 10, 13, 14(1), 15(1)-(2), 18(1)(b), 20-23, 24(1), (a)-(c), (2)	1.9.2004
2010/156	r. 6(2)(b)	21.10.2010
2011/091	rr. 4(2)-(3), 5(1)(b), (3)	9.6.2011
2014/076	rr. 5(1)(a), (b)(ii)	12.5.2014
Act. 2014-14	rr. 6(2)-(4), 7(a), (c)	1.11.2014
LN. 2015/062	r. 49, Sch. 6	13.4.2015

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PART I
PRELIMINARY

Title, commencement, revocation and application.

1.(1) These rules may be cited as the Supreme Court Rules 2000 and shall come into effect on 4th May 2000.

(2) The Supreme Court Rules, 1979, are hereby revoked.

(3) These rules shall not apply to proceedings in -

(a) Admiralty matters, except so far as these rules are expressly applied by rules made under the Colonial Courts of Admiralty Act, 1890; or

(b) matters of Prize.

Construction and effect.

2. Any party may apply to a judge to resolve any question as to the construction and effect of these rules.

Service of documents.

3.(1) A document may be served -

(a) by personal service;

(b) by post in a registered letter addressed to the person to be served at his usual or last known address;

(c) by fax or other means of electronic communication;

(d) by any alternative method ordered by a judge.

(2) A document shall be deemed to be served:

(a) if served by registered post, at the time at which the letter would in the ordinary course be delivered;

(b) if served by fax -

(i) if transmitted on a business day before 1.00 pm, on that day;

- (ii) in any other case, on the business day after the day on which it is transmitted;
 - (c) if served by other means of electronic communication, on the second day after the day on which it is transmitted.
- (3) The Court may dispense with service of a document.
- (4) On matters of service the provisions of the rules and directions that apply for the time being in England in the High Court will apply, so far as circumstances permit.
- (5) Where any claim form is served outside the jurisdiction the time limited for filing an acknowledgement of service or filing or serving an admission, or filing a defence, or otherwise responding to it, shall be the period for the time being prescribed in England plus seven days:
- Provided that where the service is effected in the United Kingdom the time shall be twenty-one days.

PART II.
SITTINGS AND OFFICE HOURS

Sittings of the Court.

- 4.(1) The legal year shall begin on the first day of the Michaelmas sittings.
- (2) There shall be three sittings in each year, that is to say—
- (a) the Michaelmas sittings, which shall begin on the second Monday of September and end on 20th December;
 - (b) the Hilary sittings, which shall begin on 7th January and end on the Saturday before Good Friday;
 - (c) the Trinity sittings, which shall begin on the second Monday after Easter Sunday and end on the second Monday of June.
- (3) The Chief Justice may by notice in the Gazette amend the dates which appear in sub-rule (2).

Office hours of the Registry.

- 5.(1) The Registry shall be open to the public during the following hours—

(a) from 9.30 am to 4.00 pm (3.45 pm on Fridays) except during the long vacation; and

(b) from 9.00 am to 1.00 pm during the long vacation,

on every day of the year except -

(i) on Saturdays and Sundays;

(ii) on Maundy Thursday after 11.30 am;

(iii) on such days as may be appointed by the Governor to be public holidays or bank holidays; and

(iv) on such other days as the Chief Justice may appoint.

(2) The Registry may be opened to the public at any time and on any day if in the opinion of the Registrar it is necessary for urgent business.

(3) The Chief Justice may by notice in the Gazette amend the times which appear in sub-rule (1).

PART III

PRACTICE AND PROCEDURE IN ORIGINAL CIVIL MATTERS

Application of English rules of court.

6.(1) Where no other provision is made by these rules or by any Act, rule or regulation in force in Gibraltar, and subject to the express provisions of these rules, the rules of court that apply for the time being in England in the High Court shall apply to all original civil proceedings in the court.

(2) *Repealed*

(3) The rules applied by sub-rule (1) shall apply with necessary changes and so far only as the circumstances of Gibraltar may permit; and, without prejudice to the generality of the foregoing -

(a) any reference to an English Act shall, where there is a corresponding Gibraltar Act, be read as a reference to that Act; and

- (b) rules which refer or relate to a Division of the High Court shall apply to such causes and matters as would, in England, be assigned to that Division.

(4) In the interpretation of the rules applied by sub-rule (1) there shall, where the context permits, be substituted for the words and phrases set out in the first column of Schedule 1, the words and phrases set out opposite to them in the second column thereof to the extent indicated in the third column thereof.

Practice and procedure in winding-up, matrimonial causes and bankruptcy.

7. Subject to the provisions of rule 3(5), English practice and procedure shall be followed -

- (a) *Repealed*
- (b) in matrimonial causes, as it was on the 10th day of April, 1968;
- (c) *Repealed*

Certain English rules and practice excluded.

8. Notwithstanding the provisions of rules 6 and 7, no English rule or practice or procedure shall apply or be followed in the Court so far as it relates to any of the matters listed in Schedule 2.

Filing of copies.

