

M O N T S E R R A T

COURTS OF JUSTICE FEES ACT, 2020

No. 3 of 2020

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Montserrat
Courts of Justice Fees Act, 2020
No. 3 of 2020

I ASSENT

(Sgd.) Andrew Pearce

Governor

DATE:

M O N T S E R R A T

No. 3 of 2020

AN ACT TO MAKE PROVISION FOR THE METHODS OF PAYMENT OF COURT FEES AND FOR THE REPEAL OF THE COURTS OF JUSTICE FEES ACT, CAP. 3.01.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat, and by the Authority of the same as follows—

1. Short title and commencement

- (1) This Act may be cited as the Courts of Justice Fees Act, 2020.
- (2) This Act comes into force on a date appointed by the Governor acting on the advice of Cabinet by Order published in the *Gazette*.

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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 referred to in section 2, 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 the Registrar determines that it is not feasible to make a payment by any of the methods described in

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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 issued and distributed under the authority of the Stamp Act (Cap. 17.02).

5. Use of stamps

If payment is made in postage 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) A document that is required by any rule or Order of the Court to be signed by an officer of the Court shall not be presented to such officer for his or her signature unless the amount of the prescribed fee required to be paid for the document if the fee is paid by postage stamp has been paid.
- (2) An officer of the Court who is responsible for signing any document shall before signing satisfy himself or herself that the prescribed amount of the fee payable if the fee is paid by postage stamp.

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) If, through mistake or inadvertence, a document referred to in subsection (1), 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

If payment is made in postage 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. Accounts

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.

13. Penalty for forgery

Any person who forges any stamp or other document relating to a payment method under this Act, commits an offence and shall be liable to be imprisoned for term not exceeding ten years.

14. Repeal

The following are repealed:

- (a) the Courts of Justice Fees Act (Cap. 3.01); and

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(b) the Courts of Justice (High Court) (Payment of Fees in Stamps) Order, (Cap. 3.01).

(Sgd.) Teresena Bodkin

SPEAKER

Passed by the Legislative Assembly this 19th day of May, 2020.

(Sgd.) Judith Baker

CLERK OF THE LEGISLATIVE ASSEMBLY