

ANNEXURE D

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

SECTION A.

**TARIFF OF FEES OF A LEGAL PRACTITIONER ON A PARTY AND PARTY BASIS IN MATTERS CONTEMPLATED IN RULE 124(1)**

The fees stated in the table below are, unless on good cause shown and specifically otherwise ordered by the Court, considered to be the reasonable fees for the professional legal services rendered and an all inclusive fee which fee includes taking instructions, all consultations, drafting, perusals, attendances, telephone calls, copies and appearances, but excludes fees for service of process and court fees.

	<b>FEE N\$</b>
1 An undefended action for divorce.....	10 000.00
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2 (a) An unopposed rule 55 application .....	2 500.00
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(b) An opposed rule 55 application .....	5 000.00
3 An application for judgment by default	
(a) without a claim for damages .....	5 000.00
(b) on any claim for damages .....	6 000.00
4. An unopposed application for summary judgment .....	10 000.00
5. Any unopposed application for leave to sue by way of edict or for substituted service .....	5 000.00
6. An unopposed application for admission to practice and to be enrolled as a legal practitioner or to be enrolled as a sworn translator .....	2 500.00
7. An 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, in the event of a defended divorce or discharge or extension of a return date of a <i>rule nisi</i>	1 000.00

8.	An unopposed application for sequestration or voluntary surrender of an estate, liquidation of a company or corporation or the rehabilitation of a person's estate, or any application for curatorship.....	10 000.00
9.	An unopposed application for rescission of any judgment .....	5 000.00

**SECTION B****TARIFF OF FEES FOR A LEGAL PRACTITIONER IN LITIGIOUS WORK: RULES 124 AND 125**

<b>No.</b>	<b>Description</b>	<b>Per Folio</b>	<b>Amount</b>
<b>A – TAKING INSTRUCTIONS</b>			
1.	An administrative fee for initiating or defending proceedings in the court		600.00
2.	First consultation with client (per every 15 minutes or part thereof)		300.00
3.	For further each necessary consultation (per every 15 minutes or part thereof)		300.00
4.	For drawing written or giving oral advice on the merits of the proceedings or evidence (per every 15 minutes or part thereof)		300.00
5.	To set down case, issue subpoena or writ or any other simple instructions		300.00
6.	To draft a petition or affidavit (fixed amount)		300.00
7.	To note an appeal (fixed amount)		300.00
8.	To prosecute or defend an appeal, exclusive of the perusal of the record (fixed amount)		300.00
9.	A fee based on the period that should be taken by an experienced legal practitioner for the work of preparation, research, analysis of evidence, preparation for cross-examination, preparation for argument		

	including drawing heads of argument if required, preparation for pre-trial meetings (per every 15 minutes or part thereof)	300.00
10.	For inspection <i>in loco</i> (per every 15 minutes or part thereof)	300.00

#### B – ATTENDANCE AND PERUSAL

1.	Attending the receipt of and perusing , and considering, but a minimum of 30 folios will be allowed for each 15 minutes so spent :	
(a)	any summons, petition, affidavit, pleading instructed legal practitioner's advice and drafts, report, or important letter, notice or document (per every 15 minutes or part thereof)	300.00
(b)	any formal letter, record, stock-sheets in voluntary surrenders, judgments or any other material document not elsewhere specified (per every 15 minutes or part thereof)	300.00
2.	Attending the receipt of and considering any plan or exhibit or other material document in respect of which the basis of remuneration set out in item 1 cannot be applied (per every 15 minutes or part thereof)	300.00
3.	Making searches in offices of record, (per every 15 minutes or part thereof)	
(a)	by an legal practitioner	300.00
(b)	by a clerk	150.00
4.	Sorting out, arranging and paginating papers for pleading, advice or brief on trial or appeal (per every 15 minutes or part thereof)	300.00

5.	Attending to give or take disclosure (per every 15 minutes or part thereof)	
(a)	by an legal practitioner	300.00
(b)	by a clerk	150.00
6.	Any attendance whether at a pre-trial meeting with other practitioners in order to draw the pre-trial minutes and the draft court or appearances at court for pre-trial meetings, trial or argument (per 15 minutes or part thereof)	300.00
7.	Attending to request and thereafter to procure translation (per 15 minutes or part thereof)	300.00
8.	Other attendances including telephone calls other than formal telephone calls (per 15 minutes or part thereof)	300.00

**[Note:** the fees allowed under this section are in addition to any fees that may be allowed for taking instructions under Section A.]