9. Whenever in compliance with any rule or order of Court, any person serves any document on any other person, he shall as soon as practicable thereafter lodge a copy of that document with the Registrar for filing:

Provided that this rule shall not apply in respect of any document which, or a copy of which, is filed in the Court.

10. *Deleted.*

Examiners and conveyancing counsel.

11. The Court may appoint the Registrar, the Deputy Registrar or any barrister or solicitor practising in Gibraltar to act ad hoc as an examiner or as conveyancing counsel of the court.

Drawing-up of orders.

12.(1) Every judgment or order which is required to be drawn-up shall be drawn-up by the party in whose favour the judgment or order was made and shall be served by such party.

(2) Any dispute as to the party to draw up any judgment or order shall be determined by the Registrar.

PART IV
APPEALS IN CIVIL MATTERS

Appeals from a Master

Applications for leave to appeal.

13. An application to a Master for leave to appeal from an order or decision of a Master shall be filed within seven days of the order or decision against which it is desired to appeal.

Notice of appeal.

14.(1) Any person who desires to appeal to the Chief Justice or an additional judge from a judgment, order or other decision of a Master shall, within thirty days of the date of the decision against which it is desired to appeal, give notice in writing in duplicate to the clerk of a Master and shall, before or within seven days of giving such notice, serve copies thereof on all persons directly affected by the appeal.

(2) Every notice of appeal shall state whether it is intended to appeal against the whole or part only of the decision, and where it is intended to appeal against a part only of the decision, shall specify the part complained of, shall state the address for service of the appellant and shall state the names and addresses of all persons intended to be served with copies of the notice.

(3) Where an appeal lies only with leave, notice of appeal shall not be given before the filing of the application for leave but may be given before the decision on the application.

(4) A notice of appeal shall be substantially in the form numbered CA1 in Schedule 3, shall be signed by or on behalf of the appellant and shall be accompanied by the prescribed fee.

Appeal record.

15.(1) As soon as practicable after receiving a notice of appeal under rule 14(1) the clerk of a Master shall prepare the record of appeal, which shall include copies of -

- (a) the documents in the case;

- (b) the judge's notes of evidence or such parts thereof as are relevant to any question at issue on the appeal;
- (c) such witness statements, affidavits, exhibits, or parts of exhibits, as were in evidence in the court below and as are relevant to any question at issue on the appeal;
- (d) the judgment or order;
- (e) where leave to appeal was required, a copy of the order giving leave.

(2) The clerk of a Master shall deliver two copies of the record of appeal and two copies of the notice of appeal to the Registrar and shall send one copy of the record of appeal to each party directly affected by the appeal:

Provided that where two or more parties are represented by one solicitor, it shall be sufficient to send one copy of the record of appeal to that solicitor.

Memorandum of appeal.

16.(1) The appellant shall, within ten days of receiving the record of appeal, file with the Registrar a memorandum of appeal in duplicate and shall within that period serve copies of the memorandum on all persons who were served with the notice of appeal.

(2) The memorandum of appeal shall set forth concisely and under distinct heads, without argument or narrative, the grounds of objection to the decision appealed against, specifying the points which are alleged to have been wrongly decided and the nature of the order for which he proposes to ask.

(3) The grounds of objection shall be numbered consecutively.

(4) A memorandum of appeal shall be substantially in the form numbered CA2 in Schedule 3 and shall be signed by or on behalf of the appellant.

Failure to lodge memorandum.

17. Subject to the right of an appellant to apply to extend time in which to file, if a memorandum of appeal is not filed and served within the time prescribed by rule 16, the appeal shall be deemed to have been withdrawn.

Notice of cross-appeal.

18.(1) A respondent who desires to contend at the hearing of the appeal, either -

- (a) that the decision appealed against or any part thereof should be varied or reversed, either in any event or in the event of the appeal being allowed in whole or in part; or
- (b) that the decision should be affirmed on grounds other than or additional to those relied on by the Master,

shall, within ten days of receiving the record of appeal, file with the Registrar in duplicate a notice to that effect, specifying the grounds of his contention and, where appropriate, the nature of the order for which he proposes to ask, and shall, within that period, serve copies of the notice on the appellant and on all, if any, other respondents.

(2) A notice of cross-appeal shall be substantially in the form numbered CA3 in Schedule 3 and shall be signed by or on behalf of the respondent filing it.

Addition of parties.

19. At any stage of the appeal, the court may direct that a copy of the proceedings be served upon any person, whether a party to the original proceedings or not, whom it appears proper to make a respondent.

Setting down and notice of hearing.

20. On receipt of the memorandum of appeal, the Registrar shall fix a date and time for the hearing of the appeal and shall give notice thereof in writing to the clerk of a Master and to each of the parties.

Evidence.

21. No evidence shall be admitted at the hearing of an appeal except with the permission of the Chief Justice or an additional judge.

Arguments at hearing.

22. At the hearing of the appeal, neither the appellant nor the respondent shall, without the permission of the Chief Justice or an additional judge and upon such terms, if any, as the Chief Justice or an additional judge shall think just, argue any ground of appeal or cross-appeal other than those stated in the memorandum of appeal or the notice of cross-appeal.

