

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 47 OF 1995

The High Court Act
(Laws, Volume II, Cap. 50)

The High Court (Amendment) Rules, 1995

IN EXERCISE of the powers contained in section *forty-three* of the High Court Act, the following Rules are hereby made:

1. (1) These Rules may be cited as the High Court (Amendment) Rules, 1995, and shall be read as one with the High Court Rules, in these Rules referred to as the principal Rules.

(2) These Rules shall come into operation on 14th April, 1995.

2. The principal Rules are amended in order 1 by the revocation of rule 5 and the substitution therefor of the following:

" 5. The court fees or any other fees payable under these Rules shall be paid by cash, postal order, or bank certified cheque.

3. The principal Rules are amended by the revocation of the Second Schedule and the substitution therefor of the Second Schedule set out in the Appendix.

Title and
commence-
ment
Cap. 50
p. 24

Revocation
and
replacement
of O.1, r. 5

Mode of
payment of
fees

Revocation
and
replacemnt
of Second
Schedule

APPENDIX
(Paragraph 3)

SECOND SCHEDULE
(O. 1, r. 4)

PART I

GENERAL FEES APPLICABLE TO ALL DIVISIONS OTHER THAN PROBATE NON-CONTENTIOUS AND WHERE OTHERWISE SPECIFICALLY LAID DOWN AND IN ADDITION TO OTHER FEES LAID DOWN SPECIFICALLY IN OTHER COURTS UNLESS THE CONTEXT OTHERWISE REQUIRES

No.	First Column	Second Column K	Third Column Document to be received
1.	On sealing a writ of summons or originating application of any matter	3,000	The filed copy
2.	On sealing a concurrent or renewed writ of summons or concurrent originating summons	300	The praecipe
3.	On sealing any amendment	300	The filed copy
4.	On sealing a summons in chambers (including a summons for directions or notice for further directions)	900	The summons or notice
5.	On filing an interlocutory notice of motion or application not specifically provided for	900	The filed notice or application
6.	On sealing a third party notice	900	The filed copy
7.	On sealing a commission or letter of request for the examination of witness abroad	900	The praecipe of undertaking
8.	On the examination of a witness before an officer of the court (including the examination of a judgement debtor) for each half hour or part thereof	1,500	The order or praecipe
	NB—Where the officer is required to take the examination away from his office his reasonable travelling and other expenses are also payable.		
9.	On filing deposition: each deposition	300	The filed copy
10.	On an application for copies of the notes of Judge for the use of the Supreme Court of Zambia per page or part thereof	300	The application
11.	On sealing a writ of subpoena for each witness	300	The praecipe
12.	On sealing a writ of subpoena for each witness	300	The filed copy
13.	On filing an affidavit	300	The filed document
14.	On filing a certificate of service	300	The filed document

No.	First Column	Second Column K	Third Column Document to be received
15.	(a) On personal individual search in the Judgements Registers or in the Judgements Section of the Civil Causes Register for every name	300	The search Form
	(b) On personal general searches in the Judgements Registers for an unspecified number of names in any one calendar year, in any registry of the High Court	22,500 for a year or part thereof	In cash, payable to the Registrar of the High Court
	(c) On a search for appearance or any other search (including an inspection) not otherwise provided for	200	The search praecipe
16.	For a certificate of appearance of a pleading affidavit or proceeding having been entered, filed or taken or the negative thereof, unless otherwise provided	300	The certificate
17.	On entering or sealing an order made in Chambers	400	The order
18.	On entering or sealing an order of reference under O. XX	800	The order
19.	On settling or approving an advertisement, or any other document or deed (other than Judgement or orders)	600	The filed copy
20.	On entering or setting down any cause or matter for hearing in Court, except where otherwise provided	3,000	The filed copy or record
21.	On entering or settling a judgement, decree or order given, directed or made in the trial, hearing or further consideration of a cause or matter in court (other than a matrimonial cause or judgement summons) per day or part of a day	3,000	The judgement decree or order
22.	On hearing a judgement summons	1,500	The order
23.	On entering or sealing any other judgement or order	800	The judgement or order
24.	On sealing or filing a writ of execution (including a writ of attachment)	800	The praecipe
25.	On filing a case stated	800	The case
26.	On taking an account of monies received by a person liable to account for the same for every K1,500 or fraction of K1,500 of the amount received	200	The certificate