#### C – ATTENDANCE-FORMAL

1.	To serve or deliver (other than by post) any necessary document or letter or dispatch any telegram (per every 15 minutes or part thereof), provided that a single fee is to be allowed for the service and delivery of the same document	300.00
2.	To sue out any process or file any document (per 15 minutes or part thereof)	300.00
3.	Formal attendances, including to serve and deliver pleadings and documents, issue proceedings at court, to uplift return of service, deliver to deputy-sheriff, to deliver brief to instructed legal practitioner, attend to receipt of notice of intention to defend, attend on signature on power of legal practitioner	

	or affidavits (per every 15 minutes or part thereof)	300.00
4.	Attending on telephone calls, formal calls – calls entailing a consultation and advice (per every 15 minutes or part thereof)	300.00
5.	Attending receipt of a formal acknowledgement	300.00
6.	Attendances for drawing index, paginating court file, inspections at offices of record (deeds or registrar's office), investigating administrative issues relating to a pending trial or application including inspection of files to ensure that they are in order, including any other administrative attendances not specifically provided for elsewhere (per every 15 minutes or part thereof)	300.00
7.	Drafting pleadings including all administrative work in connection therewith such as typing, editing, copying etc (per every 15 minutes or part thereof)	300.00
8.	Drafting affidavits, statements, summaries, reports (per every 15 minutes or part thereof)	300.00
9.	Travelling time or waiting time (per 15 minutes or part thereof)	300.00
10.	Perusing and considering any pleadings (per 15 minutes or part thereof but a minimum of 30 folios will be allowed for each 15 minutes so spent)	300.00
11.	Perusing necessary documents, plans, diagrams and photographs (per 15 minutes or part thereof but a minimum of 30 folios will be allowed for each 15 minutes so spent)	300.00
12.	Perusing judgments, reports, typed	

	evidence and any other records (per 15 minutes or part but a minimum of 30 folios will be allowed for each 15 minutes so spent)	300.00
13.	Attending on receipt of payment, formal acknowledgement and any other short formal attendance	300.00
14.	Preparing instructed legal practitioner's brief, sorting papers, paginating and arranging (per 15 minutes or part thereof)	300.00
15.	Appearance in court to note judgment and other similar formal appearances – per appearance (per 15 minutes or part thereof)	300.00
16.	Any other matter not specifically provided for should be taxed on a basis of time spent per 15 minutes	

#### D- DRAFTING AND DRAWING

1.	Any entry in the chamber book, where used, including all attendances (per folio or part thereof)	112.00
2.	Instructions for case on opinion, for instructed legal practitioner's guidance in preparing pleadings, including further particulars and requests for same, including exceptions (per folio)	112.00
3.	Instructions to instructed legal practitioner for advice on evidence for brief on trial or on commission (per folio)	112.00
4.	Instructions to instructed legal practitioner for argument in respect of all classes of pleading, except that a fee for drafting instructions on motion, petition, exception or appeal, will only	

	be allowed in discretion of the taxing officer (per folio)	112.00
5.	Statements of witnesses (per folio)	112.00
6.	Power of attorney for legal practitioner to sue or defend (per folio)	112.00
7.	Formal notices and subpoenas (per folio)	112.00
8.	A petition affidavit, any notice (except a formal notice), summons, further particulars requested and furnished for trial, writs of execution, arrest or attachment and any other important document not otherwise provided for (per folio)	112.00
9.	Letter of telegram (per folio)	112.00
10.	Copy of telegram (per folio)	4.50
11.	Drawing index to brief (per folio)	112.00
12.	Short brief (per folio)	112.00

**[Note 1:** In computing the number of folios of any document referred to in sections B to D, the taxing officer must deduct, but treat as annexures where relevant, any portions consisting of quotations from other documents and papers.

