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**GOVERNMENT OF ZAMBIA**

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STATUTORY INSTRUMENT NO. 45 OF 1995

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**The Supreme Court Act**  
(Laws, Volume II, Cap. 52)

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**The Supreme Court (Amendment) Rules, 1995**

IN EXERCISE of the powers contained in section *twenty-eight* of the Supreme Court Act, the following Rules are hereby made:

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

Title and  
commence-  
ment  
S. 1 No. 70 of  
1975

(2) These Rules shall come into force on 14th April, 1994

2. The principal Rules are amended by the revocation of the First Schedule and the substitution thereof of the First Schedule set out in the Appendix.

Revocation  
and  
replacement  
of First  
Schedule

APPENDIX  
(Paragraph 2)

FIRST SCHEDULE  
(Rule 13)

PART I  
CIVIL APPEALS

| <i>Item No.</i>                                                                                                                                                                         | <i>K</i> | <i>Document to be Received</i> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------------|
| 1. On filing an affidavit                                                                                                                                                               | 500      | The affidavit                  |
| 2. On sealing a writ of subpoena for each witness                                                                                                                                       | 600      | The praecipe                   |
| 3. On filing a certificate of service                                                                                                                                                   | 500      | The certificate                |
| 4. On entering or sealing an order made on chambers                                                                                                                                     | 800      | The order                      |
| 5. On filing any notice not specifically provided for                                                                                                                                   | 800      | The filed copy                 |
| 6. On filing a notice of motion or summons                                                                                                                                              | 2,300    | The filed copy                 |
| 7. On every notice of appeal                                                                                                                                                            | 3,000    | The filed copy                 |
| 8. On every memorandum of appeal                                                                                                                                                        | 900      | The filed memorandum           |
| 9. On filing a respondent's notice                                                                                                                                                      | 3,000    | The filed copy                 |
| 10. On filing an application for leave to appeal to the Court                                                                                                                           | 1,200    | The application                |
| 11. On leave being granted to appeal to Court                                                                                                                                           | 1,200    | The order                      |
| 12. On every bond                                                                                                                                                                       | 900      | The filed copy                 |
| 13. On hearing any appeal per day or part of a day                                                                                                                                      | 3,000    | The judgement                  |
| 14. On entering or sealing a judgement decree or order given, directed or made at the hearing of an appeal or further consideration of an appeal or matter in Court                     | 2,300    | The decree or order            |
| 15. On reference from the Master to a Judge of the Court                                                                                                                                | 1,500    | The reference                  |
| 16. On filing a bill of costs for taxation                                                                                                                                              | 800      | The notice of taxation         |
| 17. On the certificate or allocatur of the results of taxation of a bill of costs—together with a further K15 for every K150 or part thereof of the amount allowed (excluding this fee) | 1,200    | The certificate of allocatur   |

NOTE: Where the costs of any matter are assessed by the Court and ordered to be paid the appropriate fee under this item shall be payable on sealing the Order in addition to the K150 payable. Except as provided for in Part II, no fees, other than these prescribed in this Part, shall be taken in any civil appeal.

PART II  
GENERAL

|                                                                                                                                                                |     |                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----------------|
| 1. On every search, per case file                                                                                                                              | 300 | The praecipe    |
| 2. For copies of judgments, or records, for additional copies of documents or proceedings furnished upon the direction of the Master, per page or part thereof | 300 | The filed copy  |
| 3. On sealing additional copies of any judgment or order                                                                                                       | 800 | The filed copy  |
| 4. On certifying any documents as an office copy and additional of under seal                                                                                  | 800 | The filed copy  |
| 5. Transcript of shorthand writer's notes or otherwise recorded proceedings, per page or part thereof                                                          | 300 | The application |

| <i>Item No.</i>                                                                                                         | <i>K</i> | <i>Document to be Received</i> |
|-------------------------------------------------------------------------------------------------------------------------|----------|--------------------------------|
| 6. (a) Certified translation by an interpreter of the Court, per page or part thereof                                   | 300      | The filed copy                 |
| (b) Checking, correcting and certifying a translation not made by an Interpreter of the Court, per page or part thereof | 300      | The filed copy                 |
| 7. Certifying a copy of any document when not prepared by the Court, per page or part thereof                           | 300      | The filed copy                 |
| 8. Service of any process or proceedings required to be served by the Court as prescribed by law.                       |          |                                |

## NOTES:

1. In all proceedings in the High Court preparatory or incidental to an appeal to the Court, or consequential thereupon, the fees, if not herein before specified, shall be in accordance with the provisions of the law applicable to the High Court.

2. There shall be paid to the Sheriff or his officers such fees, expenses and travelling and subsistence allowances as are prescribed by law for the service or execution of any summons, warrants, writ or other process of the High Court in respect of which execution or service is sought to be levied or effected.

## PART III

## WITNESSES AND INTERPRETERS' FEES—CIVIL PROCEEDINGS

The allowance for witnesses shall be as follows:

|                                                                                                                                                                                                                                                                                                                                                                                     | <i>Minimum payable<br/>Per Diem<br/>K</i> | <i>Maximum sum payable<br/>Per Diem<br/>K</i> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------------------------|
| Professional persons, owners, directors or managers of business and expert witness                                                                                                                                                                                                                                                                                                  | 3,800                                     | 7,500                                         |
| Clerks, artisans and persons of similar status                                                                                                                                                                                                                                                                                                                                      | 2,300                                     | 5,300                                         |
| Provided that the sum payable shall not, unless otherwise ordered by the Court or Taxing Master, exceed the sum of K1,300 per diem if the witness has lost no wages or earnings or other income in attending the proceedings or for the period during which he has been away from home and in respect of which he has lost wages, earnings or attendace, does not exceed four hours |                                           |                                               |
| Others                                                                                                                                                                                                                                                                                                                                                                              | 1,200                                     |                                               |

## PART IV

## COMMISSIONERS' AND ASSESSORS' FEES

A special Commissioner or Assessor shall be remunerated at the rate of K15.00 per hour or part thereof, subject to a maximum of K12,000 in respect of any one day.

PART V  
TARIFF OF FEES

| <i>Instructions</i>                                                                                | K      |
|----------------------------------------------------------------------------------------------------|--------|
| 1. Instructions to file notice of Appeal not to exceed                                             | 9,500  |
| 2. Instructions to file Memorandum of Appeal (including grounds of appeal)                         | 4,500  |
| 3. Instructions to file Respondent's Notice (including grounds of cross appeal)                    | 4,500  |
| 4. Instructions to file any other notice or application relevant to an appeal                      | 9,500  |
| 5. Instructions to appear for the respondent to any application in an Appeal                       | 9,500  |
| 6. Respondent's fixed costs on application to dismiss appeal for want of prosecution under Rule 55 | 30,000 |

NOTE: In the absence of any specific scale fees, the High Court scale shall apply.

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

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