

**CIVIL PROCEEDINGS (FEES AND ALLOWANCES)
RULES, 2007**

In exercise of the powers conferred on the Rules of Court Committee by Article 154 of the 1992 Constitution these Rules are made this 28th day of February, 2006.

Application

1. These Rules apply to civil proceedings in
 - (a) the District,
 - (b) the Circuit and High Courts,
 - (c) the Commercial Court (of the High Court),
 - (d) the Court of Appeal and
 - (e) the Supreme Court.

District, Circuit and High Court Fees

2. (1) Subject to rules 9 and 10, the fees specified in the second column shall be paid for the matters and in the courts listed in the first column of the First Schedule.

(2) On filing a writ for a claim of rent arrears and mesne profit, the filing fee for the writ shall subject to subrules (3) and (4) be assessed as judicial relief under paragraphs 7 and 8 of the First Schedule if the value of the rent arrears and mesne profit has not been fully determined.

(3) After judgment and on the determination of the full value of the rent arrears and the mesne profit, the full value of the rent arrears and mesne profit shall be added to the value of the relief at the time of filing and the total value shall be assessed at the appropriate District or High Court rate under paragraph 1 or 2 of the First Schedule as applicable.

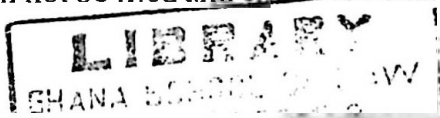
(4) The fee for Judicial Relief paid under subrule (2) shall be regarded as a deposit and the difference between that fee and the assessed appropriate District or High Court rate under subrule (3) shall be collected as additional fees.

(5) Subrules (2), (3), and (4) are with the necessary modification applicable to claims where interlocutory judgment is first entered and the damages are assessed later as in cases of trespass, conversion and defamation among others.

(6) Interest ordered to be paid by the Court or payable under contract shall be added to the main debt and the total value shall be assessed at the appropriate District or High Court rate under paragraph 1 or 2 of the First Schedule as applicable.

(7) The difference between the fee paid for the main debt and the assessment under subrule (6) shall be collected as additional fees.

(8) Additional fees required to be paid under subrules (4), (5) and (7) shall be stated in the Entry of Judgment and unless the additional fees are paid, the entry of Judgment shall not be filed and execution shall be stayed.



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Commercial Court Fees

3. Subject to rules 9 and 10, the fees specified in the second column shall be paid in the Commercial Court for the matters listed in the first column of the Second Schedule.

Court of Appeal Fees

4. (1) Subject to rules 9 and 10, the fees specified in the second column shall be paid in the Court of Appeal for the matters listed in the first column of the Third Schedule.

(2) The fees shall be paid to the Registrar of the Court from which the appeal is brought or to the Registrar of the Court of Appeal.

Supreme Court Fees

5. Subject to rules 9 and 10, the fees specified in the second column shall be paid in the Supreme Court for the matters listed in the first column of the fourth Schedule.

Witness Allowance

6. (1) A party on whose behalf a witness is called shall pay to that witness for each day of attendance

(a) in the Court Listed in the first column the fees specified in the second column of the Fifth Schedule, and

(b) the travelling expenses reasonably and actually paid by that witness.

(2) The party who pays the witness allowance and travelling expenses may, if the Court so orders, recover the witness allowance and travelling expenses as costs under this rule.

(3) This rule does not apply if the Court makes an order under section 65 of the Courts Act, 1993 (Act 459).

(4) This rule does not apply to a public officer called as a witness by the State.

Witness summoned on subpoena

7. (1) A party who applies for a subpoena may be required, before the subpoena is issued and within a period to be fixed, to pay into Court a sum of money that appears to the Registrar of the Court to be sufficient to defray the travelling and other expenses in regard to attendance at the Court by the person subpoenaed.

(2) The scale of allowance set out in the Fifth Schedule shall be used to determine the amount payable to a person summoned to give evidence as an expert but reasonable remuneration shall also be made both for the time used in giving evidence and in doing work of expert nature necessary for the case.

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(3) The sum paid into Court shall be tendered to the person subpoenaed at the time of service of the subpoena if the subpoena can be served personally; or if the Court so directs, the person subpoenaed may be notified that the sum paid into Court will be paid out to that subpoenaed person on attendance at the Court.

(4) Where the Court is of the opinion that the sum paid into Court is not sufficient to cover the expenses and attendance at Court of the person subpoenaed, the Court may

- (a) direct
 - (i) that a further sum be paid to the person subpoenaed as appears necessary, and
 - (ii) in case of default of payment, that the sum be levied by attachment and sale of the movable property of the party who obtained the subpoena,
- (b) discharge the person subpoenaed without requiring that person to give evidence, or
- (c) order both the levy and the discharge.

