

Uganda

Advocates Act

## Advocates (Remuneration & Taxation of Costs) Regulations Statutory Instrument 123 of 1982

Legislation as at 2 March 2018

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# Uganda

## Advocates Act

# Advocates (Remuneration & Taxation of Costs) Regulations

## Statutory Instrument 123 of 1982

Commenced

*[This is the version of this document from 2 March 2018.]*

*[Note: This legislation was revised and consolidated as at 31 December 2000 and 31 December 2023 by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]*

*[Amended by [Advocates \(Remuneration and Taxation of Costs\) \(Amendment\) Regulations, 2018 \(Statutory Instrument 7 of 2018\)](#) on 2 March 2018]*

***(Under section 77(1)(e) of the Act)***

### Part I – General matters

#### 1. Citation

These Regulations may be cited as the Advocates (Remuneration and Taxation of Costs) Regulations.

#### 2. Application of Regulations

The remuneration of an advocate of the High Court by his or her client in contentious and noncontentious matters, the taxation of that remuneration and the taxation of costs as between party and party in contentious matters in the High Court and in magistrates courts shall be in accordance with these Regulations.

#### 3. Definition of folio

In these Regulations, unless the context otherwise requires, “folio” means one hundred words, and in the calculation of a folio, a single figure or a group of figures up to five, or an item in accounts, shall be counted as one word.

#### 4. Agreed fee not to be less than scale up to one hundred thousand shillings

No advocate shall accept or agree to accept remuneration at less than that provided by these Regulations except where the remuneration assessed under these Regulations would exceed the sum of one hundred thousand shillings, and in that event the agreed fee shall not be less than one hundred thousand shillings.

*[regulation 4 amended by regulation 2 of [Statutory Instrument 7 of 2018](#)]*

#### 5. Additional remuneration for exceptional dispatch

Where any business requires and receives exceptional dispatch, the advocate shall be entitled to receive and shall be allowed such additional remuneration as is appropriate in the circumstances, which shall be allowable only as between advocate and client.

## 6. Special fee for exceptional importance and complexity

- (1) In business of exceptional importance or of unusual complexity, an advocate shall be entitled to receive and shall be allowed as against his or her client a special fee in addition to the remuneration provided in these Regulations.
- (2) In assessing that special fee regard may be had to—
  - (a) the circumstances in which the business or part of the business is transacted;
  - (b) the nature and extent of the pecuniary or other interest involved;
  - (c) the labour and responsibility entailed; and
  - (d) the number, complexity and importance of the documents prepared or examined.

## 7. Security from client for advocate's remuneration

An advocate may accept from his or her client and a client may give to his or her advocate security for the amount to become due to the advocate for remuneration and disbursements in business to be transacted or being transacted by him or her and for interest as hereafter provided on such amount, but so that interest is not to commence until the amount due is ascertained by either agreement or taxation.

## 8. Interest may be charged

An advocate may charge interest at 6 percent per year on his or her disbursements and costs, whether by scale or otherwise, from the expiration of one month from the delivery of his or her bill to the client.

## 9. Notice of taxation to be given by taxing officer

When a bill of costs has been lodged for taxation, the registrar shall, upon payment of the prescribed fee, issue to the party lodging the bill a notice of the date and time (being not less than five days after the issue of the notice, unless a shorter time is specially allowed by the registrar) fixed for taxation of the bill of costs and shall also issue a copy of the notice, accompanied by a copy of the bill, to each advocate and other person whose name is endorsed on the bill as entitled to receive notice of the taxation of the bill of costs.

## 10. Taxation of costs as between advocate and client on application of either party

- (1) The taxing officer may tax costs as between advocate and client without any order for the purpose, upon the application of the advocate or upon the application of the client, but where a client applies for taxation of a bill which has been rendered in summarised or block form, the taxing officer shall give the advocate an opportunity to submit an itemised bill of costs before proceeding with the taxation, and in that event the advocate shall not be bound by or limited to the amount of the bill rendered in summarised or block form.
- (2) Due notice of the date fixed for the taxation shall be given to both parties, and both shall be entitled to attend and be heard.

## 11. Failure of advocate to attend taxation after notice, etc.

Any advocate who, after due notice, fails without reasonable excuse to appear on the date and at the time fixed for taxation or on any date and time to which the taxation is adjourned or who, in any way, delays or impedes the taxation or puts any other party to unnecessary or improper expense relative to the taxation shall, on the order of the taxing officer, forfeit the fees to which he or she would otherwise be entitled for drawing his or her bill of costs and attending the taxation and shall in addition be personally liable to pay for any unnecessary or improper expenses to which he or she has put any party; and the taxing officer may proceed with the taxation *ex parte*.

## 12. Taxation procedure contained in Part III to apply to bills under Part II

The provisions of Part III of these Regulations as to the form and procedure for filing and disposal of a bill of costs for taxation shall apply in all appropriate respects and so far as practicable to any bill of costs under Part II of these Regulations which may require to be taxed.

## 13. Discretion of taxing officer

Notwithstanding anything in these Regulations, on every taxation the taxing officer may allow all such costs, charges and expenses as are authorised in these Regulations and appear to him or her to have been necessary or proper for the attainment of justice or for defending the rights of any party but, except as against the party who incurred them, no costs shall be allowed which appear to the taxing officer to have been incurred or increased through overcaution, negligence or mistake, or by payment of special charges or expenses to witnesses or other persons, or by other unusual expenses.

## 13A. Pre-taxation meeting of advocates or parties

- (1) The advocates for the respective parties or the parties themselves, if unrepresented, shall jointly identify the costs, fees and expenses on which they agree, if any, before the taxation of a bill of costs.
- (2) For every taxation, the taxing officer shall record the costs, fees and expenses that are identified in sub-regulation (1) if any, and then proceed to tax the costs, fees and expenses on which there is no agreement, if any.

*[regulation 13A added by regulation 3 of [Statutory Instrument 7 of 2018](#)]*

## Part II – Noncontentious matters

## 14. Scale of charges in noncontentious matters

Subject to regulation 19 of these Regulations, the scale of charges by an advocate in respect of conveyancing and general business (not being business in any action or transacted in any court or in the chambers of any judge or registrar) shall be regulated as follows—

- (a) in respect of sales, purchases, mortgages and debentures completed, the remuneration shall be that prescribed in the First Schedule to these Regulations;
- (b) in respect of leases, agreements for leases or conveyances reserving rents or agreements for the same completed, the remuneration shall be that prescribed in the Second Schedule to these Regulations;
- (c) in respect of business in connection with floatation of companies, the remuneration shall be that prescribed in the Third Schedule to these Regulations;
- (d) in respect of business in connection with registration of trademarks, inventions and designs, the remuneration shall be that prescribed in the Fourth Schedule to these Regulations; and
- (e) in respect of any business referred to in paragraphs (a) and (b) of this regulation which is not completed, and in respect of other deeds or documents, including settlements and of all other business of a noncontentious nature the remuneration for which is not hereinbefore provided for, the remuneration shall be that prescribed in the Fifth Schedule to these Regulations.