Death of party.

23. An appeal shall not abate on the death of the appellant or a respondent but the Chief Justice or an additional judge shall, on the application of any interested person, cause the personal representative of the deceased to be made a party in place of the deceased.

Failure of parties to appear.

24.(1) If, at the time fixed for hearing the appeal -

- (a) the appellant does not appear and is not represented, the Chief Justice or an additional judge may dismiss the appeal and, if the respondent appears or is represented, any cross-appeal shall proceed notwithstanding the absence of the appellant;
- (b) the appellant appears or is represented and the respondent does not appear and is not represented, the appeal shall proceed notwithstanding the absence of the respondent and the Chief Justice or an additional judge may dismiss any cross-appeal;
- (c) neither the appellant nor the respondent appears or is represented, the Chief Justice or an additional judge may dismiss the appeal and any cross-appeal,

unless, in any case, the Chief Justice or an additional judge shall think fit to adjourn the proceedings.

(2) Where under sub-rule (1) an appeal has been heard and allowed in the absence of the respondent or dismissed in the absence of the appellant or a cross-appeal has been dismissed in the absence of the respondent or heard and allowed in the absence of the appellant, the respondent or the appellant, as the case may be, may within seven days apply to the Chief Justice or an additional judge to set aside the determination and restore the appeal or cross-appeal for hearing on the ground that he was prevented by any sufficient cause from appearing or being represented and the Chief Justice or an additional judge may restore the appeal or the cross-appeal on such terms as the Chief Justice or an additional judge may think just.

Appeals by case stated from magistrates' court

Form of application.

25. An application under section 62 of the Magistrates' court Act to the justices to state a case for the opinion of the Supreme Court in any civil matter shall be in writing and shall be delivered to the clerk to the Magistrates' court, together with a copy thereof for each of the justices who heard the proceeding.

Contents of application.

26.(1) The application shall state the question or questions of law or jurisdiction to be determined.

(2) Where the question or one of the questions on which the opinion of the Court is sought is whether there was evidence on which the Magistrates' court could come to its decision, the particular finding of fact made by that Court which it is claimed cannot be supported by the evidence shall be specified in the application.

Draft case.

27.(1) The clerk to the Magistrates' court shall send a draft case to the applicant or his solicitor and shall send a copy thereof to the respondent or his solicitor, within twenty-one days -

- (a) after receipt of the application; or
- (b) when the justices have refused to state a case, after the making of an order of mandamus,

as the case may be.

(2) Each party may, within twenty-one days after receipt of the draft case, make representations thereon. Such representations shall be in writing, shall be signed by or on behalf of the party making them and shall be delivered to the clerk to the Magistrates' court.

Final case.

28.(1) Within twenty-one days after the latest day on which representations may be made under rule 27(2), the justices whose decision is questioned shall make such adjustments, if any, to the draft case as they may think fit after considering any such representations, and shall state and sign the case.

(2) A case, other than a case stated by the Stipendiary Magistrate, may be stated on behalf of the justices by any two or more of them and may, if the justices so direct, be signed on their behalf by their clerk.

(3) Forthwith after the case has been stated and signed, the clerk of the Magistrates' court shall transmit it to the Registrar, together with a statement of the last known address of each of the parties, and shall send copies of the case stated to the applicant or his solicitor and to the respondent or his solicitor.

Contents of case.

29.(1) The case stated shall state the facts found by the Magistrates' court and the question or questions of law or jurisdiction on which the opinion of the Court is sought.

(2) Where one of the questions on which the opinion of the Court is sought is whether there was evidence on which the Magistrates' court could come to its decision, the particular finding of fact which it is claimed cannot be supported by the evidence before the Magistrates' court shall be specified in the case.

(3) Unless one of the questions on which the opinion of the Court is sought is whether there was evidence on which the Magistrates' court could come to its decision, the case shall not contain a statement of evidence.

Setting down, notice of hearing, arguments at hearing and failure of parties to appear.

30. The provisions of rules 20, 22, 23, and 24 shall apply with the necessary changes to the hearing of cases stated to which these rules apply.

Other Appeals

Appeals from other courts, tribunals and persons.

31. Where any enactment, other than the Court of First Instance Act or the Magistrates' court Act, confers a right of appeal to the Court from any subordinate court, tribunal or person in any civil matter, the procedure prescribed by rules 13 to 24 or rules 25 to 30 inclusive shall be followed, whichever may be appropriate, with such modifications as may be necessary and except so far as may be otherwise provided by such enactment or any rules made thereunder or by these rules.

Rights of tribunals and persons to appear and be heard.

32. Where an appeal is from a tribunal or person and there is no respondent or the respondent does not appear and is not represented, the tribunal or person, as the case may be, shall be entitled to appear and be heard on the appeal.

Electoral registration appeals.

