

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 7 OF 2017

The Legal Practitioners Act
(Laws, Volume 8, Cap 30)**The Legal Practitioners' (Conveyancing and
Non-Contentious Matters) (Costs) Order, 2017**

IN EXERCISE of the powers contained in section *seventy* of the Legal Practitioners Act, and on the recommendation of the Remuneration Committee, the following Order is made:

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| 1. This Order may be cited as the Legal Practitioners' (Conveyancing and NonContentious Matters) (Costs) Order, 2017. | Title |
| 2. Where in any conveyancing and noncontentious matter, costs are to be charged or allowed, the costs shall be in accordance with the scale of costs set out in the Schedule. | Scale of costs |
| 3. A practitioner shall, on taking instructions, agree with the client the fee scale to be applied in accordance with the scale set out in the Schedule. | Agreement with client on fee scale |
| 4. The Legal Practitioners' (Conveyancing and Non-Contentious Matters) (Costs) Order, 2001, is revoked. | Revocation of S.I No. 8 of 2001 |

SCHEDULE
(Paragraphs 2 and 3)

	<i>(Applicable Part of this Schedule)</i>	<i>(Applicable fee) (Fee Unit)</i>
1. Attendance		
1.01	Not purely formal and including attendance to take instructions generally and to advise on, and for preparation of, any document (other than any document prepared in respect of the transactions appearing in heads 7,8,9.02 and 10), as well as attendance for consultations and advise on any legal matter.	II
1.02	Attending to research into the law and undertaking preparatory work as per client's instructions.	III
1.03	Attendances purely formal, including attending to file document in any public or other office, attending upon receipt of a letter, fax, telegram, Email or other means of written communication, attending to swear affidavit, bespeak copies or authenticate documents or attending to advise client on progress or discuss matter.	III
1.04	Attending on client on the telephone, advising or reporting on progress or seeking further instructions, including phone calls made to any other party or office in pursuance of the client's instructions.	III
1.05	Attending before any governmental agency or authority, municipal or central Government.	II
1.06	Waiting to attend before any governmental agency or authority, municipal or central Government.	A fee equivalent to one half of the fee prescribed
2. Drawing Documents:		
2.1	Drawing any documents other than the documents appearing under Heads 7,8,9.2 and 10, including preparing letters and reports	II
2.2	For any page or part thereof of photographic printed or carbon copy of the original	3,084
3. Opinions: on a matter in which civil litigation not contemplated:		
3.01	In writing	II

	<i>(Applicable Part of this Schedule)</i>	<i>(Applicable fee (Fee Unit)</i>
3.02 Oral	III	
4. Perusals: of any documents or collating documents	III	
5. Communications		
5.01 For any letter, Email, telegram, telex or telefax for each page		24.7
5.02 General fee for letters, petties, messengers, incidentals, etc 10% of the total bill (excluding disbursements) (minimum)		3,084
5.03 Telephone and telefax, Email within Zambia per unit of three minutes or part thereof		371
5.4 International telephone calls practitioners entitled to recover the actual cost of the telephone call or fax transmission		
6 Traveling and Out of Station Allowance		
6.01 Travelling to a destination beyond the practitioner's station to attend to the matter or transaction		A fee equivalent to one half of the fee in part II of this Schedule of the time taken on the journey using the most economical but convenient means of transport available in the circumstances, subject to a maximum of ten hours for single journey (one way)
6.02 For any night spent outside the practitioners' station, and occasion by a delay related to the conduct of the matter or transaction		A fee equivalent to one half of the appropriate fee in Part II of this Schedule, subject to a maximum of ten hours on any single journey (one way)
6.03 For any night spent outside the practitioner's station, and occasioned by a delay related to the conduct of the matter or transaction		A fee equivalent to one half of the appropriate fee in Part II of this Schedule, subject to a maximum of ten hours on any single journey (one way)
6.04 Traveling within the practitioner's locality or station to attend to the matter or transaction		A fee equivalent to the appropriate fee in Part II of this Schedule
N.B. If travel is by personal motor vehicle, the practitioner is entitled to reasonable amounts expended on fuels.		

