

Statutory Instrument 133 of 2009.

Customary Law and Local Courts (Amendment) Rules, 2009

IT is hereby notified that the Minister of Justice and Legal Affairs has, in terms of section 30 of the Customary Law and Local Courts Act [Chapter 7:05], made the following rules:—

1. These rules may be cited as the Customary Law and Local Courts (Amendment) Rules, 2009 (No. 8).
2. The Second and Third Schedules to the Customary Law and Local Courts Rules, 1991, published in Statutory Instrument 115 of 1991 (hereinafter called the “principal rules”), are repealed and substituted with the following—

“SECOND SCHEDULE (SECTIONS 3, 5 AND 11)

FEEES

US\$

1. Court fee to be paid on commencement of case—
 - (a) where summons is issued 5
 - (b) where no summons is issued 4,50
2. Fees for noting appeal from judgment of local court 3
3. Tariff for Messenger of Local Court fees and charges—
 - (a) court fee to be paid for execution of judgment 4
 - (b) fees for an attempted execution of judgment 4
 - (c) fees for removal and storage of goods 10

THIRD SCHEDULE (SECTION 16)

DISBURSEMENT OF FEES

1. The fee paid by a plaintiff in terms of rule 3 on the commencement of his or US\$ her case shall be disbursed as follows—
 - (a) to the person presiding over the local court 2
 - (b) to each assessor 1
 - (c) to the Messenger of Court where he serves a summons 0,50
 - (d) to the Clerk of Court 0,50
2. The fee paid for noting an appeal from the judgment of a Community Court to the Magistrates Court is paid into the Revenue Account at the Magistrates Court to hear the appeal.
3. The fee paid for noting an appeal from the judgment of a Primary Court to the Community Court is disbursed as in paragraph 1 above.
4. The fees paid for execution, attempted execution or removal and storage of goods are paid to the Messenger of Court by the successful party who recovers them from the unsuccessful party if he or she was granted costs of suit at the judgment stage.”.
3. The Customary Law and Local Courts (Amendment) Rules, 2009 (No. 7) published in Statutory Instrument 48 of 2009, are repealed.