Court expert's allowance

8. (1) Where the Court on the application of a party appoints an independent expert in this rule called the "Court expert" to enquire and report on any question of fact or opinion which does not involve a question of law or construction, the Court shall fix

- (a) the fee for making the report and any supplementary report, and
- (b) the sum to be paid to the Court expert for each day on which the Court expert is required to attend
 - (i) Court, or
 - (ii) before an examiner.

(2) The parties are jointly and severally liable to pay the remuneration of the Court Expert but this does not affect the power of the Court to order any of the parties to pay the remuneration as part of the costs of the proceedings.

(3) Where a party opposes the appointment of a Court expert, the Court as a condition for making the appointment may require the party who applies for the appointment to give security for the remuneration of the Court expert as the Court considers appropriate.

Government exemption

9. (1) A Government Department or a party whose costs the Attorney-General has certified to the Registrar of the Court that the Government would defray shall not pay fees under these Rules.

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(2) Where a person is ordered to pay the cost of the State or of a Government Department or of a party for whom the Attorney-General has certified in subrule (1), the fees which would have been paid had it not been for that rule shall be deemed to have been paid for the purpose of assessing the costs and shall be recoverable from that person.

Power to court to grant exemption

10. The Court may dispense with the payment of a fee under these Rules if it considers it appropriate on account of the poverty of a person or for another sufficient reason to be stated in the record of proceedings.

Revocation

11. (1) The Civil Proceeding (Fees and Allowances) Rules 1978 (L.I. 1190) as amended by the Civil Proceedings (Fees and Allowances) (Amendment) Rules, 2004 (C.I. 45) are hereby revoked.

(2) The Schedule of fees in Order 58 of the High Court (Civil Procedure) Rules, 2004 (C.I. 47) is hereby revoked.

FIRST SCHEDULE

(Rule 2)

**DISTRICT, CIRCUIT AND HIGH COURT FEES
FEES FOR WRITS, MOTIONS, AND OTHERS**

	<i>¢</i>
1. Writ of summons at the District Court where claim is below ¢1 million	10,000
(a) is below ¢1 million	10,000
(b) exceeds ¢1 million but below ¢5 million	25,000
(c) exceeds ¢5 million but below ¢25 million	75,000
(d) exceeds ¢25 million but below ¢50 million	100,000
2. Writ of Summons at the Circuit Court and High Court where the claim	150,000
(a) does not exceed ¢100 million	200,000
(b) exceeds ¢100 million but does not exceed ¢500 million	500,000
(c) exceeds ¢500 million but does not exceed ¢1 billion	1,000,000
(d) exceeds ¢1 billion but does not exceed ¢5 billion	2,000,000
(e) exceeds ¢5 billion but does not exceed ¢10 billion	3,000,000
(f) exceeds ¢10 billion but does not exceed ¢25 billion	5,000,000
(g) exceeds ¢25 billion but does not exceed ¢50 billion	7,500,000
(h) exceeds ¢50 billion but does not exceed ¢100 billion	12,000,000
(i) exceeds ¢100 billion but does not exceed ¢200 billion	15,000,000
(j) exceeds ¢200 billion but does not exceed ¢500 billion	20,000,000

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(k) exceeds ₦500 billion but does not exceed one trillion	..	30,000,000 [¢]
(l) exceeds one trillion	50,000,000
3. Appearance to writ in the Circuit and High Court	.. ..	50,000
4. Statement of defence to civil claim in the Circuit and High Court	.. ..	50,000
5. Counterclaim	.. .. .	The same rate as for writ of summons
6. Judicial Relief at the District Court where an amount cannot be estimated), as in cases of mesne profit, trespass, declaration, injunction, etc.		25,000
7. Judicial Relief at the Circuit and High Court where an amount cannot be estimated, as in cases of mesne profit, trespass, declaration, among others		25,000
(a) for the first relief	.. .. .	100,000
(b) and for each additional relief	.. .. .	20,000
8. Application for directions at the Circuit and High Court	.. ..	50,000
9. Filing notice of additional ground(s) of appeal from the District Court to the High Court	.. .. .	25,000
10. Petition to challenge validity of Parliamentary Elections	.. ..	1,000,000
11. Filing a search at the District Court	.. ..	5,000
12. On filing a search at the Circuit and High Court	.. ..	50,000
13. Application for Judicial Review at the High court	.. ..	200,000
<i>Probate and Administration</i>		
14. Application for Probate or Administration for small estate before the Registrar	.. .. .	25,000
15. Application for Probate or Administration	.. ..	100,000
16. Oath of each Executor or Administrator	.. ..	20,000
17. Administration of Bond	.. ..	20,000
18. Grant of Probate or Letters of Administration where the value of property declared does not		
(a) exceed ₦50,000,000	.. .. .	150,000
(b) exceeds ₦50,000,000 but does not exceed ₦100,000,000	.. ..	150,000
(c) exceeds ₦100,000,000 but does not exceed ₦1 billion	.. ..	500,000
(d) exceeds ₦1 billion but does not exceed ₦5 billion		1,000,000
(e) exceeds ₦5 billion but does not exceed ₦10 billion		2,000,000
(f) exceeds ₦10 billion	.. .. .	5,000,000
19. Preparing and posting each notice regarding Probate and Letters of Administration	25,000

