

ANTIGUA AND BARBUDA



COURTS OF JUSTICE FEES ACT, 2019

No. 20 of 2019

*[Published in the Official Gazette Vol. XXXIX No. 75
dated 21st October, 2019]*

Printed at the Government Printing Office, Antigua and Barbuda,
by Noel F. Abraham, Acting Government Printer
— By Authority, 2019.

ANTIGUA AND BARBUDA**COURTS OF JUSTICE FEES ACT, 2019****ARRANGEMENT OF SECTIONS****SECTIONS**

1	Short title and Commencement	4
2	Fixing court fees	5
3	Payment of court fees	5
4	Stamps to be impressed or adhesive	5
5	Use of stamps	6
6	Documents to be stamped before signature	6
7	Unstamped documents not evidence	6
8	Cancellation of stamps	6
9	Custody of stamped documents	7
10	Rules	7
11	Issue of Practice Direction	7
12	Eastern Caribbean Supreme Court Improvement and Administration Fund	7
13	Purpose of the Fund	7
14	Sources of Payment into the Fund	8
15	Accounts	8
16	Penalty for forgery	9
17	Repeal of Act	9

[L.S.]



I Assent,

Clare Roberts,
Governor-General's Deputy.

21st October, 2019

ANTIGUA AND BARBUDA
COURTS OF JUSTICE FEES ACT, 2019
No. 20 of 2019

AN ACT to make provision for the methods of payment of court fees and percentages, for the establishment of the Eastern Caribbean Supreme Court Improvement and Administration Fund and for the repeal of the Courts of Justice Fees Act, Cap. 115.

ENACTED by the Parliament of Antigua and Barbuda as follows –

1. Short title AND COMMENCEMENT

(1) This Act may be cited as the Courts of Justice Fees Act, 2019.

(2) This act shall come into force on a date to be appointed by the Minister of Justice and Legal Affairs and published in the official *Gazette*.

2. Fixing court fees

The Chief Justice together with two other Judges of the Supreme Court appointed by the Chief Justice may make rules –

- (a) fixing the fees required to be paid—
 - (i) in the High Court and the Court of Appeal; and
 - (ii) in any office connected with any Courts described in subparagraph (i), or in which any business connected with any of those Courts is conducted, or by any officer, paid wholly or partly out of public moneys, who is attached to any of those Courts.
- (b) to amend, repeal or replace any rule made in accordance with paragraph (a) for the purpose of increasing, reducing, or abolishing any fee or for appointing a new fee.

3. Payment of court fees

(1) The payment of court fees and percentages, including payments for transcripts of court proceedings may be paid and received by—

- (a) credit card;
- (b) debit card;
- (c) cash;
- (d) cheque; or
- (e) any other payment method that may be fixed.

(2) If it is not feasible to make a payment by any of the methods described in subsection (1), payment may be made in postage stamps denoting the amount payable.

4. Stamps to be impressed or adhesive

If payment is made in postage stamps, such stamps shall be impressed or adhesive, as authorised under the provisions of the Stamp Act and shall only be distributed by the Accountant-General and such other Government officers as the Accountant General may direct.

5. Use of stamps

THE STAMP SHALL –

- (a) be affixed to the document in respect of which the fee is payable; and
- (b) be stamped on the left side of the front sheet of the document.

6. Documents to be stamped before signature

(1) NO DOCUMENT THAT IS REQUIRED BY ANY RULE OR ORDER OF THE COURT TO BE SIGNED BY AN OFFICER OF THE COURT SHALL BE PRESENTED TO SUCH OFFICER FOR HIS OR HER SIGNATURE UNLESS THE DOCUMENT HAS BEEN FULLY STAMPED TO THE AMOUNT OF THE PRESCRIBED FEE REQUIRED TO BE PAID FOR THE DOCUMENT.

(2) An officer of the Court who is responsible for signing any document shall before signing satisfy himself or herself that the document has been stamped to the prescribed amount of the fee payable.

7. Unstamped documents not evidence

(1) Subject to subsection (3), a document which is required by any rule or Order of the Court to be stamped shall not be received, filed, used, or be admissible in evidence unless the document has been properly stamped in accordance with this Act or any rules governing fees.

