

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 9 OF 2001

The Legal Practitioners Act
(Laws, Volume 4, Cap. 34)

The Legal Practitioners (Costs) Order, 2001

IN EXERCISE of the powers contained in section *seventy* of the Legal Practitioners Act, and on the recommendation of the Remuneration Committee, the following Order is hereby made:

1. (1) This Order may be cited as the Legal Practitioners (Costs) Order, 2001.

Title and application

(2) This Order shall apply in respect of any business done in any contentious matter pending on the date of this Order or commenced after the publication of this Order.

1. (1) In any proceedings in the High Court which could have been commenced in a subordinate court, costs, where awarded shall be on the appropriate subordinate court scale:

Costs on Subordinate or High Court scale

Provided that the judge, if he is satisfied—

(i) that there was sufficient reason for bringing the action in the High Court; or

(ii) that the defendant or one of the defendants objects to the transfer of the action to a subordinate court; the trial judge may make an order allowing the costs, or any part thereof, on the High Court scale.

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

3. The provisions of this Order shall not apply to fixed costs which are provided for in the practitioners (High Court) (Fixed) (Costs) Order, 2000.

Application of fixed costs S. I. No. of 2000

Scale of costs in proceedings before Industrial Relations Court, commission tribunal etc., Cap. 27

4. Where a practitioner is entitled or permitted to appear in any proceedings before the Industrial Relations Court, a commission, tribunal, mediator, arbitrator, board or other body, any practitioner so appearing shall be entitled to costs in accordance with the scale set out in the Schedule to this Order and the provisions of the High Court Rules in regard to taxation shall apply to the taxation of such costs.

Scale of costs in proceedings in High Court

5. (1) In any proceedings in the High Court where costs are allowed to any practitioner, they shall be taxed in accordance with the scale of costs set out in the Schedule to this Order.

(2) Where the trial judge certifies that there were sufficient grounds arising out of the nature importance, or the difficulty or urgency of the case, to justify the appearance of two or more practitioners as counsel, the costs allowed in respect of each practitioner shall be taxed in accordance with the scale costs set out in the Schedule hereto.

Revocation of S. I. No. 136 of 1997

6. The Legal Practitioners (Costs) Order 1997, is here revoked.

SCHEDULE
(Paragraph 4 and 5)

SCALE OF PRACTITIONERS' COSTS IN CONTENTIOUS MATTERS

PART I

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
Scale Head	Applicable part of of Schedule	Applicable
<i>1. Institution of Proceedings</i>		
1.01 For letter of demand	III	
1.02 Preparing, issuing, filing and service of Writ of Summons, endorsed with a Statement of Claim	II	
1.03 Preparing, issuing, filing and service of Originating Notice of Motion or Third Party Notice	II	
1.04 Preparing, issuing, presenting and service of any petition including any process touching the Constitution of the Republic of Zambia, complaint, appeal or application before the Industrial Relations Court, Tribunal, Commission, arbitrator, etc	II	
1.05 Preparing, issuing, filing and service of any application for Habeas Corpus, or for any administrative orders, including an application for judicial review	II	
1.06 Preparing, issuing, filing and service of a Concurrent Writ of		

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
Scale Head	Applicable part of of Schedule	Applicable fee
Summons or Originating Summons	III	
1.07 Renewing Writ of Summons or Originating Summons	III	
2. <i>Instructions</i>		
2.01 Attending on client, either formal or informal	III	
2.02 Taking instructions for a state- ment of claim, petition, complaint, application, appeal or other process or proceedings	II	
2.03 Taking instructions for a defence and counter-claim (if any) or for any answer or opposition to any process or proceeding mentioned in scales I above	II	
2.04 Attending on and interviewing any witness or possible witness for the trial and taking and preparing proofs of evidence	II	
2.05 Requesting for and examining reports or opinions of expert	II	
2.06 Examination of any place or property material to the proceedings	II	
2.07 Searching and obtaining any relevant documents from any public office such as the Lands and Deeds Registry, Court Registry or any other public office	II	
2.08 Attending on the other party or parties, or their advocates or their agents including attendances for negotiations for mediation or any settlement out of court	II	
2.09 Collating documents for an affidavit or list of documents and for the Bundles of Documents or Pleadings	II	
2.10 Attending to inspect documents or produce documents for Inspection	II	
2.11 Attending to any calculations to arrive at any damages or interest payable	III	
2.12 Instructions for any affidavit and preparation thereof	II	
2.13 Preparing notes for trial or		