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20. Preparing and swearing of affidavit and posting of the notice regarding probate and Letters of Administration	25,000
<i>Divorce and Matrimonial Causes</i>	
21. Petition	100,000
22. Answer	50,000
23. Reply to answer	50,000
24. Application for ancillary relief	50,000
25. Certificate of Registrar	20,000
26. Application for Certificate for Divorce	50,000
27. Application for medical examination	100,000
28. Service of Notice of Trial	50,000
<i>Adoption</i>	
29. Application/Summons for Adoption	250,000
<i>Execution</i>	
30. Issuing Writ of	
(a) Execution against property, and	200,000
(b) Possession	100,000
31. Executing Writ of Possession or Delivery	350,000
32. Safe custody of property attached, per day	20,000
33. Personal arrest, including arrest on Order of Committal or attachment and where necessary conveying the person arrested to prison from place of arrest	100,000
34. For sale under execution or distress warrant, including the receipt of the purchase money and delivery of the property on the amount of the purchase money	0.5% of the Value of the property
35. Service of document regarding execution by Bailiff	10,000
36. For preparing and swearing affidavit of service by order of the Court	25,000
<i>Miscellaneous</i>	
37. Writ of subpoena	25,000
38. On swearing Affidavit or making Statutory Declaration except under Section 18 of the Auction Sales Law, 1989 (P.N.D.C.L. 230), or if not otherwise specially charged for each deponent	25,000

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39. Marking every exhibit or document put in evidence ..	1,000
40. Filing document if not otherwise specifically charged	5,000
41. Attesting signature of a document or execution on Deed	100,000
42. Affixing the Court Seal to a document not in a proceeding ..	100,000
43. Certifying a copy of a document as an office copy, if not otherwise specially charged,	
(a) for the first twenty sheets	20,000
(b) for each sheet after the first twenty sheets	1,000
44. Each Order drawn up , together with 2 office copies and every office copy of an Order if not otherwise specifically charged	50,000
45. Making a copy of a document of proceedings	
(a) for the first 20 pages	
(b) for each page after the first twenty pages	50,000
(c) by direction of the Court including making up a Record of Appeal per page	10,000
46. Every Formal Decree	10,000
47. Granting Certificate of Purchase of land or any immovable property sold under a decree	100,000
48. Deposit of a will for safe custody	25,000
49. Payment of money into Court in satisfaction of claim, or the amount paid in	50,000
50. Withdrawal of money paid into Court by a Receiver and Manager	100,000
51. Order to show Cause	25,000
52. Issuing writ of Habeas Corpus	10,000
53. Warrant for prisoner to give evidence	10,000
54. Warrant of Arrest	10,000
55. Warrant for Witness	10,000
56. Warrant or order of attachment against a property	100,000
57. Order of reference to Referees	200,000
58. On the hearing of a reference before an official referee, or deputy official referee, per day	200,000
59. Commission to take Evidence	200,000
60. Every Bond not specifically charged	50,000
61. Justification of each surety	25,000
62. Filing notice of change of Solicitor	25,000
63. On Writ of foreign attachment	1,500,000

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64. For taking Inventory of property by direction of the Court for each day or part of a day	100,000
65. For taking and putting into writing the statement of any person by direction of the Court	100,000
66. For searching the archives for each period of six months or part of six months	50,000
67. For an officer of Court accompanying a Judge or Referee to view land (besides travelling expenses) from each Party	10,000
68. For drawing bill of costs when directed by the Court for every sheet ..	20,000
69. For taxing costs	200,000
70. Where a duty under paragraph 38 to 76 Part is performed or a document is served at a distance than twenty-five kilometers from the Court there shall	
(a) first be paid	15,000
(b) in addition to any other fee, for each kilometer	2,000

SECOND SCHEDULE

(RULE 3)

