

ANNEXURE E

TARIFF OF FEES FOR INSTRUCTED LEGAL PRACTITIONER ON A SCALE AS BETWEEN PARTY AND PARTY

SECTION A: GENERAL PROVISIONS

1. Fees allowed on taxation are within the discretion of the taxing officer, subject to Part 14 of the rules.
2. The fees reflected in Section B are reflected as minimum and maximum fees allowed, due regard being had to the time necessarily taken, the complexity of the matter, the nature of the subject-matter in dispute, the amount in dispute, the seniority of the legal practitioner employed, the fees ordinarily allowed for like services at the time of the promulgation of this rule, and any other factors which the taxing officer considers relevant, provided that if any fee is charged at a lesser amount, the taxing officer is entitled to tax it at such lesser amount.
3. When the taxing officer is required to tax time, he or she must be guided by the time reasonably spent for the performance of the task.
4. The items set out in Section B allow for the taxation of all time spent on consultations, perusal and research reasonably undertaken by an instructed legal practitioner in performance of any of the tasks set out in Section B, except in respect of items 8.7 and 8.8 (the latter being all inclusive items).
5. Where more than one instructed legal practitioner is allowed, the fees on taxation for each of the additional instructed legal practitioners so involved may not exceed one half of the fees allowed in respect of the most senior of the instructed legal practitioners.
6. Instructed legal practitioners are allowed to charge value added tax in addition to the fee allowed on taxation.

SECTION B: FEES

ITEM	MINIMUM FEE	MAXIMUM FEE
	N\$	N\$
1. Oral or written advice and memoranda in contemplation or in the course of litigation (per hour or part of an hour)	800	1800

2. Drawing pleadings and stated cases including the settling of particulars of claim or third party notice (per hour or part of an hour)	800	1800
3. Advice on evidence (per or part of an hour)	800	1800
4. On preparation for trial or application or any other opposed matter (per hour)	800	1800
5. Drafting or settling of heads of argument (per hour)	800	1800
6. Judicial Case Management		
(a) attendance at any parties' judicial case management or pre-trial conference and drafting or settlement of any minute (per hour or part of an hour)	800	1800
(b) appearance at any judicial case management or pre-trial hearing (fixed fee)	800	1800
7. Appearance in court		
(a) opposed applications (per day or any part thereof)	8000	18000
(b) exceptions (per day or any part thereof)	8000	18000
(c) stated cases (per day or any part thereof)	8000	18000
(d) trials (per day or any part thereof)	8000	18000

(e) appeals from magistrates' courts, where allowed by order of the court (per day or any part thereof)	8000	18000
(f) attending on court to note a reserved judgment, including argument as to the terms of the order (whether as to costs or otherwise) (per hour)	800	1800
(g) application for leave to appeal, an all inclusive fee of all tasks ordinarily performed in relation thereto	4000	9000
(h) attending court on a formal unopposed postponement, an all inclusive fee of all tasks ordinarily performed in relation thereto	800	1800
8. Fee <i>in lieu</i> of a first day's hearing when the case has become settled or withdrawn or postponed at the instance of any party		
(a) not more than two days before the date of hearing	Fee otherwise allowable on taxation for a day's hearing	
(b) not less than three days and not more than five days before the date of hearing	Half of the fee otherwise allowable on taxation for a day's hearing	