

L.N. 16 of 2009**HONG KONG COURT OF FINAL APPEAL FEES
(AMENDMENT) RULES 2009**

(Made by the Court of Final Appeal Rules Committee under section 39 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484))

1. Commencement

These Rules come into operation on the day appointed for the commencement of the Civil Justice (Miscellaneous Amendments) Ordinance 2008 (3 of 2008).

2. Rule added

The Hong Kong Court of Final Appeal Fees Rules (Cap. 484 sub. leg. B) are amended by adding—

**“4. Transitional provision relating to the
Hong Kong Court of Final Appeal
Fees (Amendment) Rules 2009**

Where a party entitled to require any costs to be taxed has obtained an appointment to tax before the commencement of rule 3(b) and (c) (“the amending rule”) of the Hong Kong Court of Final Appeal Fees (Amendment) Rules 2009 (L.N. 16 of 2009)—

- (a) nothing in the amending rule applies in relation to the taxation; and
- (b) Fee Nos. 5 and 6 in the Schedule as in force immediately before the commencement of the amending rule continue to apply in relation to the taxation as if they had not been amended by the amending rule.”.

3. Schedule amended

The Schedule is amended—

- (a) by repealing “[r. 1(1)]” and substituting “[rr. 1(1) & 4]”;
- (b) in Fee No. 5, by repealing everything from “On” to “allowed—” and substituting—
“On filing a notice of commencement of taxation under Order 62, rule 21(1) of the Rules of the High Court (Cap. 4 sub. leg. A) (as

applied by rule 57 of the Hong Kong Court of Final Appeal Rules (Cap. 484 sub. leg. A)), for every \$100 or fraction of \$100 of the amount claimed—”;

- (c) in Fee No. 6, by repealing everything from “Processing” to “taxation” and substituting—
“Withdrawal of a bill of costs within 7 days after the application for setting down the taxation under Order 62, rule 21A(1) of the Rules of the High Court (Cap. 4 sub. leg. A) (as applied by rule 57 of the Hong Kong Court of Final Appeal Rules (Cap. 484 sub. leg. A)) is made”.

Made this 21st day of January 2009.

The Hon. Chief Justice LI

The Hon. Mr. Justice BOKHARY P.J.

The Hon. Mr. Justice CHAN P.J.

Mr. Anthony CHAN, S.C.

Mr. Joseph FOK, S.C.

Mr. Michael LINTERN-SMITH

Mr. Alex LAI

Mr. Wesley Wai-chung WONG

Mr. Simon KWANG

Explanatory Note

These Rules amend the Hong Kong Court of Final Appeal Fees Rules (Cap. 484 sub. leg. B) (“the principal Rules”).

2. Rule 2 adds a new rule to the principal Rules to provide for the transitional arrangement relating to the amendments to the Schedule to the principal Rules, effected by rule 3 of these Rules.

3. Rule 3(a) consequentially amends the Schedule to the principal Rules upon the addition of new rule 4.

4. Rule 3(b) amends Fee No. 5 in the Schedule to the principal Rules to provide that the fee specified in that Fee No. is payable on filing a notice of commencement of taxation instead of on the taxation of a bill of costs.

5. Rule 3(c) amends Fee No. 6 in the Schedule to the principal Rules to provide that the fee specified in that Fee No. is payable where a bill of costs is withdrawn within 7 days after the application for setting down the taxation is made. At present, the specified fee is payable where a bill of costs is withdrawn less than 7 days before the appointment for taxation.