## 15. Remuneration not to include stamps, auctioneer's charges, etc.

- (1) The remuneration prescribed by the various Schedules to these Regulations shall not include stamps, auctioneer's or valuer's charges, travelling or hotel expenses, fees paid on searches in public offices or on registrations, costs of extracts from any register, record or roll, or other disbursements

reasonably and properly paid, but shall include stationery charges and allowances for the time of the advocate and his or her clerks, and for copying and parchment and all similar disbursements.

- (2) The remuneration prescribed in the First to Fifth Schedules to these Regulations does not apply to any business of a contentious character or any proceedings in court or chambers.

## **16. Scale charges—what they include**

- (1) Scale charges shall include all work ordinarily incidental to a transaction, like in the case of a conveyance, transfer or mortgage, the taking of instructions to prepare the necessary deed or document, the investigation of title, the preparation or approval of the deed, the settlement of the transaction if in the town of the advocate's practice, the registration of the deed and correspondence between the advocate and client.
- (2) Scale charges shall not cover prior negotiations leading up to or necessary for the completion of a bargain, the tracing of title deeds, the adjudication of stamp duties, extra work occasioned by special circumstances or work occasioned by a change of circumstances emerging while an item of business is in progress, like the death or bankruptcy of a party to the transaction.
- (3) In noncontentious matters, only one-third of the scale remuneration shall be allowed for copies of documents which are carbon copies.

## **17. Scale charges—how calculated**

In the calculation of scale charges the basis of the charge shall, unless otherwise provided in the Schedules to these Regulations, and irrespective of the number of titles involved or documents required to be prepared or approved, be the sum set forth in the deed or document as the price or consideration or, if no price or consideration is set forth, the value of the subject matter affected by the deed, which shall be deemed to be—

- (a) the value fixed for the purpose of stamp duty;
- (b) the sum at which the property affected has last been passed for estate duty; or
- (c) the last price at which a sale has taken place within ten years from the date of the transaction.

## **18. Liberty of advocate to elect for Fifth Schedule**

In all cases to which the scales prescribed in the First to Fourth Schedules to these Regulations apply, an advocate may, before or contemporaneously with rendering a bill of costs, by writing under his or her hand communicated to the client, elect that his or her remuneration shall be according to the Fifth Schedule to these Regulations, but if no such election shall be made, his or her remuneration shall be according to the appropriate scale prescribed in the First to Fourth Schedules to these Regulations.

## **19. Business falling under more than one category**

If the business handled by an advocate in the course of any one transaction falls under more than one of the categories prescribed in the First to Fourth Schedules to these Regulations, each item shall be charged for separately according to the remuneration prescribed in the Schedule within which it falls, and any part of the business not specially provided for by any of the First to Fourth Schedules shall be charged for under the Fifth Schedule to these Regulations.

## **20. Definitions and application of the First Schedule**

- (1) Regulations 21 to 28 of these Regulations shall govern the application of the First Schedule to these Regulations and shall be applied in sequence, and the words “the scales” or words of similar import appearing in any of those regulations shall be read and construed as meaning the charges prescribed by the First Schedule as modified by the provision of any preceding regulation.

- (2) In regulations 21 to 28 of these Regulations, wherever their application so requires, the words “conveyance”, “mortgage”, “mortgagor” and “mortgagee” shall respectively be read and construed as “transfer” or “assignment”, “charge”, “charger” and “chargee”.

### **21. Remuneration of vendor's advocate for conveyance on sale by auction**

The remuneration of the vendor's advocate for perusing and completing a conveyance on a sale by auction shall be chargeable on each lot of property, except that where property held under the same title is divided into lots for the purposes of sale and the same purchaser buys and takes one conveyance of more than one lot, the remuneration shall be chargeable on each conveyance upon the aggregate prices of the lots contained in such or each conveyance.

### **22. Charges where advocate is concerned for both mortgagor and mortgagee or vendor and purchaser**

- (1) Where an advocate is concerned for both mortgagor and mortgagee, he or she is to be entitled to charge the mortgagee's advocate's charges and one-half of those which would be allowed to the mortgagor's advocate.
- (2) When an advocate acts for both vendor and purchaser, he or she shall be entitled to charge the purchaser's advocate's charges and one-half of the vendor's advocate's charges.

### **23. Where building society is mortgagee**

- (1) Where an advocate acting on behalf of a building society makes use of a printed or stereotyped form of engrossment or mortgage or discharge, the fee payable to the mortgagee's advocate in respect thereof under the above scale shall be reduced by one-quarter.
- (2) For the purposes of this regulation, a building society shall be deemed to include any association, corporation or company acting in the making of an advance or the lending of money on the security of, or for the purposes of, purchasing or building, domestic residential property.

### **24. Charges where conveyance and mortgage are prepared by one advocate**

Where a conveyance and mortgage of the same property are completed at the same time and are prepared by the same advocate, he or she shall be entitled to charge only one-half of the scale fees for approving the mortgage deed.

### **25. Charges where one document prepared and one approved by one advocate**

Where a conveyance and mortgage of the same property are completed at the same time, an advocate who has prepared one document and approved the other shall be entitled to charge only one-half of the scale fees in respect of the document which he or she approved.

### **26. Charges where mortgage in favour of vendor and one advocate acting for both parties**

Where a conveyance and mortgage of the same property are completed at the same time and are prepared by the same advocate and the mortgagee is the vendor, the advocate shall be entitled to charge only one-half of the scale fee prescribed for approving the mortgage deed.

### **27. Where property is sold subject to incumbrance**

Where property is sold subject to incumbrances, the amount of the incumbrances shall be deemed part of the purchase money for the purpose of calculating the charges for the conveyance, except where the mortgagee is the purchaser, in which case the charge for the conveyance shall be calculated upon the price of the equity of redemption.



**28. Charges for approving draft on behalf of several parties having different interests**

If an advocate approves a draft on behalf of several parties having distinct but not conflicting interests capable of separate representation, he or she shall be entitled to charge the scale fee under the First Schedule to these Regulations in respect of each of the several parties.

**29. Application of the Second Schedule**

Regulations 30 to 35 of these Regulations shall govern the application of the Second Schedule to these Regulations.

**30. Abstract of title furnished by vendor**

Where the vendor or lessor, at the request of the purchaser or lessee, furnishes an abstract of title, it shall be charged for according to the Fifth Schedule to these Regulations.

**31. Lessee to pay lessor's costs**

In the absence of any agreement as to costs, the costs of a lessor for the preparation, completion and registration of a lease and counterpart shall be payable by the lessee.

**32. Charges where advocate is concerned for both vendor and purchaser, etc.**

Where an advocate is concerned for both vendor and purchaser or lessor and lessee, he or she shall be entitled to charge the vendor's or lessor's advocate's charges and on e-half of that of the purchaser's or lessee's advocate.

**33. Where mortgagor or mortgagee joins in a conveyance**

Where a mortgagor or mortgagee joins in a conveyance or lease, the vendor's or lessor's advocate may charge four hundred shillings in addition.

**34. Where party other than vendor is represented by a separate advocate**

Where a party, other than a vendor or lessor, joins in a conveyance or lease and is represented by a separate advocate, the charges of the separate advocate shall be calculated under the Fifth Schedule to these Regulations.

