PART 39 Fixed Costs

PART 39

Scope of this Part 39.1 - 39.4

39.1

This Part sets out the amounts which, unless the Court orders otherwise, are to be allowed in respect of legal representatives' charges in the cases to which this Part applies.

39.2

This Part applies where:

(1) the only claim is a claim for a specified sum of money where the value of the claim exceeds US$50 but does not exceed US$50,000 and:

(a) judgment in default is obtained under Rule 13.7;

(b) judgment on admission is obtained under Rule 15.15;

(c) judgment on admission on part of the claim is obtained under Rule 15.18;

(d) immediate judgment is given under Part 24;

(e) the Court has made an order to strike out a defence under Rule 4.16(1) as disclosing no reasonable grounds for defending the claim; or

(f) Rule 39.7 or 39.8 applies;

(2) the only claim is a claim where the Court gave a fixed date for the hearing when it issued the claim and judgment is given for the delivery of goods, and the value of the claim exceeds US$50 but does not exceed US$50,000; or (3) a judgment creditor has taken steps under Parts 45 to 50 to enforce a judgment or order.

39.3

Any appropriate Court fee will be allowed in addition to the costs set out in this Part.

39.4

The claim form may include a claim for fixed commencement costs.

Amount of fixed commencement costs in a claim for the recovery of money or goods 39.5 - 39.6

39.5

The amount of fixed commencement costs in a claim to which Rule 39.2(1) or 39.2(2) applies:

(1) shall be calculated by reference to Table 1; and

(2) the amount claimed, or the value of the goods claimed if specified, in the claim form is to be used for determining the band in Table 1 that applies to the claim.

39.6

The amounts shown in Table 3 are to be allowed in addition, if applicable.

TABLE 1

FIXED COSTS ON COMMENCEMENT OF A CLAIM FOR THE RECOVERY OF MONEY OR GOODS

Relevant band	Where the claim form is served by the Court or by any method other than personal service by the claimant	Where— the claim form is served personally by the claimant ; and there is only one defendant	Where there is more than one defendant , for each additional defendant personally served at separate addresses by the claimant
Where the value of the claim exceeds US$50 but does not exceed US$10,000; or the only claim is for delivery of goods and no value is specified or stated on the claim form	US$160	US$180	US$30
Where the value of the claim exceeds US$10,000 but does not exceed US$50,000	US$600	US$660	US$90

When defendant only liable for fixed commencement costs 39.7

39.7

Where:

(1) the only claim is for a specified sum of money; and

(2) the defendant pays the money claimed within 14 days after service of particulars of claim on him, together with the fixed commencement costs stated in the claim form,

the defendant is not liable for any further costs unless the Court orders otherwise.

Costs on entry of judgment in a claim for the recovery of money or goods 39.8

39.8

Where:

(1) the claimant has claimed fixed commencement costs under Rule 39.5; and

(2) judgment is entered in a claim to which Rule 39.2(1) or 39.2(2) applies in the circumstances specified in Table 2, the amount to be included in the judgment for the claimant's legal representatives' charges is the total of:

(a) the fixed commencement costs; and

(b) the relevant amount shown in Table 2.

TABLE 2

FIXED COSTS ON ENTRY OF JUDGMENT IN A CLAIM FOR THE RECOVERY OF MONEY OR GOODS

	Where the amount of the judgment exceeds US$50 but does not exceed US$10,000	Where the amount of the judgment exceeds US$10,000 but does not exceed US$50,000
Where judgment in default of an acknowledgment of service is entered under Rule 13.7 (entry of judgment by request on claim for money only)	US$45	US$180
Where judgment in default of a defence is entered under Rule 13.7 (entry of judgment by request on claim for money only)	US$50	US$210
Where judgment is entered under Rule 15.15 (judgment on admission), or Rule 15.18 (judgment on admission of part of claim) and claimant accepts the defendant's proposal as to the manner of payment	US$80	US$330
Where judgment is entered under Rule 15.15 (judgment on admission), or Rule 15.18 (judgment on admission of part of claim) and the Court decides the date or time of payment	US$110	US$420
Where immediate judgment is given under Part 24 or the Court strikes out a defence under Rule 4.16(1), in either case, on application by a party	US$350	US$1260

Miscellaneous fixed costs 39.9

39.9

Table 3 shows the amount to be allowed in respect of legal representatives' charges in the circumstances mentioned.

TABLE 3

MISCELLANEOUS FIXED COSTS

For service by a party of any document required to be served personally including preparing and copying a certificate of service for each individual served	US$90
Where service by an alternative method is permitted by an order under Rule 9.31 for each individual served	US$320
Where a document is served out of the DIFC and Dubai—	
(a) in another Emirate of the UAE;	US$410
(b) in any other place	US$460

Fixed enforcement costs 39.10

39.10

Table 4 shows the amount to be allowed in respect of legal representatives' costs in the circumstances mentioned. The amounts shown in Table 3 are to be allowed in addition, if applicable.

TABLE 4

FIXED ENFORCEMENT COSTS

For an application under Rule 45.11 that an award may be enforced as if payable under a Court order, where the amount outstanding under the award:	
exceeds US$50 but does not exceed US$500	US$185
exceeds US$500 but does not exceed US$1200	US$245
exceeds US$1200 but does not exceed US$4000	US$415
exceeds US$4000	US$450
On attendance to question a judgment debtor (or officer of a company or other corporation) who has been ordered to attend Court under Rule 50.2 where the questioning takes place before a Court officer , including attendance by a responsible representative of the legal representative	for each half hour or part, US$90 (When the questioning takes place before a Judge, he may immediately assess any costs allowed.)
On the making of a final third party debt order under Rule 47.40(1) or an order for the payment to the judgment creditor of money in Court under Rule 47.44(2):	
if the amount recovered is less than US$300	one-half of the amount recovered
Otherwise	US$590
On the making of a final charging order under Rule 46.17(1):	US$660

	The Court may also allow reasonable disbursements in respect of search fees and the registration of the order.
Where a writ of execution as defined in Rule 48.1(3), is issued against any party	US$310
Where an application for an attachment of earnings order is made and costs are allowed under Rule 47.65 for each attendance on the hearing of the application	US$50