33. Where notice of appeal has been given to the registration officer under rule 21(1) of the Electors (Registration) Rules, the following provisions shall apply –

- (a) the registration officer shall within seven days of receiving the notice of appeal, deliver it to the Registrar, together with the statement required by rule 21(2) of those rules;

- (b) on receipt of the notice of appeal and the statement, the Registrar shall fix a date and time for the hearing of the appeal and shall give notice thereof in writing to the registration officer, the appellant and any other party;
- (c) the Registrar, when giving notice to the appellant and any other party of the date and time for the hearing of the appeal, shall furnish them with copies of the statement made by the Registration Officer;
- (d) on the hearing of the appeal, the statement of the Registration Officer and any other statement in writing which the Court may have required shall be admissible as prima facie evidence of the facts stated therein:

Provided that any other party to the appeal may serve on the Registration Officer a notice in writing requiring his attendance at the hearing for cross-examination on such statement or statements, such notice to be served not less than four clear days before the hearing, or may compel his attendance for cross-examination in the same way as he might compel the attendance of a witness to be examined.

Trade union registration appeals.

34. In an appeal from the refusal of the Registrar of Trade Unions to register a trade union or from his decision to cancel the registration of a trade union -

- (a) except where the trade union or the alleged trade union is the appellant, it shall, for the purpose of rules 14(1) and 15(2), be deemed to be a party directly affected by the appeal;
- (b) the court may direct that public notice be given by advertisement or otherwise of the time fixed for the hearing of the appeal or may make provision to enable any interested persons to appear and be heard on the appeal.

PART V

REGISTRATION OF DEEDS AND WILLS PURSUANT TO SECTION 3 OF THE GIBRALTAR LAND TITLES ACT, 1990

Delivery of deed or will for registration.

35.(1) A deed or will requiring registration under the Gibraltar Land Titles Act, 1990 shall be delivered by hand at the Registry, together with -

- (a) in the case of a deed, the affidavit or affidavits of due execution required by section 5 of the Act or such other evidence as the Registrar may deem satisfactory, and

- (b) in the case of a will, a certificate, or other sufficient evidence, of the date of the death of the testator, and
- (c) the prescribed fee.

(2) Where a will has been proved and is in the Registry, the tender of the prescribed fee shall be a sufficient compliance with the requirements of this rule.

Receipt.

36. Immediately on the delivery of a deed or will, the officer receiving it shall give an official receipt therefor.

Registration.

37.(1) Unless the nature of the documents shall render it impossible, any document submitted for registration, shall be -

- (a) on paper of durable quality and of A4 size; and
- (b) have on each page a margin of not less than 4 cms wide to be left blank on the left side of the face of the paper and on the right side of the reverse thereof.

(2) Any document submitted for registration, shall be accompanied by an unbound copy thereof (which copy may be a photocopy acceptable to the Registrar) and that copy shall be endorsed by the person by whom it is submitted for registration as a true copy of the document submitted for registration and shall be retained by the Registrar.

(3) Except in the case of an agreement to enter into a lease or assignment, a plan which forms part of a document submitted for registration, shall be -

- (a) submitted with the document of which it forms part;
- (b) accompanied by a tracing thereof on linen or on paper or other material approved by the Registrar, coloured like the original; and
- (c) retained by the Registrar.

(4) In respect of a document executed prior to the 1st day of April 1993, the Registrar may, in his absolute discretion, accept a document which does not comply with the provisions of sub-rule (1)(b).

(5) The Registrar, after satisfying himself that the deed or will was duly executed and, where necessary, attested and, in the case of a deed -

- (a) has satisfied section 3(4) of the Gibraltar Land Titles Act, 1990, and
- (b) has been duly stamped,

shall thereupon -

- (i) make or cause to be made the appropriate entry in the register of deeds and wills;
- (ii) endorse or cause to be endorsed on the deed or will a certificate of registration in the form set out in Schedule 4 showing the date when the deed or will was registered, its serial number and the amount of the fee paid;
- (iii) make or cause to be made a copy of the will.

Return of deed or will.

38. After registration, the deed or will shall be returned to the person who delivered it, on his signing a receipt therefor in the register referred to in rule 40.

Binding of copies.

39. The Registrar shall retain the copies of deeds and wills made in compliance with paragraphs 2 and 5(iii) of rule 37 and shall from time to time cause them to be bound in volumes.

Register and index.

40.(1) The Registrar shall maintain a register together with an index.

- (2) The register shall be divided in columns, showing respectively -
 - (a) the year in which the deed or will is registered and its serial number in such year;
 - (b) a description of the deed or will and, in the case of a deed, whenever possible, the reference number in the general plan of the City of the land concerned;
 - (c) the date of the deed or will, and in the case of a will, the date of the death of the testator;

- (d) the name of the testator or, in the case of a deed, the names of the parties, other than the grantee;
- (e) in the case of a deed, the name of the grantee;
- (f) the date and hour when, and the name of the person by whom the instrument was delivered;
- (g) the fee for registration;
- (h) the date when the deed or will was returned to the person who delivered it;
- (i) the signature of the person to whom the deed or will was returned.

(3) The index shall contain the names, entered alphabetically, as regards deeds, of all parties thereto and, as regards wills, of the testators.

Revocation.