**35. Where consideration for conveyance or lease consists partly of premium and partly of rent**

Where a conveyance or lease is partly in consideration of a money payment or premium and partly of a rent, then, in addition to the remuneration hereby prescribed in respect of the rent, there shall be paid a further sum equal to the remuneration under the First Schedule to these Regulations on a purchase at a price equal to the money payment or premium.

**Part III – Contentious matters and taxation of costs****36. Application to contentious matters**

This Part of these Regulations shall apply to contentious matters and the taxation of costs as between advocate and client and between party and party in contentious proceedings.

**37. Costs in High Court and magistrates courts according to Sixth Schedule**

A bill of costs incurred in contentious proceedings in the High Court and in the magistrates courts shall, subject to any order pronounced by the court in regard to any particular case, be taxable according to the rates prescribed in the Sixth Schedule to these Regulations.

**38. Costs may be taxed as between party and party or as between advocate and client**

The costs awarded by the court on any matter or application shall be taxed and paid as between party and party unless the court shall expressly order the costs awarded to be as between advocate and client.

**39. No advocate's costs where suit brought without notice**

If the plaintiff in any action has not given the defendant notice of his or her intention to sue, and the defendant pays the amount claimed or found due at or before the first hearing, no advocate's costs shall be allowed except on an order of the judge or magistrate.

**40. Registrar to record consent order on payment of filing fee**

- (1) If, after the disposal of any proceedings by the court, the parties to the proceedings agree to the amount of costs to be paid in pursuance of the court's order or judgment in the proceedings, the parties may, in lieu of proceeding to taxation, request the registrar by joint letter to record their agreement, and the registrar shall do so upon payment of the same court fee as is payable on the filing of a bill of costs.
- (2) The agreement, when recorded, shall have the same force and effect as a certificate of taxation by the taxing officer.

**41. Costs of more than one advocate to be certified by the judge**

- (1) The costs of more than one advocate may be allowed on the basis hereafter provided in causes or matters in which the judge at the trial or on delivery of judgment shall have certified under his or her hand that more than one advocate was reasonable and proper, having regard, in the case of a plaintiff, to the amount recovered or paid in settlement or the relief awarded or the nature, importance or difficulty of the case and, in the case of a defendant, having regard to the amount sued for or the relief claimed or the nature, importance or difficulty of the case.
- (2) A certificate for two counsel may be granted under this regulation in respect of two members or employees of the same firm.

**42. Costs where same advocate is employed by two or more plaintiffs or defendants**

Where the same advocate is employed by two or more plaintiffs or defendants, and separate pleadings are delivered or other proceedings heard by or for two or more such plaintiffs or defendants separately, the taxing officer shall consider in the taxation of the advocate's bill of costs, either between party and party or between advocate and client, whether the separate pleadings or other proceedings were necessary and proper, and if he or she is of the opinion that any part of the costs occasioned by the separate pleadings or other proceedings has been unnecessarily or improperly incurred, that part of the costs shall be disallowed.

**43. Costs between party and party where joint executors or trustees defend separately**

In taxing as between party and party the costs of joint executors or trustees who defend separately, the taxing officer shall, unless otherwise ordered by the court or judge, allow only one set of costs for the defendants when he or she is of the opinion that they ought to have joined in their defence, such costs to be apportioned among them as the taxing officer shall deem fit.

#### 44. Where party entitled to costs fails or refuses to tax

When any party entitled to costs refuses or neglects to file his or her bill of costs for taxation or to procure the bill of costs to be taxed and thereby prejudices any other party, the taxing officer shall be at liberty to certify the refusal or neglect and to proceed to the taxation of the costs of the other party or parties, or he or she may allow the party so refusing or neglecting a nominal sum or other sum for costs, so as to prevent any other party being prejudiced by the refusal or neglect.

#### 45. Taxation of costs upon an award

Costs may be taxed upon an award in an arbitration notwithstanding that the time for setting aside the award has not elapsed.

#### 46. Receiver in insolvency to have notice of taxation

In insolvency matters the registrar shall give to the receiver the usual notice of the appointment to tax any bill of costs of party and party relating to the insolvency, and the advocate or party lodging the bill shall, on application, furnish the receiver with a copy of the bill of costs on payment of the proper fee which payment may be charged to the estate.

#### 47. Manner of preparing bill for taxation

(1) Bills of costs for taxation shall be prepared in five columns in the following manner—

- (a) the first column shall be for the numbers of the items;
- (b) the second column shall be for the date on which the service charged for was rendered;
- (c) the third column shall indicate the particulars of the service charged, categorized under separate sub headings such as instruction fees, drawing documents, attendances, Value Added Tax where applicable, and disbursements;
- (d) the fourth column shall indicate the professional fees claimed; and
- (e) the fifth column shall have the deductions by the taxing officer.

*[subregulation (1) substituted by regulation 4 of [Statutory Instrument 7 of 2018](#)]*

(2) Disbursements shall be shown separately at the foot of the bill.

(3) Fees for attending taxation shall not be included in the body of the bill, but the item shall appear at the end, and the amount left blank for completion by the taxing officer.

#### 48. Filing bills for taxation

- (1) Every bill of costs for taxation shall be lodged with the registrar and shall be endorsed with the name and address of the advocate by whom it is lodged, and also the name and address of the advocate (if any) for whom he or she is agent, and the name and address of any advocate or other person entitled to receive notice of the taxation.
- (2) Every such bill shall be accompanied by one carbon or other true copy of the bill for each name endorsed on it of any advocate or other person entitled to receive the notice.

#### 49. Bills not to be altered after being lodged

No addition or alteration shall be made in a bill of costs by the party submitting the bill of costs after the bill has been lodged for taxation, except by consent of the parties or by permission or direction of the court or taxing officer.

**50. Notice of taxation where defendant has not appeared**

It shall not be necessary for notice of taxation of costs to be given to a defendant against whom the costs are being taxed in any case in which the defendant has not appeared in person or by advocate.

**51. Vouchers to be produced on taxation**

Receipts or vouchers for all disbursements charged in a bill of costs (other than witness allowances and expenses supported by a statement signed by an advocate) shall be produced at taxation if required by the taxing officer.

**52. Number of folios on documents charged by the folio**

- (1) All drafts and other documents or copies of them, the preparation of which is charged for, shall be produced at taxation if required by the taxing officer, and those charged for by the folio shall have the folios of the documents or copies consecutively numbered in their margin, and the number of the folios shall be endorsed on them in figures.
- (2) The length of all documents not vouched for by production of the original copies of the documents or other evidence satisfactory to the taxing officer may be certified by the advocate in writing, and if the certificate is found by the taxing officer to be erroneous, the taxing officer may disallow the cost of the document so erroneously certified or any part of it.

**53. Certificate of taxing officer on bills taxed under a special order of the court**

When a bill of costs is taxed under any special order of the court, and it appears by the order that the costs are to be paid otherwise than out of the estate of an insolvent, minor, lunatic or deceased person, the taxing officer shall note in his or her certificate of taxation by whom or the manner in which the costs are to be paid.