No.	First Column	Second Column K	Third Column Document to be received
27.	On taking an account of monies due to any person for every K1,500 of the amount found to be due; If taking such account nothing is found due	200	The certificate
28.	On an inquiry as to damages for every K1,500 or fraction of K1,500 of the amount certified	200	The certificate
29.	For copies of documents or proceedings per page or part thereof	300	The office copy
30.	For certifying a copy as an office copy and in addition if under seal	400	The office copy
31.	On filing any notice not specifically provided for	400	The filed copy
32.	On the taxation of a bill of costs— for every K1,500 or fraction of K1,500 allowed	200	The bill
33.	Application (including registration) to register a judgement when no fee is provided by the ordinance or Act providing for registration	800	The certificate of judgement
PART II APPEALS			
34.	On filing application for leave to appeal to the court	800	The notice
35.	On leave being granted to appeal to the Court	800	The order
36.	On every bond	800	The filed copy
37.	On hearing any appeal other than a criminal appeal per day or part thereof	3,000	The judgement
PART III DIVORCE AND MATRIMONIAL CAUSES			
38.	On presenting and filing a petition	3,900	The petition
39.	On amending a petition	400	The praecepe
40.	On filing an answer or reply	500	The filed copy
41.	On application for ancillary relief	800	The application
42.	On filing affidavit in answer to application for ancillary relief or affidavit in reply thereto on filing particulars	300	The filed affidavit
43.	On setting down and hearing per day or part of the day	3,000	
44.	On filing notice of application to make decree absolute	800	The certificate
45.	On sealing a copy of a decree nisi or absolute	800	The filed copy

No.	First Column	K	Second Column Document to be received
	NB—The fees listed in this part are in addition to the original fees listed at Part I hereof unless the content specifically required otherwise.		
PART IV PROBATE (NON-CONTENTIOUS)			
<i>Grants</i>			
46.	On probate or letter of administration with or without the will annexed: If the gross estate does not exceed K30,000 If the gross estate exceeds K30,000 but does not exceed K300,000 If the gross estate exceeds K300,000	2,300 3,000 3,800	
<i>Subsequent Grants</i>			
47.	For any second or subsequent grant in respect of the same deceased person	The same as on the previous grant	
48.	For every duplicate or triplicate probate or letters of administration with or without the will annexed	800	
<i>Resealing</i>			
49.	For resealing a grant under the Probates (Resealing) Act	3,000	
50.	Statutory Advertisements in Zambia Government Gazette	3,000	
<i>Alterations in Grants, etc</i>			
51.	For noting on a grant that the deceased died domiciled in Zambia, if not so noted when the grant was issued (inclusive fee)	800	
52.	For amending a grant (including Registrar's order, etc)	1,500	
53.	And in addition, if a new bond is required	200	
54.	For revocation of a grant (including Registrar's order, etc)	900	
55.	For impounding a grant, or releasing an impounded grant (inclusive fee)	900	
56.	For noting on a grant and the record the addition of a personal representative (including filing the affidavit)	800	
57.	For noting on record that an executor to whom power was reserved has renounced (inclusive fee)	800	
58.	For the preparation of a memorandum under the Inheritance (Family Provisions) Act, 1938 (as applied to Zambia), photocopy thereof, and for noting the grant and filing the order (inclusive fee)	3,000	
<i>Caveats</i>			
59.	For the entry of subduction of a caveat	200	
60.	For a warning to a caveat	400	
61.	For service of warning by post	1,500	
<i>Citations and Advertisements</i>			
62.	For settling abstract of citation for advertisement, or other advertisement	1,500	
63.	For settling and sealing a citation (inclusive fee)	1,500	

No.	First Column	K	Second Column Document to be received
<i>Deposit of Wills</i>			
64.	For depositing a will of a deceased person in the Probate Registry for safe custody on renunciation of executor (inclusive fee)	800	
65.	For obtaining a will brought in a subpoena on application for grant	500	
66.	For depositing in the Probate Registry for safe custody the will of a living person (inclusive fee)	800	
<i>Searches and Inspections</i>			
67.	For search for a document filed in the Probate Registry or other authorised place of deposit including inspection of registered copy of the will or the original will (if unregistered) or any other document	200	
68.	For inspecting an original will that has been registered in addition to the fee for search)	200	
69.	For search for a will or letters of administration or other document on behalf of the party applying	300	
	For a search, for every year or part of a year	300	
70.	For photocopy or extract of a will deposited in the Probate Registry or other authorised place of deposit;		
	For each photocopy or extract:		
	(a) if of A4 size	800	
	(b) if over A4 size	1,500	
71.	For a photocopy of probate or letters of administration	800	
72.	For a photocopy of the record of the resealing in Zambia of a grant	800	
73.	For a typewritten copy or extract of a document filed or deposited in Probate Registry or other authorised place of deposit per page or part thereof	300	
74.	For collating a copy with the original document including the Registrar's certificate in verification thereof per page or copy	300	
75.	For Registrar's certificate in verification of a photocopy	400	
76.	For impressing the seal of the Court on a copy	500	
77.	For an exemplification, in addition to the fees for engrossing and collating	1,500	
78.	For engrossing and collating will etc per page or part thereof	300	
79.	For examining and sending by post a plain copy of a will	1,500	
<i>Miscellaneous</i>			
80.	For production by an officer of the Court of books or documents in any Court of Law or elsewhere where an officer has to remain in attendance for each day or part of a day on which he so attends in addition to necessary expenses	3,000	
81.	For taxing a bill of costs, inclusive of Registrar's certificate		The same fee as payable in an action
82.	For a summons, order on summons motion and order on motion		The same fee as payable in action