**Note 2:** The charges allowed in sections B to D for drafting and drawing include making the first fair copy.]

#### E – APPEARANCE, CONFERENCE AND INSPECTION

1. Attendance by legal practitioner when an instructed counsel is employed in court or before a judge or before a commissioner or referee or at an inspection directed by the Court -

- |      |   |        |
|------|---|--------|
| (a)  | To note judgment only -   |        |
| (i)  | by an legal practitioner (per every 15 minutes or part thereof)   | 300.00 |
| (ii) | by a clerk (per every 15 minutes or part thereof)   | 150.00 |
| (b)  | Otherwise (per 15 minutes or part thereof)  |        |
| 2.   | Appearance by legal practitioner without an instructed legal practitioner before a judge on request by the judge, or before a commissioner or referee, (per 15 minutes or part thereof) | 300.00 |

**[Note:** the above rates of remuneration are not applicable in respect of the time spent in travelling or waiting, but the taxing officer must, in respect of time necessarily so spent, allow such additional remuneration not exceeding N\$6000-00 per diem as he or she in his or her discretion may deem fair and reasonable, and must also allow a reasonable amount to cover the cost of necessary conveyance.]

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|-----|--|--------|
| 3.  | Attending of legal practitioner's clerk to assist a contested proceeding -   |        |
| (a) | if instructed legal practitioner employed, (per every 15 minutes or part thereof)  | 150.00 |
| (b) | if instructed legal practitioner not employed, (per 15 minutes or part thereof)  | 150.00 |
| 4.  | Any conference or consultation with instructed legal practitioner with or without witnesses and on pleadings including exceptions and particulars to pleadings, applications, petitions, affidavits, testimony and on any other matter which the taxing officer may consider necessary, (per every 15 minutes or part thereof) |        |
| (a) | by a legal practitioner  | 300.00 |

(b)	by a clerk	150.00
5. Any conference or consultation with client, witness or opposite party, and any other conference or consultation which the taxing office may consider necessary, (every 15 minutes or part thereof)		
(a)	by a legal practitioner	300.00
(b)	by a clerk	150.00
6. Any inspection <i>in situ</i> , or otherwise, (per 15 minutes or part thereof)		
(a)	by an legal practitioner	300.00
(b)	by a clerk	150.00

[**Note:** the above rates of remuneration are applicable in respect of time spent in travelling but the taxing officer must in respect of time necessarily so spent allow additional remuneration not exceeding N\$6000 per service and must also allow the reasonable cost of necessary conveyance.]

7. Evidence: Such just and reasonable charges and expenses as may, in the opinion of the taxing officer, have been properly incurred in procuring the evidence and attendance of witnesses whose fees have been allowed on taxation, except that the qualifying expenses of a witness may not be allowed without an order of court or the consent of all interested parties

#### F – RESEARCH

1. A fee based on the period that should be taken by an experienced legal practitioner for the work of preparation, research, analysis of evidence, preparation for cross-examination, preparation for argument including drawing heads of argument if required, preparation for pre-trial meetings (per every 15 minutes or part thereof)

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|     |                         | 300.00 |
| (a) | by a legal practitioner |        |
| (b) | by a clerk              | 150.00 |

G – MISCELLANEOUS

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|----|--|-----------------|--------|
| 1. | Briefing and copying: for making printed copies for the court, counsel or legal practitioner, or for service or of any other necessary purpose, the charge is per page, provided that the first fair copy is included in the drafting fee. | 5.00 per page   |        |
| 2. | For making printed copies of the record in a civil appeal from a magistrate’s court the charge is as set out in item 1.  | 5.00 per page   |        |
| 3. | For giving a written opinion (as between legal practitioner and client)  | 80.00 per folio |        |
| 4. | General: Inclusive fee for consultation and discussions with client or instructed counsel not otherwise provided for (per 15 minutes or part thereof)  |                 | 300.00 |

H – BILL OF COSTS

In connection with a bill of costs for service rendered by a legal practitioner, an legal practitioner is entitled to charge:

1. For drawing the bill of costs, making the necessary copies and attending settlement, 2, and 5% on the fees allowed upon taxation or agreed upon after settlement.
2. In addition thereto, if recourse is had to taxation for arranging and attending taxation and obtaining consents to taxation, 2,5% on the fees allowed upon taxation

3. VAT: All items taxed must be taxed on the amount exclusive of VAT, but the amount of VAT must be added to the total amount taxed. The provision on VAT is applicable to instructing legal practitioner's and instructed legal practitioner's fees allowed on taxation by the taxing officer