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
Scale Head	Applicable part of of Schedule	Applicable fee
any hearing in Chambers or Court	II	
2.14 Instructions for brief to State Counsel to advise on evidence or affidavit to use as evidence at the trial (where Counsel's opinion is justifiably sought)	II	
3. <i>Interlocutory Proceedings and Proceedings in Chambers</i>		
3.01 Preparation, issuing, filing and service of any summons, application, notice of motion or appeal to a judge in Chambers	II	
3.02 Preparation, issuing, filing and arranging execution of: — Writ of Elegit — Writ of Fieri Facias Or any other Writ of execution or for possession of land	III	
3.03 Preparing any other document (to include where necessary filing, service and delivery of any notice or document not otherwise provided for) including any document or application to:		
3.03.1 Amend any document	III	
3.03.2 Obtaining any order for substituted service or for giving leave to serve out of the jurisdiction	III	
3.04 Preparing, serving and delivery of:		
3.04.1 Defence and counter-claim if any	II	
3.04.2 Answer, reply or opposition to a petition or any application in terms of scales 1.04 and 1.05 hereof	II	
3.04.3 Request for particulars of any pleadings	III	
3.04.4 Request for Interrogatories	III	
3.04.5 Affidavit and list of documents	II	
3.04.6 Notice to produce or admit documents	III	
3.05 Preparing, filing and service of any order made in Chambers		

First Column	Second Column Applicable part of Schedule	Third Column Applicable
Scale Head		
and any order or judgement made or passed in Court	III	
4. Attendance		
4.01 Attendance in Chambers or Court on the hearing of any application, Interlocutory appeal or other application of an interlocutory nature	II	
4.02 Attending State Counsel in conference	II	
4.03 Waiting to attend to any application in Chambers or at Court, tribunal, Mediation, arbitration, Inquiry, commission etc.	II	
4.04 Waiting to attend before the Deputy or District Registrar in Chambers	III	
4.05 Attending, conducting case in Court, before a Commission, referee or on mediation or arbitration or before any tribunal or inquiry	II	
4.06 Attending to hear or collect reserved judgement or order or any decision	III	
4.07 Attendance on client or any other party or authority on the telephone	II	
4.08 Attending generally including attending upon client to report on progress or discuss matter, swear Affidavits, waiting for client, or witness, or attending upon any other authority pursuant to client's instructions	II	
4.09 Attending to the matter generally including preparing letters, progress reports, and other reports, and researching into the law	II	
4.10 Attendance upon receipt of letter, telegram, telefax, E-mail	III	
4.11 Attending to tax costs, including attending to obtain appointment to tax and file bill of costs	II	
5. Perusals		
5.01-Of any statement of claim defence and counter-claim (if any), petition, complaint, application, appeal, answer,		