**54. Taxing officer may proceed *ex parte*, etc.**

The taxing officer shall have power to proceed to taxation *ex parte* in default of the appearance of either or both parties or their advocates, and to limit or extend the time for any proceedings before him or her, and for proper cause to adjourn the hearing of any taxation from time to time.

**55. Instructions to include attendance on deponent**

The allowances for instructions and drawing an affidavit in answer to interrogatories and other special affidavits shall include all attendances on the deponent to settle and read over.

**56. Where more than one-sixth taxed off**

- (1) If more than one-sixth of the total amount of a bill of costs, exclusive of court fees, is disallowed on taxation, the party presenting the bill for taxation may, in the discretion of the taxing officer, be disallowed the costs of the taxation.
- (2) The decision of the taxing officer under this regulation shall be final.

**57. Advocate entitled to charge client according to the Sixth Schedule**

In all causes and matters in the High Court and magistrates courts, an advocate shall be entitled to charge as against his or her client the fees prescribed by the Sixth Schedule to these Regulations.

### First Schedule (Regulations 14(a), 20, 28, 35)

#### Scale of fees on sales, purchases, mortgages and debentures and for commission on sales, purchases and loans affecting certain land

##### *First Scale*

##### *Scale of fees for advocate for the vendor or purchaser on sale and purchase of land*

The fees shall be calculated cumulatively on the basis of the consideration or value of the subject matter as follows—

1. To the advocate for negotiating, preparing or completing a sale or purchase agreement for registered land—	
(a) Where the consideration does not exceed 10,000,000 shillings	5% of the amount or 500,000 shillings, whichever is higher;
(b) Where the consideration exceeds 10,000,000 shillings but does not exceed 20,000,000 shillings	5% of the amount not exceeding 10,000,000 shillings; and 3% of the amount exceeding 10,000,000 shillings;
(c) Where the consideration exceeds 20,000,000 shillings	5% of the amount not exceeding 10,000,000 shillings; 3% of the amount exceeding 10,000,000 shillings but not exceeding 20,000,000 shillings; and 2% of the amount exceeding 20,000,000 shillings.
2. To the advocate for effecting conveyance in a land registry or processing a certificate of title	50% of the fee in item 1 of this scale.
3. For purposes of items 1 and 2 of this scale, where the advocate has not handled the negotiation, preparation or completion for registration	the fee shall be reduced by 30% for each item not handled by the advocate.

##### *Notes*

1. The minimum fee for any transaction under this scale shall be 500,000 shillings.
2. The fees in this scale include fees for deducing title, drafting, making copies, attesting, attendances and correspondence in connection with any of these matters, so far as the matter is required to be done by the advocate.

##### *Second Scale*

##### *Scale of fees for charges affecting land such as debentures and mortgages*

1. The fees payable to the advocate of the chargee for negotiating and preparing to completion, of a security shall be calculated cumulatively on the basis of the consideration or the value of the subject matter as follows —	
(a) Where the value does not exceed 10,000,000 shillings	5% of the amount or 500,000 shillings, whichever is higher
(b) Where the value exceeds 10,000,000 shillings but does not exceed 20,000,000 shillings	5% of the amount not exceeding 10,000,000 shillings; and 3% of the amount exceeding 10,000,000 shillings
(c) Where the value exceeds 20,000,000 shillings	5% of the amount not exceeding 10,000,000 shillings; 3% of the amount exceeding 10,000,000 but not exceeding 20,000,000 shillings; and 1% of the amount exceeding 20,000,000 shillings.
2. To the same advocate of the chargee referred to in item 1, for negotiating, preparing and completing a further charge in addition to the charge in item 1	30% of the fee in item 1 of this scale.
3. To the advocate for the charger for negotiating, preparing and completing a security	50% of the fee in item 1 of this scale.
4. To advocate referred to in item 3 for negotiating, preparing and completing a further charge in addition to the charge in item 3	30% of the fee in item 1 of this scale.
5. To the advocate for the chargee or charger, for negotiating and preparing to completion, an assignment, redemption or discharge of a security	15% of the fee in item 1 of this scale or 500,000 shillings, whichever is higher.
6. To the advocate for the chargee for negotiating and preparing to completion, an equitable mortgage or memorandum of charge	50% of the fee in item 1 of this scale.
7. To the advocate for the charger for negotiating, preparing and completing an equitable mortgage or memorandum of charge by deposit of title	25% of the fee in item 1 of this scale.

8. Where two or more securities are created, whether contemporaneously or subsequently, in favour of the same chargee to secure the same or a lower amount	The full prescribed fee in respect of the principal security; 25% of the prescribed fee for the first additional security; and 10% of each subsequent additional security.
9. Where a mortgage or charge comprises more than one immovable property	10% of the prescribed fee in respect of the second immovable property; and 5% of the prescribed fee in respect of the third and each subsequent immovable property.
10. Where a security is created in favour of two or more chargees	The full prescribed fee in respect of the first chargee; 5% of the prescribed fee in respect of each additional charge; Provided that the total fee shall be divided equally among the chargees unless otherwise agreed by all the chargees in writing.
11. Where the advocate has not handled the negotiation and preparation to completion of a transaction	the fee shall be reduced by 30% for each item not handled by the advocate.
12. The fee on a single debenture of any nature where the debenture does not create a security, shall be calculated under the Fifth Schedule taking into account the time, complexity and responsibility.	
13. Where a security is created by more than one charger, no addition shall be made to the prescribed fee.	

#### Note

The fees in this scale include fees for deducing title, drafting, making copies, attesting, attendances and correspondence in connection with these matters, so far as those matters are required to be done by the advocate.

*[First Schedule substituted by regulation 5 of [Statutory Instrument 7 of 2018](#)]*

### **Second Schedule (Regulations 14(b), 15, 18, 19 & 29)**

#### **Scales of charges for leases and agreements of leases at rack rent and for building leases, reserving rent, etc.**

##### *First Scale*

#### *Scale of charges for leases and agreements for leases at rack rent*

1. To the advocate for preparing, settling and completing a lease or agreement for a lease and counterpart lease or agreement for a lease—	
(a) Where the consideration does not exceed 10,000,000 shillings;	5% of the consideration or 500,000 shillings, whichever is higher;
(b) Where the consideration exceeds 10,000,000 shillings but does not exceed 20,000,000 shillings	5% of the amount not exceeding 10,000,000 shillings; and 3% of the amount exceeding 10,000,000 shillings;
(c) Where the consideration exceeds 20,000,000 shillings	5% of the amount not exceeding 10,000,000 shillings, 3% of the amount exceeding 10,000,000 shillings but not exceeding 20,000,000 shillings; and 2% of the amount exceeding 20,000,000 shillings.
2. To the advocate for registering a lease or agreement for a lease	1,000,000 shillings.