41. The Land Titles (Registration) Rules 1991 (LN 22 of 1991) and Land Titles (Registration) (Amendment) Rules 1993 (LN 36 of 1993) are hereby revoked.

PART VI
ENROLMENT OF DEEDS

Delivery of deed for enrolment.

42. Any person who wishes a deed to be enrolled shall deliver it by hand at the Registry, together with the prescribed fee and any supporting documents required by law or practice.

Receipt.

43. Immediately on the delivery of a deed, the officer receiving it shall give an official receipt therefor.

Enrolment.

44. The Registrar, after satisfying himself that the deed was duly executed and has been duly stamped and that the supporting documents (if any) are in order, shall -

- (a) endorse or cause to be endorsed on the deed a certificate of enrolment showing the date when the deed was delivered for enrolment and its serial number; and

(b) make or cause to be made a copy of the deed.

Return of deed.

45. After enrolment, the deed shall be returned to the person who delivered it, on his signing a receipt therefor.

Binding of copies.

46. The Registrar shall retain the copies of deeds made in compliance with paragraph (b) of rule 44 and shall from time to time cause them to be bound in volumes.

**PART VII
RECORDS**

Records.

47. The Registrar shall keep the books, or records in computerised form, as listed in the First and Second Parts of Schedule 5 and shall make or cause to be made entries therein recording the proceedings in the Court and all steps taken therein.

Public inspection.

48. The books or records listed in the First Part of Schedule 4 shall be open to inspection by any member of the public on payment of the prescribed fee (if any).

**PART VIII
FEES, COSTS, EXPENSES AND COMMISSION**

Fees.

49.(1) Subject to sub-rule (2), the fees to be taken by the Registrar shall be the fees set out in Schedule 6.

- (2) The fees set out in Schedule 6 may be varied in the following circumstances—
- (a) a judge may reduce or remit any fee which it appears to him that owing to the exceptional circumstances of the particular case it would involve undue hardship;
 - (b) no fee shall be taken where by any convention or agreement entered into with any country and binding on the Government of Gibraltar it is provided that no fee shall be payable in respect of any class of proceeding; and

- (c) no fee shall be payable by the Crown.

Costs.

50. Costs may be awarded in accordance with the practice, procedure and scales from time to time in force in the High Court in England.

Remuneration of Official Trustee.

51. The remuneration to be allowed to an Official Trustee in bankruptcy shall be regulated by Schedule 7.

Sheriff's expenses.

52. An execution creditor shall pay to the sheriff the reasonable cost, as certified by him, for -

- (a) a person or, when necessary, persons left in physical possession, he or they to provide his or their own board;
- (b) the removal of goods or animals to a place of safekeeping, when necessary;
- (c) warehousing or taking charge of goods or animals when they have been removed;
- (d) the keep of animals while in the custody of the sheriff, whether before or after removal;
- (e) advertising, publicity and labour, where property is sold by private contract, including the cost of preparing an inventory and printing catalogues.

Auctioneer's commission and expenses.

53.(1) Where goods or animals taken in execution are sold by public auction, or are put up to auction subject to a reserve and are not sold, the auctioneer shall be entitled to receive commission at the rate prescribed by law.

(2) Where under an execution an auctioneer negotiates a sale of goods or animals by private treaty, he shall be entitled to commission equal to that which he would have received on a sale by auction:

Provided that if he has received commission in respect of an auction of those goods or animals that did not result in a sale, he shall be entitled to one half only of the commission payable under this sub-rule.

(3) Where an execution is withdrawn, satisfied or stopped before an auction has been held, the auctioneer shall be entitled to receive from the person issuing the execution or the person at whose instance the sale is stopped, as the case may be, his out-of-pocket expenses and, if the work done includes the preparation of a detailed inventory, commission of one per cent of the value of the goods seized.

1960-02

Supreme Court

2000/031

Supreme Court Rules 2000

SCHEDULE 1

INTERPRETATION OF ENGLISH RULES

Column 1	Column 2	Column 3
26th April 1999	4th May 2000	
25th April 2000	3rd May 2001	
Authorised court officer	Deputy Registrar	
Board of Trade	(a) Principal Auditor	Verification of accounts, power to require accounts to be completed, amended or explained and enforcement of any such requirement.
	(b) Registrar	Functions in bankruptcy in lieu of committee of inspection.
Central Office	Registry	
Chief Master	Registrar	
Costs judge	Registrar	
Crown Office	Registry	
Director of Public Prosecutions	Attorney-General	
Divisional Court	Court	
England or	Gibraltar	
England and Wales		
High Court	Supreme Court	
Judge	Chief Justice or an additional judge	
London	Gibraltar	
London Gazette	Gibraltar Gazette	
Lord Chancellor	Chief Justice	
Master	Registrar	
Official Receiver	(a) Registrar or the official trustee	In bankruptcy matters, as the context requires
	(b) Official receiver	In the winding-up of companies
Official Solicitor	Attorney-General	Except in relation to criminal matters
President of the Family Division	Chief Justice	