	<i>(Applicable Part of this Schedule)</i>	<i>(Applicable fee (Fee Unit)</i>
7. Costs Chargeable in Respect of:		
7.01	Assignments and transfers of Land.	
7.02	Mortgages, debentures, including supplemental, further or any floating charges or any other documents or security for securing an advance of money or any charge pursuant to statute or any bond.	
7.03	Companies mergers, shares, sale, swap or exchange agreements, joint ventures.	
7.04	Agreements for the sale of any moveable property or right in the Agreement.	
7.05	Loan agreements.	
7.06	Deed of Gift.	A fee of not more than ten percent of the consideration advance, price or as the case may be, on the value thereof in addition to any applicable fee chargeable in this part of this Schedule with a minimum of 6,167: Except that when a practitioner represents both parties in any matter, the scale costs chargeable shall be halved in respect of the assignee, mortgagor, any chargee, purchaser of shares or movable property or the loanee, etc.
7.7	Application for State Consent or any renewal thereof (per property)	1,851
7.08	Preparing Form DR 53 (per property)	1,234
7.09	Discharging Property Transfer Tax and obtaining Tax Clearance Certificate (including completing all necessary forms) per property	3,084
7.10	Discharge of mortgage (per property) minimum)	6,167

	<i>(Applicable Part of this Schedule)</i>	<i>(Applicable fee (Fee Unit)</i>
8. Costs Chargeable in Respect of Licences or Leases (at Rack Rent)		A fee of not more than ten percent of the annual rent with a minimum of 6,167 NOTE: Where a practitioner represents both the licensor or lessor and the licensee or the lessee, the licensee or lessee pays half of the Licensor or the lessor
9. Probate and Administration of Estates		The appropriate fee in Part II of this Schedule
9.01	Costs chargeable on the administration of estates of deceased persons.	
9.02	Application for probate or letters of administration	
10.	Costs chargeable on the formation of a company	
10.1	For instructions to incorporate a company, advising on articles of the company and general on the provisions of Companies Act, Cap. 388, to settling Articles of the company.	A fee of not more than ten percent calculated on the gross world or gross Zambia estate as the case may be.
10.2	Where articles are formulated and are substantially different from Table A of the Act	The applicable fee as appears in Part II of the Schedule A fee not exceeding 10% of the share capital with minimum of 9,251
10.3	Increase of capital	A fee not exceeding 10% of the increased portion of the capital with a minimum of 9,251 in addition to the fees prescribed in 10.01 to 10.03, a practitioner shall be entitled to reasonable charges for printing and engrossing, not exceeding ten percent of the total bill (excluding disbursements) or 3,084 which is higher

	<i>(Applicable Part of this Schedule)</i>	<i>(Applicable fee) (Fee Unit)</i>
11. Commission chargeable on collection of debts		The charge shall be not more than ten percent of the amount recovered.
Notes:		
<i>(a)</i> This Part shall not apply to a debt recovered after commencement of litigation touching the debt, unless there is agreement to apply this scale, after commencement of such litigation.		
<i>(b)</i> a practitioner shall not apply both this Part and the Legal Practitioners (Costs) scales applicable to High Court and Subordinate Court, and even where there is agreement, a practitioner can only apply either of the scales.		
<i>(c)</i> This Part shall be applied in contentious business where one party to the litigation touching the other debt, grants indulgence to the other party, to pay the debt in instalments		
12. Investment certificate and other licences etc		The applicable Fee as appears in part II of this Schedule
13. Wills, Powers of Attorney: Preparing, engrossing and attending to execution of wills and powers of attorney, such fee as may be reasonable taking into account the time and labour involved and the complexity of the will or Power of Attorney involved (minimum) K925.00		
14. Affidavits, Notarial Functions and Certification of Documents		
14.1 Attending to Commission an Affidavit (maximum)		247
14.2 Certifying a document (maximum)		617
14.3 Performing Notarial function (per document) (maximum)		3,084
PART II		
		A fee not exceeding per hour or proportionately for any part thereof
1. A practitioner of less than five years standing and experience or legal Executive		3,207
2. A practitioner of more than five but of not more than ten years standing and experience.		4,317
3. A practitioner of more than ten but of not more than fifteen years Standing and experience		4,934
4. A practitioner of fifteen or more years standing and experience		6,044
5. State Counsel		6,784

*(Applicable Part
of this Schedule)* *(Applicable fee)
(Fee Unit)*

PART III

	A fee not exceeding per hour or proportionately for any part thereof
1. A practitioner of less than five years standing and experience or legal executive	1,234
2. A practitioner of more than five but of not more than ten years standing and experience	2,036
3. A practitioner of more than ten but of not more than fifteen years of standing and experience	2,467
4. A practitioner of fifteen or more years standing and experience	3,392
5. State Counsel	4,317

JUSTICE I. C. MAMBILIMA,
Chairperson

M. N. MUNDASHI,
Member

N. NCHITO,
Member

E. K. MWITWA,
Member

M. M. MWITUMWA,
Member

Lusaka
16th December, 2016

