



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$2.00

WINDHOEK - 5 September 2006

No. 3690

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Government Notice

MINISTRY OF JUSTICE

No. 141 2006

AMENDMENT TO THE HIGH COURT RULES OF 1990: HIGH COURT ACT, 1990

The Judge President has under section 39 of the High Court Act, 1990 (Act No. 16 of 1990), with the approval of the President of the Republic of Namibia, made the Rules set out in the Schedule.

SCHEDULE

Definitions

1. In these Schedule, “the Rules” means the Rules of the High Court of Namibia promulgated under Government Notice No. 59 of 10 October 1990 as amended by Government Notice No. 60 of 10 October 1990, No. 187 of 12 December 1992, No. 148 of 9 December 1993, No. 81 of 16 April 1996, No. 182 of 6 July 1996, No. 221 of 14 November 1997, No. 69 of 1 April 1998, No. 189 of 1 August 2000 and No. 221 of 16 December 2002.

Repeal of the Fifth Schedule to the Rules

2. The Fifth Schedule to the Rules is repealed.

Substitution of the Sixth Schedule to the Rules

3. The following Schedule is substituting the Sixth Schedule to the Rules:

“SIXTH SCHEDULE**1. TARIFF OF FEES OF COUNSEL IN LITIGIOUS WORK: RULE 70 OF THE RULES****A. CONSULTATION, APPEARANCES, CONFERENCES AND INSPECTIONS**

		FEE
		N\$
1.	Fee for taking instructions to institute or defend any proceeding	280.00
2.	For each necessary consultation	
	per half an hour or part thereof	210.00 to 350.00
3.	For any advice on the merits of the proceedings or on evidence	
	per half an hour or part thereof	210.00 to 350.00
4.	Preparation for any appearance in court, not otherwise provided for, heads of argument and any such appearance	any fee which the taxing master considers reasonable, due regard being had to the time necessarily taken, the complexity of the matter in dispute, the amount in dispute, the seniority of counsel employed, the fees ordinarily allowed for like services and other factors which the taxing master considers relevant
5.	Any other necessary appearance or attendance on a necessary conference, meeting or proceeding in court, including taxation, Rule 37 conference, settlement negotiations, inspections in loco, or on Registrar	
	per half an hour or part thereof	210.00 to 350.00

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|----|-----------------------------|--------------------------|-------------------|
| 6. | Travelling and waiting time | per hour or part thereof | 210.00 to 350.00; |
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B. DRAFTING AND DRAWING

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|----|---|------------------|-----------------|
| 1. | Drafting of, settling, copying and delivery of any pleadings, affidavits, witness statements, petitions, summonses and other documents, including instructions to another counsel, an all inclusive fee | per half an hour | 210.00 to 350 |
| 2. | Taking instructions to, and drafting of, copying and delivery of any notices or formal documents, including powers of attorney, resolutions, notices of intention to defend, notice of bar, notices of representation, notices of withdrawal, notices of intention to except, Rule 34, 35, 36, 37, 42, 45, 46 or 47 notices or Rule 48 notices or notices of set down and indexes per folio | | 35.00 to 56.00; |

C. ATTENDANCE AND PERUSAL

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|----|--|----------------------------------|-----------------|
| 1. | Perusing and considering of necessary documents, plans, diagrams and photographs | per folio or item | 7.00 to 14.00 |
| 2. | Receipt, perusal and consideration of any document mentioned in paragraph 4 | per folio | 28.00 |
| 3. | Receipt, perusal and consideration of any notice or formal document mentioned in paragraph 5 | per folio | 14.00 to 28.00 |
| 4. | Making searches in any office of record, sorting out, arranging and paginating papers | per half an hour or part thereof | 91.00 to 140.00 |
| 5. | Attending on telephone conversation | per 5 minutes or part thereof | 17.50 to 42.00; |

D. EXPENSES OR DISBURSEMENTS

The following fees apply for expenses or disbursement, unless a higher fee is proved:

1.	Photocopies	per copy	1.40	
2.	2.1	Transmission of local and regional telefaxes, telexes, telegrams, and other similar transmissions	per page	4.90
	2.2	Transmission of international telefaxes, telexes, telegrams, and other similar transmissions	per page	14.00
	2.3	Receipt of telefaxes, telexes or telegrams and other similar transmissions	per page	2.80
3.	Travelling costs of a legal practitioner or necessary witness or witnesses			
	3.1	when travelling by motorcar	per kilometer	2.10 to 3.50
4.	Meals	per one meal	35.00	
5.	For postage and petties an all inclusive fee of		70.00	
6.	Any disbursements not otherwise provided for		the actual costs thereof;	

E. EXECUTION

1.	Any inclusive fee for taking instructions drafting and issuing of writ of execution, court order, interdicts, arrests, eviction and attachment orders		280.00
2.	Arranging and advertising sale in execution of movables, including notice of sale		350.00
3.	Arranging and advertising sale in execution of immovable property, including notice of sale and conditions of sale		560.00

F. BILLS OF COST IN RESPECT OF OPPOSED MATTER

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|----|-------------------------------------|-------------------------------------|-------------------|
| 1. | Drawing, copying and delivery | per folio | 42.00 |
| 2. | Receiving, perusing and considering | per folio | 21.00 |
| 3. | Attending taxation | per half an hour
or part thereof | 210.00 to 350.00, |

G. GENERAL MATTERS

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|----|---|-------------------------------------|-------------------|
| 1. | Writing, copying and dispatching of any formal letter | per folio or
part thereof | 28.00 to 42.00 |
| 2. | Writing, copying and dispatching of any necessary letter other than a formal letter | per half an hour
or part thereof | 70.00 to 210 |
| 3. | Attendance to any account for payment thereof and on proof of payment | | 28.00 |
| 4. | All inclusive fee for making payments into court by way of bank guaranteed cheques, cash or otherwise | | 140.00 to 210.00 |
| 5. | All inclusive fee for procuring translation of any document or process in any one matter | | 140.00 to 210.00 |
| 6. | Any other fee not otherwise provided for | | 140.00 to 210.00; |

and

2. TARIFF OF FEES OF COUNSEL ON A PARTY AND PARTY BASIS IN MATTERS CONTEMPLATED IN RULE 69(1) OF THE RULES (INCLUDING APPEARANCES)

Unless the Taxing Master on taxation allows a higher fee, the following fees shall be deemed to be the reasonable fees for professional legal services rendered:

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| 1. | Any unopposed divorce action | 2100.00 |
| 2. | Any unopposed Rule 43 application
Any opposed Rule 43 application | 630.00
1260.00 |

3.	Any unopposed application for judgment by default, summary judgment or for provisional sentence	1120.00
4.	Any unopposed application for default judgment on any claim for damages	1400.00
5.	Any unopposed applications contemplated in terms of Rule 69(1)(c), (d) and (g)	1400.00
6.	Any unopposed application for the postponement or adjournment of proceedings, the removal of any matter from the roll, the confirmation, discharge or extension of a restitution order or return date of <i>rule nisi</i>	280.00
7.	Any unopposed application for sequestration or voluntary surrender of an estate, liquidation of a company or corporation, or rehabilitation of a person's estate	2100.00.”.