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
Scale Head	Applicable part of Schedule	Applicable fee
reply or any document being for any of the matter in scales 1.02 to 1.05 here of, inclusive	III	
5.02 Of any document, letter Including perusals of Counsel's opinion or documents or inspection or any interlocutory process	III	
6. <i>Drawing Documents</i>		
6.01 Drawing any document in the proceedings or any brief or opinion not provided for herein	III	
6.02 Drawing Bill of costs and copies for taxation	II	
6.03 For drawing case for opinion of State Counsel, to advise on evidence or to settle any pleadings and affidavit for use as evidence (where Counsel's opinion is justifiably sought)	II	
7. <i>Opinions</i>		
7.01 For any written opinion given in anticipation of litigation	II	
7.02 For any oral opinion given in anticipation of litigation	III	
8. <i>Communications, Printing, Photocopying, Messengers etc.</i>		
8.01 For any letter, E - mail, telegram, telex or telefax for each page (Maximum)		K2,000.00
8.02 Telephone per unit of three minutes or part thereof (Maximum)		K30,000.00
8.03 Photographic, printed or carbon copy of any document being Exhibits to an Affidavit for Bundles of Pleadings and Documents (per page) (Maximum)		K 250.00
8.04 General fee for letters, petties, messengers, incidentals etc at 15% of the total bill (excluding disbursements) (minimum)		K300,000.00
9. <i>Subpoenas or Summons to Witness</i>		
For preparing, issuing, filing and service of subpoena or summons to witness and the Praecipe-for each individual served	III	

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
Scale Head	Applicable part of Schedule	Applicable
10 <i>Travelling and Out of Station Allowances</i>		
10.01 For travelling to inspect in Chambers or in Court, before a Commission, a referee or an arbitrator on Mediation or before any Tribunal, Inquiry or Commission beyond the Advocate's station		The appropriate fee as appears in Schedule of time taken using the most economical but convenient means of transport available in the circumstances subject to a maximum of ten hours for a single journey(one way)
10.03 Travelling within the Advocate's locality, town or station to attend Court, Tribunal, Inquiry, Commission mediation, arbitration other authority or any matter related to the conduct of a matter on behalf of a client.		The appropriate fee as appears in Part II of this schedule
<i>Note:</i>		
If travel is by personal motor vehicle the Practitioner shall in addition, be entitled to reasonable amounts expended on fuels		
11. <i>Appeals to the High Court</i>		
11.01 Preparing Notice of Appeal	III	
11.02 Preparing Notices, Grounds of Appeal and any other document	II	
11.03 Preparing Summons, Notice of Motion or Notice of Application relating to any appeal, Affidavit	III	
11.04 Preparing Record of Appeal, Case Record or Record of Proceedings, Collating documents, proof-reading judge's Notes, Tribunal, Commission, or Magistrate's Note or any other Notes relevant to the Appeal	II	
11.05 Preparing Heads of Arguments, List of Authorities including Notes for use at the hearing of the appeal	II	
11.06 The above fees are in addition to appropriate fees prescribed under scales 1 to 10 above		
12. <i>Responsibility and Skill</i>		
Subject to Order XL Rule 10 of the High Court Rules, CAP 27, where there are special reasons a practitioner		

shall be entitled to charge such fees 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

K500, 000

PART II

	<i>A fee not exceeding (per hour or proportionately for any part thereof) Maximum Fee</i>
1. A Practitioner of less than five years standing experience of Legal Executive	K200,000.00
2. A Practitioner of more than five but of not more than ten years standing and experience	K300,000.00
3. A Practitioner of more than ten years but of not more than fifteen years standing and experience	K360,000.00
4. A Practitioner of fifteen years or more years standing and experience	K460,000.00
5. State Counsel	K540,000.00

	<i>A fee not exceeding (per hour or proportionately for any part thereof) Maximum Fee</i>
1. A Practitioner of less than five years standing	K120,000.00
2. A Practitioner of more than five but of not more than ten years standing and experience	K200,000.00
3. A Practitioner of more than ten years but of not more than fifteen years standing and experience	K400,000.00
4. State Counsel	K500,000.00

Made by the High Court Rules Committee this 21st day of January, 2001.

M. M. S.W. NGULUBE,

Chairman,

P. CHITENGI,

Member

I. C. MAMBILIMA,

Member

L. NYEMBELE,

Member

M. M. MUNDASHI,

Member

LUSAKA

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