Supreme Court

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Queen's Proctor	Attorney-General
Senior Registrar	Registrar
United Kingdom	Gibraltar
Treasury Solicitor	Attorney-General

SCHEDULE 2**ENGLISH RULES, PRACTICE AND PROCEDURE EXCLUDED.**

Rules, practice and procedure relating to -

- (a) the establishment of Divisions of the High Court, and the assignment of actions to Divisions;
- (b) the transfer of proceedings between county courts and within the High Court;
- (c) appeals to or proceedings in the Court of Appeal;
- (d) district registries;
- (e) the keeping and arrangement of lists of proceedings for trial or hearing;
- (f) the keeping of books of record;
- (g) the keeping of books of account and the regulation of funds in court;
- (h) the functions of or service on the Accountant General;
- (i) personal applications for grants of probate or letters of administration;
- (j) the deposit of wills of living persons;
- (k) legal aid and advice;
- (l) in probate matters, inland revenue affidavits;
- (m) in bankruptcy matters, the keeping of registers of bills taxed and registers of writs and orders affecting land;
- (n) proceedings relating to solicitors.

SCHEDULE 3

FORMS FOR USE IN CIVIL APPEALS

FORM CA1
(to be lodged in duplicate)

NOTICE OF APPEAL

TAKE NOTICE that
being dissatisfied with the decision of His Honour Judge
given on the day of 20 , intends to appeal to the Supreme Court
against the whole of the said decision/such part of the said decision as decides that

The address for service of the appellant is

It is intended to serve copies of this notice on

Dated this day of 20 .

Appellant.

To the Clerk of the Court of First Instance

Received in the Court of First Instance on the day of 20 .

Clerk.

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FORM CA2

IN THE SUPREME COURT OF GIBRALTAR

Civil Appeal No of 20.....

BETWEEN:

.....

Appellant

and

.....

Respondent

Appeal from a of the Court of
First Instance in

MEMORANDUM OF APPEAL

the above-named appellant appeals to the Supreme Court against the whole/part of the above-mentioned decision on the following grounds, namely -

- 1
- 2

It is proposed to ask the court for an order that

Appellant.

To the Honourable the Chief Justice.

Received in the Supreme Court on the day of 20 .

Registrar.

FORM CA3

IN THE SUPREME COURT OF GIBRALTAR

NOTICE OF CROSS-APPEAL

Take notice that on the hearing of this appeal, the above-named respondent will contend -

(a) that the above-mentioned decision ought to be varied or reversed to the extent and in the manner and on the grounds hereinafter set out, namely -

1.
2.

(b) that the above-mentioned decision ought to be affirmed upon grounds other than those relied upon by the Court of First Instance, namely -

1.
2.

It is proposed to ask the court for an order that
.....

Appellant.

To the Honourable the Chief Justice

Received in the Supreme Court on the day of 20 .

Registrar.

SCHEDULE 4

FORM OF ENDORSEMENT OF REGISTERED DEEDS AND WILLS

Part 1

Endorsement of ORIGINAL DEED OR WILL

SUPREME COURT, GIBALTAR

Date of Registration: day of 20 .

THESE ARE TO CERTIFY that on the above written date of registration the foregoing DEED/WILL was duly registered in this Court as No of 20 , and that previously to such registration the fee of was duly paid.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of the Court.

This day of 20 .

Registrar.

Part 2.

Endorsement of DUPLICATE DEED

SUPREME COURT, GIBALTAR

THESE ARE TO CERTIFY that on the day of 20 the original hereof (of which the foregoing purports to be a Duplicate) was duly registered in this Court as No of 20 , pursuant to the provisions of the Gibraltar Land Titles Act, 1990, and that previously to such registration the fee of was paid on the original.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of the Court.

This day of 20 .

Registrar.

SCHEDULE 5.

RECORDS.

PART I.

An appearance book for Chancery and Queen's Bench matters
(other than Admiralty matters)
An appearance book for Admiralty matters
An appearance book for probate matters
An appearance book for matrimonial causes
A judgment book for Chancery and Queen's Bench matters
(other than Admiralty matters)
A judgment book for Admiralty matters
A judgment book for probate matters
A register of petitions in companies winding-up
A register of companies winding-up orders
A probate caveat book
A probate calendar
A register of maintenance orders from abroad
A decree book for matrimonial causes
A register of bankruptcy notices
A register of petitions in bankruptcy
A register of receiving orders in bankruptcy
A register of deeds of arrangement
A judgment book for civil appeals
The register of wills and deeds required by rule 40
A register of deeds enrolled
A register of bills of sale
A register of judgments for reciprocal enforcement
A register of European Community judgments
An oaths book
The roll of court
A roll of justices

PART II.

