

No. S 27

SYARIAH COURTS CIVIL PROCEDURE ORDER, 2005
SYARIAH COURTS (COURT FEES AND COSTS) RULES, 2005

ARRANGEMENT OF RULES

Rules

1. Citation and commencement.
2. Application.
3. Court fees and costs.

SCHEDULE

SYARIAH COURTS CIVIL PROCEDURE ORDER, 2005

SYARIAH COURTS (COURT FEES AND COSTS) RULES, 2005

In exercise of the power conferred by subsection (1) of section 236 of the Syariah Courts Civil Procedure Order, 2005, the Chief Syarie Judge hereby makes the following Rules —

Citation and commencement.

1. These Rules may be cited as Syariah Courts (Court Fees and Costs) Rules, 2005 and shall commence on the same date as the Syariah Courts Civil Procedure Order, 2005.

Application.

2. These Rules shall apply to any proceedings begun in a Syariah Court on or after the date of commencement of these Rules.

Court fees and costs.

3. The court fees and costs set out in the Schedule shall be payable in all proceedings in a Syariah Court.

SCHEDULE

(rule 3)

COURT FEES

CIVIL MATTERS

1. On filing a summons, statement of claim, application or counter-claim for a liquidated sum —
 - (a) if the sum does not exceed \$1,000 \$80
 - (b) if the sum is \$1,000 or more but does not exceed \$5,000 \$120
 - (c) if the sum is for \$5,000 or more \$200
2. On filing a summons, statement of claim, application or counter-claim where the value of the subject matter is not ascertainable before the action \$120

SCHEDULE – *continued*

(rule 3)

3.	Record of settlement reach out of Court	\$20
4.	Issue of judgment <i>madin</i> summons	\$40
5.	Appeal to the Syariah High Court	\$100
6.	Appeal to the Syariah Court of Appeal	\$200
7.	Obtaining judgment or Order	\$10
8.	Application for execution of judgment	\$10
9.	Warrant of arrest in lieu of or in addition to summons	\$40
10.	Order of execution against judgment <i>madin</i>	\$40
11.	Order of committal to prison	\$40
12.	Commission on sums realised by attachment in execution of an order	5% on first \$1,000 2.5% thereafter
13.	If the claim is settled or compromised after issue of order of attachment	Half fees in paragraph 18
14.	Serving summon, warrant or subpoena –	
	(a) within 8 kilometres of Court House	\$20
	(b) more than 8 kilometres from Court House	\$40
15.	Subsistence for imprisoned judgment <i>madin</i> per day	\$40
16.	Request for subpoena	\$10
17.	(a) Attestation of signature, certificate or fact of registration by Syariah Subordinate Court Judge or a Registrar of Syariah Court	\$8

SCHEDULE — *continued*

(rules 3)

<i>(b)</i> On taking an affidavit, declaration or acknowledgement, whether done before a Syariah Court Judge or a Registrar of Syariah Court	\$8
<i>(c)</i> For each exhibit or document referred to in a document specified in paragraph <i>(b)</i>	\$4
18. Search or inspection, for each hour	\$20
19. Copy of record per page	\$2
20. Copy of any other document per page	\$2
21. Translation of any document or verification of translation by any Court Interpreter or Translator, per page	\$20
22. Allowances to witnesses —	
<i>(a)</i> Expert witness. Reasonable traveling expenses and for attendance for each hour or part thereof, up to —	\$80
<i>(b)</i> Other witness. Reasonable traveling expenses and for attendance for each hour or part thereof, up to —	\$20
23. Application for substituted service	\$20

COSTS

24. Costs awarded by a Syariah Court shall be —	
<i>(a)</i> not be less than \$400;	
<i>(b)</i> not exceed \$2,000,	
for the first 5 hours of hearing. Thereafter costs shall not be less than \$80 not more than \$400 per hour of hearing	
25. Taxation of bill of costs	\$20

18th. APRIL, 2005

Made this 26th. day of Safar, 1426 Hijriah corresponding to the 6th. day of April, 2005.

PEHIN DATU IMAM DATO PADUKA SERI SETIA
USTAZ HAJI AWANG ABDUL HAMID BIN BAKAL
Chief Syar'ie Judge,
Brunei Darussalam.