COMMERCIAL COURT FEES

1. Writ of Summons at the Commercial Court where the claim	
(a) does not exceed ₡100 million	500,000
(b) exceeds ₡100 million but does not exceed ₡500 million ..	1,000,000
(c) exceeds ₡500 million but does not exceed ₡1 billion ..	2,000,000
(d) exceeds ₡1 billion but does not exceed ₡5 billion ..	3,000,000
(e) exceeds ₡5 billion but does not exceed ₡10 billion..	4,000,000
(f) exceeds ₡10 billion but does not exceed ₡25 billion ..	7,500,000
(g) exceeds ₡25 billion but does not exceed ₡50 billion ..	10,000,000
(h) exceeds ₡50 billion but does not exceed ₡100 billion ..	14,000,000
(i) exceeds ₡100 billion but does not exceed ₡200 billion ..	18,000,000
(j) exceeds ₡200 billion but does not exceed ₡500 billion ..	25,000,000
(k) exceeds ₡500 billion but does not exceed one trillion ..	40,000,000
(l) exceeds one trillion	100,000,000

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THIRD SCHEDULE
(RULE 4)
COURT OF APPEAL FEES

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1. Filing notice of appeal against a final judgment or decision	250,000
2. Respondent's notice of intention to contend that decision of Court below be varied	200,000
3. Filing notice of appeal against Interlocutory Order or decision ..	350,000
4. Filing Motion for special leave to appeal	350,000
5. Filing notice of appeal where special leave granted	150,000
6. Bond to secure costs of appeal	100,000
7. Settling record of appeal	100,000
8. Filing Motion for extension of time	
(a) where time has not yet expired	250,000
(b) where time has already expired	350,000
9. For stay of execution	300,000
110. Filing any motion not otherwise provided for	250,000
111. Filing amended or additional grounds of appeal	100,000
112. Amending or adding to grounds of appeal by leave or direction of the Court at the hearing	200,000
113. Filing Motion to restore appeal dismissed under Rule 18 (3) of the Court of Appeal Rules (C. I. 19)	650,000
114. Filing Motion to set aside and re-hear appeal determined ex-parte ..	450,000
115. Filing Motion to set aside taxing officer's decision or Order ..	50,000
116. Every certificate of the Order of the Court made on the final determination of appeals	150,000
117. Filing every document or exhibit	5,000
118. Office copies of any document	
(a) for the first twenty sheets,	50,000
(b) every other sheet after the first twenty sheets	2,000
119. Lodging a bill of costs for taxation including taxation for the first twenty folios	50,000
220. For every ten folios or part of ten folios after the first twenty folios ..	5,000
221. Filing a search at the Court of Appeal	50,000

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FOURTH SCHEDULE

(RULE 5)

SUPREME COURT FEES

					₹
1. Writ to invoke Original Jurisdiction	500,000
2. Motion to invoke the Supervisory Jurisdiction, Affidavit and Statement of Case generally .. .. .	..	..	..	..	500,000
3. Motion for Review, Affidavit and Statement of Case .. .. .	..	..	..	..	500,000
4. Petition to challenge election of President .. .. .	..	..	..	..	5,000,000
5. Filing of Statement of Case .. .. .	..	..	..	..	250,000
6. Application for Leave or for amendment or for Extension of time .. .. .	..	..	..	..	250,000
7. Applications generally .. .. .	..	..	..	..	350,000
8. Filing of Document(s) as exhibits attached to an Affidavit or Statement of Case .. .. .	..	..	..	..	10,000
9. Service of Documents .. .. .	..	..	..	..	Same as in the High Court
10. Filing of Supplementary or further Affidavit .. .. .	..	..	..	..	250,000
11. Filing a search at the Supreme Court .. .. .	..	..	..	..	50,000

FIFTH SCHEDULE

(RULE 6)

WITNESS ALLOWANCE

					₹
District Court	15,000
Circuit Court	35,000
High Court	45,000

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1. His Lordship Mr. Justice G. K. Acquah - (Sgd.)
(Chief Justice)
2. Mr. J. Ayikoi Otoo - (Sgd.)
(Attorney-General & Minister for Justice)
3. His Lordship Justice Dr. Seth Twum - (Sgd.)
(Justice of the Supreme Court)
4. His Lordship Mr. Justice S. T. Farkye - (Sgd.)
(Justice of Appeal)
5. Her Lordship Mr. Justice S. K. Abrahams - (Sgd.)
(Justice of the High Court)
6. Brigadier A. B. Donkor - (Sgd.)
(Judge Advocate-General of the Ghana Armed Forces)
7. Mr. D. R. K. Sankah - (Sgd.)
(Editor, Council for Law Reporting)
8. Mr. Nutifafa Kuenyehia - (Sgd.)
(Ghana Bar Association)
9. Mrs. Grace Osei-Hwere - (Sgd.)
(Ghana Bar Association, Member/Secretary)

Date of *Gazette* notification: 11th May, 2007.

Entry into force: 17th July, 2007.