## Notes

1. For the purposes of item 1 of this scale and notwithstanding those items—
  - (a) in the case of a lease, an agreement for lease or a tenancy agreement for a dwelling house or an apartment or a flat, for a term exceeding one year but not exceeding three years, and which does not contain an option for renewal or extension which may extend the term in excess of three years, an advocate may reduce the fees by a sum not exceeding 50% of the fees;
  - (b) in the case of an extension of the term of a lease, an agreement for lease or a tenancy agreement, where the extension may be effected by way of endorsement, or annexure to the original instrument, the fees shall be calculated under the Fifth Schedule to these Regulations.
2. For purposes of item 1 of this scale—
  - (a) “consideration” includes the premium, if any, and the annual rent;
  - (b) “ground rent” means rent representing the value of the land without buildings on it;
  - (c) “rack rent” means rent representing the value of the land and the buildings on the land; and
  - (d) where a varying rent is payable, the amount of annual rent means the amount of the largest annual rent payable under the lease or agreement for lease or tenancy agreement.

**Second Scale**

**Scale of charges for building leases, agreements for building leases and other long leases not at rack rent**

1. To the advocate for preparing, settling, completing a lease and a counterpart lease—



Where the consideration does not exceed 20,000,000 shillings	10% of the consideration or 500,000 shillings, whichever is higher.
Where the consideration exceeds 20,000,000 shillings but does not exceed 50,000,000 shillings	10% of the amount not exceeding 20,000,000 shillings; and 5% on the amount exceeding 20,000,000 shillings.
Where the consideration exceeds 50,000,000 shillings	10% of the amount not exceeding 20,000,000 shillings; 5% of the amount exceeding 20,000,000 shillings but not exceeding 50,000,000 shillings; and 2% of the amount exceeding 50,000,000 shillings.
2. To the advocate registering a lease or agreement for a lease	30% of the amount payable for preparing, settling and completing the lease.

## Notes

For purposes of item 1 of this scale—

- (a) “consideration” includes the premium, if any, and annual rent; and
- (b) where a varying rent is payable, the amount of annual rent means the amount of the largest annual rent payable under the lease or agreement for a lease.

[Second Schedule substituted by regulation 5 of [Statutory Instrument 7 of 2018](#)]

### Third Schedule (Regulations 14(c), 15, 18 & 19)

#### Floatation of companies

##### *First Scale*

##### *Registration of new companies*

1. Instruction fees for the formation and incorporation of a private company with limited liability and share capital—	
(a) Where the nominal capital of the company to be formed does not exceed 10,000,000 shillings	10% of the amount or 500,000 shillings, whichever is higher;
(b) Where the nominal capital of the company to be formed exceeds 10,000,000 shillings but does not exceed 50,000,000 shillings	10% of the amount not exceeding 10,000,000 shillings; and 3% of the amount exceeding 10,000,000 shillings;

(c) Where the nominal capital of the company to be formed exceeds 50,000,000 shillings but does not exceed 100,000,000 shillings	10% of the amount not exceeding 10,000,000 shillings; 3% of the amount exceeding 10,000,000 shillings but not exceeding 50,000,000 shillings; and 2% of the amount exceeding 50,000,000 shillings;
(d) Where the nominal capital of the company to be formed exceeds 100,000,000 shillings	10% of the amount not exceeding 10,000,000 shillings; 3% of the amount exceeding 10,000,000 shillings but not exceeding 50,000,000 shillings; 2% of the amount exceeding 50,000,000 but not exceeding 100,000,000 shillings; and 1% of the amount exceeding 100,000,000 shillings.

- The instruction fees for the formation and incorporation of a public company shall be 150% of the fees set out in item 1 of this scale, or 1,000,000 shillings, whichever is higher.
- The instruction fees for the formation and incorporation of a new company without share capital shall be agreed upon between the advocate and the client, taking into account the complexity and responsibility of the matter, but shall not be less than 500,000 shillings.
- Instruction fees for registering a foreign company shall be agreed upon between the advocate and the client, taking into account the complexity and responsibility of the matter, but shall not be less than 1,000,000 shillings.

#### Notes

- The fees in items 1, 2 and 3 of this scale include- fees for drawing the memorandum and articles of association, preparing and lodging the documents necessary for obtaining the certificate of incorporation, attendances and correspondence in connection with the incorporation of the company, which are required to be done by the advocate, but not any work in connection with the preparation or issue of a prospectus.
- The fees in item 4 of this scale shall include fees for preparing and lodging company forms at the Companies Registry and procuring a certificate of registration and all routine attendances and correspondence.

### **Second Scale**

#### **Debentures**

1. Instruction fees for preparing a single debenture or series of debentures—	
(a) Where the amount secured does not exceed 10,000,000 shillings	10% of the amount secured or 500,000 shillings, whichever is higher
(b) Where the amount secured exceeds 10,000,000 shillings but does not exceed 50,000,000 shillings	10% of the amount not exceeding 10,000,000 shillings; and 3% of the amount exceeding 10,000,000 shillings;

(c) Where the amount secured exceeds 50,000,000 shillings but does not exceed 100,000,000 shillings	10% of the amount not exceeding 10,000,000 shillings; 3% of the amount exceeding 10,000,000 shillings but not exceeding 50,000,000 shillings; and 2% of the amount exceeding 50,000,000 shillings;
(d) Where the amount secured exceeds 100,000,000 shillings	10% of the amount not exceeding 10,000,000 shillings; 3% of the amount exceeding 10,000,000 but not exceeding 50,000,000 shillings; 2% of the amount exceeding 50,000,000 shillings but not exceeding 100,000,000 shillings; and 1% of the amount exceeding 100,000,000 shillings.

2. Where security is given by way of a mortgage or other form of charge of immovable property, in addition to a floating charge, the advocate shall in addition to the fees prescribed in this scale, charge the fees prescribed for the advocate for a chargee in the First Schedule.

Notes

1. The fees for the advocate of a debenture holder or trustee and those of the advocate for the company, shall be paid by the company, unless otherwise agreed in writing.
2. The fees in items 1 and 2 of this scale may be for- attendance, correspondence, drawing of resolutions and documents, approval and registration of the resolutions and documents at the Company Registry and Land Registry, as necessary.

***Third Scale***

***Other company work***

1. The fees for preparing a prospectus on issue of equity or debt instruments, obtaining regulatory approval, obtaining securities exchange listing, drafting and adjusting press advertisements, the reconstruction or amalgamating of companies or any other non-litigious work in relation to company matters not otherwise provided for, shall be charged by the advocate according to time, complexity and responsibility.
2. All work relating to company matters for which fees are specifically prescribed in a Schedule to these Regulations shall be charged under that Schedule.

