

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 22 OF 2001

**The Subordinate Court Act
(Laws, Volume 3, Cap. 28)**

**The Subordinate Courts (Civil Jurisdiction)
(Amendment) Rules, 2001**

IN EXERCISE of the powers contained in section *fifty-seven* of the Subordinate Courts Act, the following Rules are hereby made:

1. (1) These Rules may be cited as the Subordinate Courts (Civil Jurisdiction) (Amendment) Rules, 2001 and shall be read as one with the Subordinate Courts (Civil Jurisdiction) Rules, in these Rules referred to as the principal Rules.

Title and
application
Cap. 28

(2) This Rules shall apply in respect of proceedings pending on the date of this Order or commenced after the publication of these Rules.

(3) On taking instructions, a Practitioner shall agree with the client the hourly fee to be charged in accordance with Part II and Part III of the Fourth Schedule or sections *seventy-six* and *seventy-seven* of the Legal Practitioners Act.

Cap. 30

2. The principal Rules are amended by the revocation of the Fourth Schedule and the substitution therefor of the Fourth Schedule set out in the Appendix to these Rules.

Revocation
and
replacement
of Fourth
Schedule

APPENDIX
(Paragraph 2)
FOURTH SCHEDULE
(O.I.r. 13)
PART 1

SCALE OF LEGAL PRACTITIONER'S COSTS

<i>Scale Head</i>	<i>Applicable part of Schedule</i>
<i>Summons, etc</i>	
1. Preparing, filing and serving Writ of Summons, Admission, Defence or Counter Claim including all particulars annexed or judgment Summons.....	II
2. Preparation, filing and serving request for further particulars of counter-claim.....	III
3. Preparing filing and serving further and better particulars.....	III
4. Preparing, filing and serving Subpoena.....	III
<i>Notices</i>	
5. Preparing notice to produce or admit facts.....	III
6. Preparing, filing and serving motion paper or any other notice	III
7. Preparing, filing and serving notice of discontinuance.....	III
8. Preparing notice of appointment to tax costs.....	III
<i>Instructions</i>	
9. To set or defend in any proceedings...	II
10. Request for interrogatories.....	III
11. For affidavit.....	III
12. For any interlocutory application....	II
13. Preparing for trial.....	II
14. For proof of each witness.....	II
15. To admit facts or to answer interrogatories	III
16. For any pleading.....	II
<i>Drawing</i>	
17. Admission of facts.....	II
18. Interrogatories or answers thereto.....	II
19. Affidavit.....	III
20. Any pleadings.....	II
21. Accounts, statements and other documents when required by Court or opposing party..	II
22. Any order required by the Court to be drawn.....	III
23. Bill of costs for taxation.....	II
24. Writ of Fieri Facias.....	III
25. Any other document.....	III

<i>Scale Head</i>	<i>Applicable part of this Schedule</i>
<i>Attendances</i>	
26. Formal to enter Summons, Judgement Summons or Motions or to file Counter- Claim further particulars, answer to interrogatories, admission of facts, affidavit of documents, particulars of claim in inter-pleader proceedings or bespeak copies.....	III
27. On adverse party or his advocate.....	II
28. Issue subpoena or to discontinue action.....	III
29. Apply for costs on receiving notice of discontinuance.....	III
30. Inspect documents or produce same for inspection.....	II
31. Obtain or to give any necessary consent or admission or to swear an affidavit.....	III
32. On hearing Summons, Motion or any interlocutory application or of dependant's adjourned application for time for payment of judgment debt.....	II
33. On trial	
(a) When case adjourned or partly heard.....	II
(b) When judgment given in default without evidence.....	III
(c) In any other case.....	II
34. To hear or collect reserved judgement.....	III
35. To obtain appointment for taxation.....	III
36. To tax bill of costs.....	II
37. To issue Writ of Fieri Facias.....	III
38.1 Travelling to Court or attending upon any other authority or public office or to inspect property or scene relevant to the matter.....	III
38.2 Waiting to attend before the Magistrate Clerk of Court or Court Bailiff etc. or to uplift documents	A fee equivalent to one half of the fee prescribed in Part II hereof
39. Other attendance upon the magistrate or clerk of court or upon opposite party, or upon sheriff, bailiff, court messenger in inter-pleader proceedings, not otherwise provided for, or where in consequence of anything done by the opposite party during the progress of the action or matter, it becomes necessary to advise or to receive instructions from client for each	

<i>Scale Head</i>	<i>Applicable part of this Schedule</i>
attendance.....	II
40. Letter before action	II
41. Letter in lieu of attendance which could be allowed under item 40.....	II
42. Perusing any necessary document per page or part thereof.....	III
<i>Garnishee Proceedings</i>	
43. Inclusive of sum to cover instructions for summons, instructions for affidavit, drawing affidavit and fair copy attending swearing, preparing summons and fair copy and attending to issue summons.....	III
44. For attending to apply for payment out of money paid into Court or to obtain judgment or order against where Garnishee does not dispute the debt and judgment debtor does not oppose.....	III
NOTE: Any step or attendance not specifically provided for by item 43 and 44 shall be according to the general scale set out in this part	
<i>Travelling Allowances</i>	
45. For every day or portion of a day during which a practitioner is necessary engaged in travelling from place of business within Zambia to the place of trial and returning therefrom and for every day which, a practitioner is necessarily detained at the place of trial, prior to or subsequent to the trial, subject to a maximum of ten hours for any single journey (one way).....	III
<i>Travelling Expenses</i>	
46. Journeys necessarily under-taken, an allowance for the time necessarily occupied on the journey and, in the case of a journey for the time which, an advocate is necessarily detained at the place of trial.....	III
NOTE: Disbursements for transport expenses are also to be allowed and for normal out-of-pocket expenses for subsistence, etc. If travel is by personal motor vehicle the practitioner shall be entitled to reasonable amounts expended on fuel	
48. <i>Responsibility and Skill</i>	
Subject to Order XXXIX Rule 7 of the Principal Rules, where there are special reasons, a practitioner shall be entitled to charge such fee as may be reasonable having regard to the skill labour and responsibility involved, in addition to the other fees chargeable under this scale, with a minimum of	
	K150,000

PART II

	A fee not exceeding (per hour or proportionately for any part thereof)
49. A practitioner of less than five years standing experience or Legal Executive	K50,000
50. A practitioner of more than five years but of not more than ten years standing and experience	K70,000
51. A practitioner of more than ten years but of not more than fifteen years standing and experience	K90,000
52. A practitioner of fifteen or more years standing and experience	K110,000
53. State Counsel	K135,000

PART III

	A fee not exceeding (per hour or proportionately for any part thereof)
39. A practitioner of less than five years standing	K30,000
40. A practitioner of more than five years but of not more than ten years standing and experience	K50,000
41. A practitioner of more than ten years but of not more than fifteen years standing and experience	K70,000
42. A practitioner of fifteen or more years standing and experience	K90,000
43. State Counsel	K120,000

LUSAKA
13th February, 2001
[CJ.6/1]

M. M. S. U. NGULUBE,
Chief Justice