<i>No.</i>	<i>First Column</i>	<i>K</i>	<i>Second Column Document to be received</i>
83.	(i) For Registrar's order	400	
	(ii) For filing a document	200	
	(iii) For a certificate or minute under the hand of the Registrar or Judge	400	
	NOTE: This fee is not payable when the filing of the certificate or minute is included in a proceeding for which another fee is payable		
84.	For Registrar's fiat on refusing probate (inclusive fee)	1,500	
85.	For perusing and settling oaths, affidavits or other documents:		
	For any one document settled	800	
	For any number of additional documents in the same case, a further inclusive fee of	800	

PART V

BANKRUPTCY OR INSOLVENCY

86.	On every receiving order	1,500	
87.	On every other order	800	
88.	On every attendance at meeting of creditors	1,500	
89.	On every proof of debt tendered where the amount claimed exceeds K 100	400	The original proof
90.	On every declaration of inability to pay debts	800	The filed copy
91.	On every bankruptcy notice	400	The filed copy
92.	On every bankruptcy petitioning	7,500	The filed copy
93.	On every application for Order of discharge (including hearing fee)	3,750	The filed copy
94.	On each creditor notified, (Expenses of advertising shall be lodged in cash with Official Receiver on the application)	1,500	In cash
95.	On each notice by the Official Receiver to a creditor of a first or any other meeting or any sitting of the Court	1,500	In cash
96.	On every application to the Court to approve a composition, a fee computed at the following rates on the gross amount of composition, that is, K800 on every K30,000 or fraction of K30,000 up to K1,500,000 and K400 on every K30,000 or fraction of K30,000 beyond K1,500,000	—	The filed copy
97.	On every application to the court to approve a scheme or arrangement, a fee computed on the gross amount of the estimated assets at similar rates as for a composition	—	The filed copy
98.	On the net assets realised or brought to credit by the Official Receiver whether acting as interim receiver, receiver or trustee, and on the net assets realised by trustee to administer a debtor's property under a composition or scheme, a percentage according to the following scale:		
	On the first K300,000 or fraction thereof	10 per cent	
	On the next K450,000 or fraction thereof	9 per cent	
	On the next K750,000 or fraction thereof	8 per cent	
	On the next K1,500,000 or fraction thereof	7.5 per cent	
	On all further sums	2.5 per cent in cash	

No.	First Column	Second Column Document to be received
		K
99.	On the amount distributed in dividend by the Official Receiver when acting as trustee under adjudications scheme or orders of administration of the property of a deceased insolvent, a percentage according to the following scale: On the first K300,000 or fraction thereof On the next K450,000 or fraction thereof On the next K600,000 or fraction thereof On all further sums	10 per cent 7.5 per cent 5 per cent 2.5 per cent in cash
	<i>Application for Discharge of Trustees</i>	
100.	On passing liquidation accounts where the net assets for distribution— (a) do not exceed K30,000 (b) exceed K30,000 but do not exceed K90,000 (c) exceed K90,000 but do not exceed K150,000 (d) exceed K150,000 but do not exceed K300,000 (e) exceed K300,000 for every additional K30,000 or part thereof	400 800 1,200 2,200 3,700
101.	On application for release	400 In cash
102.	On order of release	400 The filed copy

PART VI

FEES, ETC ON EXECUTION AND ON SERVICE

(All these fees are payable in cash)

103.	For an arrest by Sheriff's officer	1,500
104.	For seizure by Sheriff's officer	1,500
105.	For travelling allowance to effect arrest or seizure per kilometre	200
106.	For man, or when necessary, man in possession, the sum actually and reasonably paid.	
107.	For removal of goods or animals to a place of safe keeping when necessary and for ware housing or taking charge of same when removed, the sum actually and reasonably paid.	
108.	For advertising and giving publicity to the sale, printing catalogues, bills and notices and distributing and posting same, the sum actually and reasonably paid.	
109.	On sale under writ or warrant, 10 per cent of the amount realised or of the amount due under the writ or warrant whichever is the less.	
110.	For commission to the auctioneer on sale to include inventory and valuation compiling catalogue and preparing for sale, 10 per cent of the amount due under the writ or warrant, whichever is the less.	
111.	Where execution is withdrawn, satisfied or stopped after seizure, but before sale, 2.5 per cent of the amount due under the writ or warrant.	
112.	For commission to the auctioneer where execution is withdrawn, satisfied or stopped after he had been instructed to sell to include inventory valuation compiling catalogue and preparing for sale, 5 per cent of the amount due under the writ or warrant.	

<i>No.</i>	<i>First Column</i>	<i>Second Column</i> <i>Document to</i> <i>be receipted</i>
		K
113.	For commission on obtaining possession under writ of possession, 5 per cent of gross realised value.	
114.	Fee for service of a summons, order writ or other process of the Court by a bailiff or messenger:	
	(i) not more than three kilometres from the office of the bailiff or messenger (as case may be)	800
	(ii) more than three kilometres from such office—	
	(a) fee	800
	(b) actual out-of-pocket expenses (other than sustenance) to be receipted	
<i>Miscellaneous</i>		
115.	Registration of documents	5,000

M. M. S. W. NGULUBE,
Chief Justice,
Chairman

I. C. MAMBILIMA,
Member

L. NYEMBELE,
Member

LUSAKA
12th April, 1995
[CJ.6/1]