*[Third Schedule substituted by regulation 5 of [Statutory Instrument 7 of 2018](#)]*

**Fourth Schedule (Regulation 14(d), 15, 18 & 19)**

**Trademarks, inventions and designs**

***First Scale***

***Trademarks***

Activity	Fees
1. Applications	
(1) instructions to register one trademark in one class and drawing form of authorization	1,000,000
(2) instructions to register second and further trademarks in the name of the same proprietor simultaneously per trademark in one class	500,000
(3) drawing application for registration and copies of representation of mark	100,000
2. Registered users	
(1) instructions to file an application to enter one registered user of one registered trademark or more than one registered trademark of same proprietor incorporated in the same set of documents and subject to the same conditions and restrictions in each case—	
(a) for the first single registered trademark	500,000
(b) for the second registered trademark	400,000
(c) for the third registered trademark	300,000
(d) for the fourth and each subsequent registered trademark, where the applications are filed simultaneously	200,000
(2) drawing a statement of case, a statutory declaration in support and application	Not less than 300,000
(3) drawing registered user agreement	Not less than 300,000
(4) instructions to file an application for variation or cancellation of a registered user in respect of one registered trademark of same proprietor—	
(a) for the first or single registered trademark	500,000
(b) for the second registered trademark	400,000
(c) for the third registered trademark	300,000

Activity	Fees
(d) for the fourth and each subsequent trademark, where the applications are filed simultaneously	200,000
(5) drawing application and statement of grounds	not less than 300,000
(6) for each subsequent registered trademark, where the grounds for cancellation are the same	200,000.
3. Assignments	
(1) instructions to file an application to register a subsequent proprietor of one registered trademark (or more than one registered trademark standing in the same name under the same devolution of title and filed simultaneously) with or without goodwill—	
(a) for the first registered trademark	500,000
(b) for the second registered trademark	400,000
(c) for each subsequent registered trademark	300,000
(2) instructions to file an application for directions by the registrar, for advertisement of the assignment of trademarks in use without goodwill and attending to the advertisement—	
(a) for one registered trademark assigned	500,000
(b) for every other registered trademark assigned under the same devolution of title where this is filed simultaneously	400,000
(3) instructions to apply for extension of time under section 53(4) of the Trademarks Act	300,000
4. Renewals—	
(1) instructions to renew the registration of one trademark in one class, including drawing the prescribed form and form of authorisation	500,000
(2) instructions to renew the registration of a second and further trademarks in the name of the same proprietor simultaneously, including drawing the prescribed form and form of authorisation per mark in one class	400,000

Activity	Fees
(3) instructions to restore the registration of one trademark in one class under regulation 51 of the Trademarks Regulations, including drawing the prescribed forms and form of authorization	700,000.
5. Change of name—	
(1) instructions to register change of name of the registered proprietor in respect of one trademark in one class, including drawing the prescribed form and form of authorization	500,000.
(2) instructions to register change of name of the registered proprietor in respect of the second and further trademarks simultaneously, including drawing the prescribed form and form of authorisation for each change of name per trademark in one class	500,000.
6. Change of address—	
(1) instructions to register a change of address of the registered proprietor in respect of one trademark in one class, including drawing the prescribed form and form of authorization	500,000.
(2) instructions to register change of address of the registered proprietor in respect of second and further trademarks simultaneously, including the drawing of the prescribed forms and form of authorisation for each change of address per trademark in one class	300,000.
7. Alterations of amendments—	
(1) instructions to amend or alter one registered trademark in one class, including drawing the prescribed form and form of authorisation	500,000.
(2) instructions to amend or alter second and further registered trademarks simultaneously in one class, including the drawing of the prescribed form and form of authorisation for amendment or alteration per trademark in one class	300,000.
8. Searches—	
(1) instructions to search the register	300,000.
(2) instructions to advise on the registrability of a proposed trademark in one class, including all correspondence	300,000.
(3) instructions to obtain preliminary advice of the registrar under section 6 of the Trademarks Act, including all correspondence related to the advice	300,000.

Activity	Fees
(4) instructions to search a trademark file for particulars of the trademark, per trademark in one class	300,000.
9. Opposition and rectification proceedings—	
(1) instructions to enter opposition or to defend opposition proceedings, to apply for rectification, to defend rectification proceedings, where the opposition or proceedings are conducted before the registrar	The fee shall be determined by the taxing officer, in the exercise of his or her discretion, taking into consideration the nature and importance of the opposition or rectification, the value of the trademark to the parties concerned, the amount of evidence filed and the time required for the preparation, the general conduct of the proceedings and all other relevant circumstances but not less than 3,000,000 shillings.
(2) attendances before the registrar conducting opposition or rectification proceedings—	
(a) every whole day	400,000
(b) every half- day or part of	200,000.
(3) for interlocutory matters, and taking rulings, per hour or part of an hour	100,000.
10. Miscellaneous matters—	
(1) attendances on the registrar for every hour or part of an hour	100,000
(2) drawing and perusing correspondence and other documents not expressly provided for, and making copies of the documents	75,000.

## Notes

1. The fees for instructions in each case enumerated other than the fee for oppositions or rectification, include the drawing and lodging of all forms of disclaimer, requests for correction of clerical error or for amendment of an application, and all other correspondences.
2. In this scale, “trademark” includes service mark.

This term is not defined in the Trademarks Act, where it was imported from.

**Second Scale*****Patents, utility models, industrial designs, geographical indications, plant varieties and other intellectual property rights***

<b>Activity</b>	<b>Fees</b>
1. Instructions to register	3,000,000.
2. Processing applications	
(1) application for amendment	2,000,000
(2) application to convert pending application and preliminary advice on converting the application	2,000,000
(3) application for substantive examination and preliminary advice on the examination	1,000,000
3. Licenses	
(1) instructions to file an application, to register a licensee and advice on whether the licensee is registrable	1,000,000
(2) drawing the application	1,000,000
(3) drawing a license agreement	Not less than 1,000,000
4. Instructions to file an application to register a subsequent proprietor of a pending application or registered right	1,000,000.
5. Instructions to pay the annual maintenance fee	2,000,000.
6. Applications for extension of term of registration	500,000.
7. Instructions to file an application to restore a registration	1,000,000.
8. Instruction to register a change of name or change of address of the registered proprietor and reviewing all the supporting documents	500,000.



Activity	Fees
9. Searches at the registry and advice on the search	300,000
10. Instructions to obtain from the registry certified copies of documents	
(1) one copy of any document	100,000
(2) additional copies of same document obtained simultaneously	50,000
11. Infringement, expungement, rectification, opposition proceedings and applications and appeals –	
(1) instructions to file infringement, expungement, rectification, caution and opposition proceedings or, applications for compulsory licenses, variation, transfer or cancellation of compulsory licenses, entry of licenses as of right and to defend or contest the proceedings or applications where the proceedings or applications are conducted before the registrar	The fee shall be determined by the taxing officer in the exercise of his or her, taking into consideration the nature and importance of the proceedings or applications, the importance of the rights to the parties concerned, the amount of evidence filed and the time required for the proceedings and all other relevant circumstances, but shall not be less than 5,000,000
(2) attendance before the registrar in connection with conducting proceedings or applications referred to in 11(a) for a full day	500,000
(a) for every half day or a part of	300,000
12. Miscellaneous matters –	
(1) instructions to advise on whether a patent, industrial design or other intellectual property right is registrable and to advise on a point of law or practice	The fee shall be reasonable in the circumstances but shall not be less than 500,000
(2) instructions to request for reasons for the refusal of an application	300,000
(3) instructions to register a surrender	500,000
(4) instructions to have a caution or similar notice included or removed from the register	500,000

Activity	Fees
(5) attendance on the registrar on routine matters-	
(a) for a full day	300,000
(b) for every half a day or part of	200,000
(6) correspondence, where charged for separately-	
(a) per letter	100,000
(b) per folio	50,000
(7) receiving and perusing letters, documents, pleadings, statutory declarations, etc.	
(a) per letter	100,000
(b) per folio	50,000
(8) drawing the necessary documents associated with any of the applications or proceedings referred to in this scale, per folio	50,000
(9) applying for an extension of time	500,000

#### Notes

Unless otherwise provided, the fees in items 1 to 11 above include drawing statutory forms and authorizations as may be necessary, and drawing the necessary routine correspondence and attendance at the registry and correspondence with the client, but the fees do not cover additional matters shown in items 10, 11 and 12, and the fees occasioned by objections or queries by the registrar or third parties or by any other complication or unusual delay, which shall be charged for separately.