An action book for Chancery and Queen's Bench matters
(other than Admiralty matters)
An action book for Admiralty matters
An action book for matrimonial causes
An action book for probate matters
An action book for company matters

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A proceedings book for the Court of Protection
A proceedings book for bankruptcy matters
A caveat book for Admiralty matters
A register of wards of court
A miscellaneous matters book
A civil appeals book
A criminal appeals book
A fines book

SCHEDULE 6

FEEES

Description of fee	Amount of fee
<u>1. CIVIL PROCEEDINGS</u>	
1.1 <u>Starting a Claim</u>	
<u>Money Claims</u>	
On starting proceedings to recover a sum of money, based on the amount claimed, including interest, where the sum claimed:	
(a) does not exceed £300	£35
(b) exceeds £300 but does not exceed £500	£50
(c) exceeds £500 but does not exceed £1,000	£70
(d) exceeds £1,000 but does not exceed £1,500	£80
(e) exceeds £1,500 but does not exceed £3,000	£115
(f) exceeds £3,000 but does not exceed £5,000	£200
(g) exceeds £5,000 but does not exceed £10,000	£350
(h) exceeds £10,000 but does not exceed £15,000	£400
(i) exceeds £15,000 but does not exceed £25,000	£500
(j) exceeds £25,000 but does not exceed £50,000	£600
(k) exceeds £50,000 but does not exceed £100,000	£800
(l) exceeds £100,000 but does not exceed £150,000	£1,000
(m) exceeds £150,000 but does not exceed £200,000	£1,200
(n) exceeds £200,000 but does not exceed £250,000	£1,500
(o) exceeds £250,000 but does not exceed £300,000	£1,700
(p) exceeds £300,000 but does not exceed £500,000	£2,000
(q) exceeds £500,000 but does not exceed £1,000,000	£2,500
(r) exceeds £1,000,000 but does not exceed £5,000,000	£3,000
(s) exceeds £5,000,000 but does not exceed £10,000,000	£4,000
(t) exceeds £10,000,000 or is not limited or unspecified	£5,000
On the filing of a counterclaim	The same fee as if the remedy sought were the subject of separate proceedings
<u>Non-money Claims</u>	
On starting proceedings for any other remedy	£300

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On filing of proceedings against a party or parties not named in the proceedings		£50
On starting proceedings for judicial review		£500
1.2 <u>Hearing Fees</u>		
Within 14 days of the court fixing the trial date, the fee payable for the hearing of:		
A case on the Small Claims Track where the sum claimed:	(a) does not exceed £300	£25
	(b) exceeds £300 but does not exceed £500	£55
	(c) exceeds £500 but does not exceed £1,000	£80
	(d) exceeds £1,000 but does not exceed £1,500	£115
	(e) exceeds £1,500 but does not exceed £3,000	£170
	(f) exceeds £3,000	£335
A case on the fast track		£450
A case on the multi-track (for the first 15 sitting days)		£900
In the multi-track, for every additional sitting day, or part thereof, after the first 15 sitting days		£400
1.3 <u>General Civil Proceedings Fees</u>		
<u>Applications</u>		
On an application on notice where no other fee is specified		£150
On an application by consent or an application to be dealt with without a hearing where no other fee is specified		£50
Application for a summons or order for a witness to attend court		£50
Application for a certificate of satisfaction of a judgment debt		£15
1.4 <u>Determination of Costs</u>		
On filing a request for a detailed assessment where the amount of the costs claimed:	(a) does not exceed £15,000	£300
	(b) exceeds £15,000 but does not exceed £50,000	£500
	(c) exceeds £50,000 but does not exceed £200,000	£600
	(d) exceeds £200,000 but does not exceed £500,000	£1,500
	(e) exceeds £500,000	£3,000
On a request for the issue of a default costs certificate		£50

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On an application to set aside a default costs certificate	£100
On commencing an appeal against a decision made in detailed assessment proceedings	£150
1.5 <u>Enforcement Proceedings</u>	
On sealing a writ of execution, possession, delivery or writ of Fife	£50
On an application to vary a judgment, suspend enforcement or suspend a warrant of possession	£50
On an application for an order requiring a judgment debtor or other person to attend court to provide information in connection with enforcement of a judgment or order	£50
On a request for service by bailiff of an order to attend court for questioning	£100
On an application for a third party debt order	£100
On an application for a judgment summons	£100
On a request or application to register a judgment or order, or for leave to enforce an arbitration award, or for a certified copy of a judgment or order for use abroad	£50

2. ADMIRALTY

To issue the Claim Form	The fee payable on starting ordinary civil proceedings
On an application on notice	£150
On an application by consent or an application to be dealt with without a hearing	£50
On the filing of a request for a warrant of arrest	£50
To request service by the Marshal of the Claim Form (as part of the arrest)	£100
To request the arrest of a vessel by the Marshal	£100
To request service by the Marshal (other than on effecting arrest)	£150
On filing a praecipe for release	£20
On filing of a Caution	£40

3. COMPANIES JURISDICTION AND INSOLVENCY

On an application for the appointment of a liquidator by the court	£200
On an application for a bankruptcy order:	
i. if made by a debtor or by the personal representative of a deceased debtor	£150

ii. If made by a creditor or other person	£200
On making any other originating application under the Companies Act or Insolvency Act	£180
On the hearing of an examination of a bankrupt	£50
On an application on notice within existing proceedings where no other fee is specified	£150
On an application by consent or an application to be dealt with without a hearing where no other fee is specified	£50