(2) Where, through mistake or inadvertence, a document has been filed or received or used by the Court without being properly stamped, the Court may, if it thinks fit, Order that the Party who filed the document pay the amounts outstanding in addition to any penalty or otherwise that the Court may direct.

(3) A document that is required by any rule or Order of the Court to be stamped may be admitted into evidence in any criminal trial or enquiry notwithstanding that the document was not properly stamped if the document is to be used as evidence in relation to a charge for an offence under this Act .

8. Cancellation of stamps

A Court officer who is authorised by the Court to receive a stamped document shall cancel the stamps used on the document by use of a metallic date stamp and indelible ink before the document leaves his or her possession.

9. Custody of stamped documents

On the conclusion of the hearing of a case all stamped documents received in connection with the case shall be retained in safe custody by the court office and shall not be delivered to any person except in connection with an official purpose authorised by the Court.

10. Rules

The Chief justice together with two other Judges of the Supreme Court may make rules for regulating the use of stamps and may in accordance with this Act, particularly for prescribing the application thereof to documents in use or required to be used for the purposes of such stamps, and for insuring the proper cancellation of stamps, and for keeping accounts of such stamps and for the allowancing for spoiled or misused stamps.

11. Issue of Practice Direction

The Chief Justice may issue Practice Direction governing –

- (a) the procedure applicable to the acceptance of payment by any method prescribed by this Act; and
- (b) the manner of evidencing proof of a successful payment transaction for any method of payment other than stamps.

12. Establishment of the Eastern Caribbean Supreme Court Improvement and Administration Fund

(1) There is hereby established a Special Fund pursuant to section 42(1)(a) of the Finance Administration Act 2006 to be known as the Eastern Caribbean Supreme Court Improvement and Administration Fund ('ECSC Improvement and Administration Fund' or 'Fund').

(2) The Minister of Finance may make regulations in accordance with the Finance Administration Act 2006 to govern the administration of the ECSC Improvement and Administration Fund.

(3) Monies in the ECSC Improvement and Administration Fund are to be kept separate from monies of other special funds.

13. Purpose of the Fund

(1) The primary purpose of the ECSC Improvement and Administration Fund is to finance the efforts of the Government of Antigua and Barbuda and of the Eastern Caribbean Supreme Court in

developing the judicial system and maintaining the court infrastructure in Antigua and Barbuda and to improve access to justice for its citizens.

(2) Without limiting the generality of subsection (1), monies in the Fund may be used for –

- (a) training of court staff;
- (b) purchasing of court equipment;
- (c) maintaining and repairing of court facility;
- (d) the support of special projects approved by the Chief Justice in consultation with the Minister of Finance;
- (e) the payment of the annual contribution of Antigua and Barbuda to the Eastern Caribbean Supreme Court.
- (f) any purpose authorised by the Chief Justice in consultation with the Financial Secretary.

(3) Expenditures from the Fund shall be authorized by the Financial Secretary on the advice of the Chief Justice.

14. Sources of funding

The revenues of the ECSC Improvement and Administration Fund may be generated from the following sources –

- (a) annual budgetary allocations voted to the Judiciary by Parliament;
- (b) monies derived from the payment of fees for services performed by the Court;
- (c) grants and loans from national, regional and international sources;
- (d) returns on investment of Fund money;
- (e) any other source of funding approved by the Cabinet on the advice of the Judicial and Legal Services Commission.

15. Accounts

(1) As soon as possible after the end of each quarter the Registrar shall transmit to the Treasury a statement signed by him or her certifying the amount received as payment by means of

stamps, credit card, debit card, cash and cheque for services offered by the Court during the preceding quarter.

(2) The Registrar shall submit to the Minister with responsibility for Justice and Legal Affairs an annual statement of the monies held in the Fund.

16. Penalty for forgery

Any person who forges any such stamp shall be liable to be imprisoned for term not exceeding ten years.

17. Repeal of Act

The Courts of Justice Fees Act, Cap 115 is repealed.

Passed the House of Representatives on
The 1st day of October, 2019.

Passed the Senate on the 17th day of
October, 2019.

Gerald Watt, Q.C.,
Speaker.

Alicia Williams-Grant,
President.

A. Peters,
Acting Clerk to the House of Representatives.

A. Peters,
Acting Clerk to the Senate.