*[Fourth Schedule substituted by regulation 5 of [Statutory Instrument 7 of 2018](#)]*

**Fifth Schedule (Regulations 14(e) 15, 30, 34)****Scale of fees in respect of business the remuneration for which is not otherwise prescribed**

Activity	Fees
1. Instructions for drawing and perusing deeds, deed polls, constitutions, declarations, affidavits, proposals, contracts and other documents or other matters of a non-contentious nature	The fees for instructions shall be fair and reasonable, having regard to the care and labour required, the number and length of papers to be perused, the nature and importance of the matter, the amount or value of the subject matter involved, the interest of the parties, complexity of the matter, and all the other circumstances of the case, but shall not be less than 200,000.
2. Attendances or consultation in person or by electronic means, per 15 minutes or part of	not less than 75,000
3. Overnight journeys from home, per day	300,000
4. Attendances where the fee is based on attendance and not on the time the advocate is engaged	not less than 100,000
5. Drawing and perusing correspondence and other documents not expressly provided for, including making copies of the documents and correspondences	100,000
6. For formal written opinions	The fees shall be as considered reasonable in the circumstances, having regard to the same considerations as set out in this scale for the assessment of instructions, but not less than 100,000
7. Witnessing the execution of a document where that an advocate is not entitled to a fee for witnessing	
(1) where the advocate has prepared, settled or approved the document and the advocate is being remunerated according to this order; or (2) where the advocate acts for one of the parties in a transaction and witnesses or attests the signature of the other party, for whom the advocate is not acting	100,000.
8. Filing of any form with an appropriate authority	not less than 200,000.

Activity	Fees
9. Immigration related applications	not less than 500,000.
10. For preparing and perfecting chattels securities	The fees shall be as set out under the second scale of the Third Schedule.
Debt collection—	
(a) Where the amount of debt does not exceed 5,000,000 shillings	10% of the amount of the debt
(b) Where the amount of debt exceeds 5,000,000 shillings but does not exceed 15,000,000 shillings	10% of the amount not exceeding 5,000,000 shillings; and 7.5% of the amount exceeding 5,000,000 shillings.
(c) Where the amount of debt exceeds 15,000,000 shillings but does not exceed 30,000,000 shillings	10% of the amount not exceeding 5,000,000 shillings; 7.5% of the amount exceeding 5,000,000 shillings but not exceeding 15,000,000 shillings; and 5% of the amount exceeding 15,000,000 shillings.
(d) Where the amount of debt exceeds 30,000,000 shillings but does not exceed 50,000,000 shillings	10% of the amount exceeding 5,000,000 shillings; 7.5% of the amount exceeding 5,000,000 but not exceeding 15,000,000 shillings; 5% of the amount exceeding 15,000,000 shillings, but not exceeding 30,000,000; and 3% of the amount exceeding 30,000,000 shillings.
(e) Where the amount exceeds 50,000,000 shillings	10% of the amount not exceeding 5,000,000 shillings; 7.5% of the amount exceeding 5,000,000 shillings but not exceeding 15,000,000 shillings; 5% of the amount exceeding 15,000,000 shillings, but not exceeding 30,000,000 shillings; 3% of the amount exceeding 30,000,000 shillings but not exceeding 50,000,000 shillings; and 2% of the amount exceeding 50,000,000 shillings.

*[Fifth Schedule substituted by regulation 5 of [Statutory Instrument 7 of 2018](#)]*

**Sixth Schedule (Regulations 37, 57)****Scale of fees in High Court, magistrate courts, tribunals and arbitration matters****1.**

The fees for instructions to sue, claim, defend or oppose shall be as follows-

- (1) to sue or defend any case, whether commenced by plaint, statement of claim, petition, originating summons or originating motion, or to present or oppose an appeal, where the claim or value of the subject matter can be determined from the pleadings, settlement, a valuation or the judgment, the instruction fee shall be in accordance with the following scale—

<b>Claim or value of subject matter</b>	<b>Fees</b>
(a) Where the amount does not exceed 2,000,000 shillings	15% of the claim or value of the subject matter
(b) Where the amount exceeds 2,000,000 shillings but does not exceed 5,000,000 shillings	15% of the amount not exceeding 2,000,000 shillings; and 14% of the amount exceeding 2,000,000 shillings
(c) Where the amount exceeds 5,000,000 shillings but does not exceed 10,000,000 shillings	15% of the amount not exceeding 2,000,000 shillings; 14% of the amount exceeding 2,000,000 shillings but not exceeding 5,000,000 shillings; and 12% of the amount exceeding 5,000,000 shillings.
(d) Where the amount exceeds 10,000,000 shillings but does not exceed 20,000,000 shillings	15% of the amount not exceeding 2,000,000 shillings; 14% of the amount exceeding 2,000,000 shillings but not exceeding 5,000,000 shillings; 12% of the amount exceeding 5,000,000 shillings but not exceeding 10,000,000 shillings; and 10% of the amount exceeding 10,000,000 shillings.

Claim or value of subject matter	Fees
(e) Where the amount exceeds 20,000,000 shillings but does not exceed 50,000,000 shillings	15% of the amount not exceeding 2,000,000 shillings; 14% of the amount exceeding 2,000,000 shillings but not exceeding 5,000,000 shillings; 12% of the amount exceeding 5,000,000 shillings but not exceeding 10,000,000 shillings; 10% of the amount exceeding 10,000,000 shillings but not exceeding 20,000,000; and 8% of the amount exceeding 20,000,000 shillings.
(f) Where the amount exceeds 50,000,000 shillings but does not exceed 100,000,000 shillings	15% of the amount not exceeding 2,000,000 shillings; 14% of the amount exceeding 2,000,000 shillings but not exceeding 5,000,000 shillings; 12% of the amount exceeding 5,000,000 shillings but not exceeding 10,000,000 shillings; 10% of the amount exceeding 10,000,000 shillings but not exceeding 20,000,000; 8% of the amount exceeding 20,000,000 shillings but not exceeding 50,000,000 shillings; and 5% of the amount exceeding 50,000,000.
(g) Where the amount exceeds 100,000,000 shillings	15% of the amount not exceeding 2,000,000 shillings; 14% of the amount exceeding 2,000,000 shillings but not exceeding 5,000,000 shillings; 12% of the amount exceeding 5,000,000 shillings but not exceeding 10,000,000 shillings; 10% of the amount exceeding 10,000,000 shillings but not exceeding 20,000,000; 8% of the amount exceeding 20,000,000 shillings but not exceeding 50,000,000 shillings; 5% of the amount exceeding 50,000,000 shillings but not exceeding 100,000,000 shillings; and 2% of the amount exceeding 100,000,000 shillings.