4. DIVORCE, DISSOLUTION AND MATRIMONIAL JURISDICTION

On filing a petition (including cross-petition)	£250
On filing any other originating application in the Divorce, Dissolution or Matrimonial jurisdiction or under the Children Act	£150
On applying for an injunction	£50
On any other application in existing Divorce, Dissolution or Matrimonial jurisdiction proceedings or under the Children Act	£50

5. PROBATE

On an application for a grant or for resealing a grant, on the net value of the estate, where the value:	(a) does not exceed £20,000	No fee
	(b) exceeds £20,000 but does not exceed £25,000	£40
	(c) exceeds £25,000 but does not exceed £40,000	£80
	(d) exceeds £40,000 but does not exceed £70,000	£150
	(e) exceeds £70,000 but does not exceed £100,000	£215
	(f) exceeds £100,000 but does not exceed £200,000	£300
	(g) exceeds £200,000	£300 plus £100 for every additional £100,000, or part thereof, exceeding £200,000
On the filing of a caveat		£40
To request the settling of a draft document, per document		£100

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On depositing a will for safe custody in the Registry	£250
On an application for:	
a grant limited to settled land	£50
grant limited to trust property	£50
a duplicate grant	£50
a second or subsequent grant	£50

6. APPEALS TO THE SUPREME COURT

Where no other fee is specified, on filing a notice of appeal (including an appeal against an allocation decision), or a case stated or a special case for the opinion of the Supreme Court pursuant to statute, or a notice of cross appeal, or a respondent's notice of appeal

£200

7. COURT OF PROTECTION

On the filing of an application	£400
If hearing is required, an additional	£100
On the filing of accounts by receivers	On income of up to £20,000 per annum, a fee of £100. An additional £10 will be payable for every additional £10,000 of income per annum

8. MISCELLANEOUS FEES

- 8.1 Swearing Affidavits at the Registry
On taking an affidavit or an affirmation or attestation upon honour in lieu of an affidavit or a declaration - for each person making any of the above £5
- For each exhibit referred to in an affidavit, affirmation, attestation or declaration £2
- 8.2 Enrolment of Deed Evidencing Change of Name
- | | | |
|-----|---|-----|
| (a) | for a document not exceeding 15 pages in length | £20 |
| (b) | exceeding 15 pages and not exceeding 40 pages in length | £40 |
| (c) | exceeding 40 pages in length | £60 |
- 8.3 Miscellaneous Services
For a transcript of proceedings:
- | | | |
|-----|--------------------------------|-------|
| (a) | each A4 page or part of a page | £5 |
| (b) | for additional copies per page | £0.25 |

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For an audio copy of a recording of proceedings when approved by a Judge			£50
For a photographic copy of any document or part thereof:	(a)	each A4 page	£0.25
	(b)	each A3 page	£0.50
For examining a plain copy and marking it as an office copy, for each sheet			£0.50
For certifying a copy to be a true copy of the original, under the seal of the court for each document			£4 and 50p per page
Search Fees - per every 15 minutes or part thereof			£10
8.4 <u>Lawyers</u>			
On presenting a petition for approval and admission as a barrister or solicitor			£200
On an application for the waiving of rules 4(2) & 5(1) of the Barristers & Solicitors Rules			£150
On an application for registration as a European Lawyer			£200
8.5 <u>Other</u>			
On filing any document under the Bills of Sale Act			£50

9. FEES NOT PROVIDED FOR

For any other matter not prescribed above in respect of which any rules of court provide that a fee is payable	£200 or such lower amount as the Registrar may in his discretion determine
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SCHEDULE 7

REMUNERATION OF OFFICIAL TRUSTEES IN BANKRUPTCY

Item No	£
1.	Of the net assets realized or brought to credit by an official trustee, whether acting as receiver or as trustee under a composition or scheme, after deducting any sums paid to secured creditors in respect of their securities, and not being moneys received and spent in carrying on the business of the debtor -
	(a) the sum of 50.00
	and
	(b) for every £100 or fraction of £100 of such net assets -
	(i) up to £1,000 12.50
	(ii) above £1,000, up to £10,000 5.00
	(iii) above £10,000 2.50
2.	On the amount distributed to creditors by an official trustee when acting as trustee under a composition, for every £100 or fraction of £100 -
	(a) up to £1,000 3.00
	(b) above £1,000 up to £2,000 1.50
	(c) above £2,000 1.00
3.	On the amount distributed in dividend or otherwise to unsecured creditors, otherwise than under a composition, for every £100 or fraction of £100 -
	(a) up to £2,500 5.00
	(b) above £2,500 up to £10,000 2.50
	(c) above £10,000 1.00
4.	For supervising a special manager or the carrying on of a debtor's business, if the value of the gross assets as estimated by the official trustee -
	(a) exceeds £100 but does not exceed £500, per week 1.50

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(b) exceeds £500 but does not exceed £5,000, per week	3.00
(c) exceeds £5,000 but does not exceed £10,000, per week	5.00
(d) exceeds £10,000, per week	7.50