- (2) to sue in an ordinary suit in which no defence is filed or in a summary suit where no application for leave to appear and defend is made, the fee shall be 65% of the fees chargeable under the scale under item 1(a) of this Schedule.

- (3) to sue or defend in a summary suit in which an application for leave to appear and defend was made and refused, the fee shall be 75% of the fee chargeable under item 1(a) of this Schedule.
- (4) in a suit where settlement is reached prior to confirmation of the first hearing date of the suit the fee shall be 85% of the fee chargeable under item 1(a) of this Schedule.

## 2. Insolvency proceedings

To present or oppose any petition or claim under the Insolvency Act, where the value of the subject matter can be determined from the statement of affairs, pleadings, settlement, a valuation or the judgment, the instruction fee shall be in accordance with the scale in item 1 of this schedule.

## 3. Matrimonial causes

- (1) For instructions to present a petition for dissolution or nullity of a marriage, judicial separation, or restitution of conjugal rights—
  - (a) where the proceedings are not defended, the fees shall be reasonable but not less than 1,000,000 shillings;
  - (b) where the proceedings are defended, or an advocate has instructions to defend the proceedings, the fees shall be reasonable but not less than 2,000,000 shillings.
- (2) For instructions to apply for additional or ancillary relief, or for custody, or access or other relief under the Children's Act—
  - (a) in case the application is dealt with together with the petition or answer, not less than 1,000,000 shillings; and
  - (b) in case the application is not dealt with together with the petition or answer, not less than 1,500,000 shillings.

## 4. Adoption and guardianship

For instructions to present or oppose an application for adoption or guardianship the fee shall be reasonable, but not less than 500,000 shillings.

## 5. Probate and letters of administration

- (a) for instructions to apply for a grant of probate, proof of an oral will, or letters of administration with or without a will annexed, where the proceedings are not contested; the fees shall be 1% of the gross capital value of the property comprised in the grant, but shall not be less than 1,000,000 shillings;
- (b) for instructions to apply for a grant of probate, proof of an oral will, or letters of administration with or without a will annexed, where the proceedings are contested, the fees shall be 2% of the gross capital value of the property comprised in the grant, but shall not be less than 1,000,000 shillings;
- (c) for instructions to apply for re-sealing a grant, where the proceedings are not contested, the fees shall be 4/5ths of the fees provided under paragraph (1);
- (d) for instructions to apply for the re-sealing of a grant, where the proceedings are contested, the fees shall not be less than twice the fees prescribed under paragraph (3);
- (e) for instructions to lodge a caveat, renunciation, objection to a grant, apply for a citation or other application or proceedings under the law not otherwise provided for in this Schedule, the fees shall be a sum as the taxing officer shall consider reasonable, but shall not be less than 500,000 shillings;
- (f) for instructions to render an inventory or account, the fees shall not be less than 500,000 shillings;

- (g) for instruction to draw a will or a codicil, the fees shall be a sum agreed between the advocate and the client but shall not be less than 500,000 shillings;
- (h) for instructions to administer a testament, an estate or a trust the fees shall be annual or semi-annual fees as may be reasonable in the circumstances, having regard to the care and labour required, the number and length of the papers to be perused, the value and complexity of the estate, the interest of the parties and all other circumstances, but shall not be less than 1,000,000 shillings; or an annual or semi-annual commission of amounts as the taxing officer shall consider reasonable, having regard to all the circumstances, but not exceeding in aggregate the following rates—
  - (a) 2½ % of the estimated net capital value of the testament, estate or trust, per year or half year;
  - (b) 3% of the amount of the income of the testament, estate or trust, per year or half year;
  - (c) 1½% of the capital value of any portion of the testament, estate or trust, which is realized or invested in a year or half year; or
  - (d) an amount based on the fees in the Fifth Schedule;
  - (e) where the period is less than a year or half a year, the commission shall be calculated with reference to the shorter period.

## 6. Election petitions

For instructions to present or oppose an election petition, the fee shall be as the taxing officer considers reasonable, taking into consideration the nature, importance, complexity and novelty of the petition, the place where and the circumstances in which work or a part of it was done, the time expended, the public interest and all other relevant circumstances, but the fees shall not be less than 5,000,000 shillings for petitions under the Local Governments Act and shall not be less than 10,000,000 shillings for petitions under the Parliamentary Elections Act.

## 7. Judicial review and prerogative orders

The fees shall be a sum as the taxing officer considers reasonable, having regard to the amount of the subject matter, the nature, importance, complexity and novelty of the matter, but the fees shall not be less than 3,000,000 shillings.

## 8. Criminal cases

- (1) for instructions to defend or prosecute a criminal case, the fees shall be a sum the taxing officer considers reasonable, taking into consideration the nature, importance, complexity and novelty of the case, the place where and the circumstances in which work or any part of it was done, and the time expended, but the fees shall not be less than 2,000,000 shillings;
- (2) for instructions to make or oppose a bail application, the fees shall not be less than 500,000 shillings.

## 9. Other Matters

- (1) for instructions to sue or defend in any case not provided for in this Schedule, the fees shall be reasonable but shall not be less 2,000,000 shillings.
- (2) for instructions to make or oppose interlocutory applications under items 1 to 9 in this Schedule, the fees shall be not less than 300,000 shillings.



**10. Drawing court papers—**

- (1) for drawing a plaint, statement of claim, complaint, petition, memorandum of appeal, written statement of defence, reply and similar pleadings, 300,000 shillings and 50,000 shillings for each extra copy made;
- (2) for interlocutory application, notice of motion or chamber application, originating summons, affidavits interrogatories, notice to admit and produce agreement for compromise, adjustment or satisfaction of suit, or for reference to arbitration, 200,000 shillings, and 30,000 shillings for each extra copy made;
- (3) for decrees, orders and all other necessary court documents, 50,000 shillings, and 20,000 shillings for each extra copy made;
- (4) for written submissions, 300,000 shillings, and 50,000 shillings for each extra copy made;
- (5) for bill of costs, 200,000 shillings and 50,000 shillings for each extra copy made.

**11. Correspondence**

- (1) for a letter before action or other necessary letter, 100,000 shillings;
- (2) making copies of the letter, 20,000 shillings per copy.

**12. Attendance**

- (1) attendance of court, tribunal, before an arbitrator, mediator, or conciliator conducting matter, to hear a judgment or ruling or to make any necessary application including taxation, 100,000 shillings per hour;
- (2) attendance of court, tribunal, before an arbitrator or mediator or conciliator on routine matters—
  - (a) by advocate, 100,000 shillings per hour;
  - (b) by clerk, 20,000 shillings per hour ;
- (3) for instructions to interview witnesses, deponents and experts, and any other necessary attendance outside the advocate's chambers, 100,000 shillings per hour.

**Note**

Unless otherwise provided in this scale, the instruction fee allowed under items 1 to 10 of this Schedule, shall include all the work necessarily and properly done in connection with the case which is not otherwise chargeable, including perusals.

*[Sixth Schedule substituted by regulation 5 of [Statutory Instrument 7 of 2018](#)]*