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0 ratings0% found this document useful (0 votes)436 viewsThis legal notice amends the Advocates Remuneration Order from 2009 by replacing the table that specifies the lower and higher scale of fees advocates can charge clients based on the amount ...AI-enhanced title and descriptionSaveSave advocates-act-remuneration-amendment-order-no-2-20... For Later0% found this document useful, undefined THE ADVOCATES (REMUNERATION) ORDER ARRANGEMENT OF PARAGRAPHS PART I - GENERAL MATTERS 4. Additional remuneration for exceptional dispatch 5. Special fee for exceptional importance and complexity 6. Security from client for advocate's remuneration 7. Interest may be charged 8. Costs payable by an executor, administrator or trustee 9. Costs payable by infant, etc 11. Objection to decision on taxation and appeal to Court of Appeal 13. Taxation of cost as between advocate and client on application of either party 13A. Powers of taxing officer 14. Default of advocate to attend taxation after notice 15. Taxation procedure contained in Part III to apply to bills under Part II 16. Discretion of taxing officer PART II - NON-CONTENTIOUS MATTERS 18. Remuneration of advocate in non-contentious matters 19. Expenses charged in addition to remuneration 20. Scale charges; what they include and exclude 21. Scale fees: how calculated 22. Liberty to advocate to elect Schedule 5; election to be communicated to client in writing 23. Items to be charged for separately under appropriate Schedule 23A. Choice of methods of completion of transaction; fee applicable 24. Documents; by whom to be prepared 26. Definitions and application of Schedule 1 27. Commission for negotiating sale or purchase 28. Remuneration for conveyance on a sale by auction 29. Charges where same advocate acting for both vendor and purchaser 30. Commission for negotiating loan 31. Costs of mortgage to be paid by borrower 32. Building society mortgage 33. Charges where advocate is concerned for both mortgagor and mortgagee 34. Charges where conveyance and mortgage are prepared by one advocate 35. Charges where one document prepared and one approved by one advocate 36. Charges where mortgage in favour of vendor and one advocate acts for both parties 37. Where property is sold subject to incumbrances 38. Charges for mortgage to advocate 39. Charges for transfer of mortgage to advocate or subsequent work in relation to mortgage in which advocate is personally interested 40. Scale: how reckoned on transfers of mortgages 41. Charges for approving draft on behalf of several parties having different interests 42. Application of Schedule 2 43. Lessor's and lessee's costs 44. Printed or stereotyped leases 45. Charges where advocate is concerned for both lessor and lessee 46. Where mortgagor joins in a conveyance 47. Where third party joining in conveyance or lease is separately represented 48. Where consideration for conveyance or lease consists partly of premium and partly of rent PART III - TAXATION OF COSTS IN CONTENTIOUS AND OTHER MATTERS 49. Application of Part III 49A. Costs in criminal cases 50. Costs in High Court according to Schedule 6 50A. Schedule 6 costs on the higher scale 51. Costs in subordinate courts according to Schedule 7 51A. Costs in Tribunal under Cap. 301 51B. Costs in Tribunal under Cap. 296 51C. Costs in probate and administration cases 52. Costs to be taxed as between party and party unless otherwise directed 53. No advocate's costs where suit brought without notice except on special order 54. Costs on an opposed application 55. Costs out of estate of minor, etc 56. Court may fix costs or record consent order as to costs 57. Registrar to record consent order as to costs 58. Costs in High Court may be restricted to subordinate courts' scale 59. Costs of more than one advocate may be certified by the judge 60. Judge may certify for costs of Queen's Counsel and Junior Counsel 61. Costs improperly incurred by advocate 62. Costs where same advocate is employed by two or more plaintiffs or defendants 62A. Costs where there has been a change of advocates 63. Costs between party and party where joint executors or trustees defend separately may be restricted 64. Appearance in Court or chambers of party not interested 65. Limits of time for taxation 66. Taxation of costs upon an award 67. Receiver in insolvency to have notice of taxation 68. Advocate of insolvent petitioner to give credit for deposit towards costs 68A. Certificate of costs 69. Manner of preparing bills for taxation 70. Filing bills for taxation 71. Bills not to be altered after being lodged 72. Notice of taxation to be given by taxing officer 73. No notice of taxation where party has not appeared 74. Vouchers to be produced 75. Numbering of folios on documents charged by the folio 76. Taxing officer may proceed ex parte and extend or limit time or adjourn 77. Where more than one-sixth taxed off 78. [Deleted by L.N. 73/1983, s. 13.] 79. Instructions of judge as to costs SCHEDULES SCHEDULE 2 - SCALE OF CHARGES FOR THE PREPARATION OF LEASES, AGREEMENTS, FOR LEASES AND TENANCY AGREEMENTS AT A RACK RENT SCHEDULE 3 - FORMATION, INCORPORATION AND REGISTRATION OF COMPANIES SCHEDULE 5 - FEES IN RESPECT OF BUSINESS THE REMUNERATION FOR WHICH IS NOT OTHERWISE PRESCRIBED OR WHICH HAS BEEN THE SUBJECT OF AN ELECTION UNDER PARAGRAPH 22 SCHEDULE 6 - COSTS OF PROCEEDINGS IN THE HIGH COURT SCHEDULE 7 - COSTS OF PROCEEDINGS IN SUBORDINATE COURTS SCHEDULE 8 - COSTS OF PROCEEDINGS IN TRIBUNAL UNDER THE LANDLORD AND TENANT (SHOPS, HOTELS AND CATERING ESTABLISHMENTS) ACT SCHEDULE 9 - COSTS OF PROCEEDINGS IN TRIBUNALS UNDER THE RENT RESTRICTION ACT OR ANY LEGISLATION AMENDING OR REPLACING THE SAME SCHEDULE 10 - PROBATE AND ADMINISTRATION SCHEDULE 11 - COSTS OF PROCEEDINGS BEFORE TRIBUNALS OTHER THAN THOSE UNDER SCHEDULES 8 AND 9 OF THIS ORDER EXCEPT WHERE OTHERWISE PRESCRIBED UNDER THE ACT SETTING UP THE TRIBUNAL SCHEDULE 12 - PATENTS, UTILITY MODELS AND INDUSTRIAL DESIGNS PART I - GENERAL MATTERS PART II - NON-CONTENTIOUS MATTERS PART III - TAXATION OF COSTS IN CONTENTIOUS AND OTHER MATTERS SCHEDULE 1 SCALE FEES [L.N. 8/1965, Sch., L.N. 56/1972, s. 16, L.N. 37/1977, s. 10, L.N. 264/1978, s. 2, L.N. 70/1982, s. 2, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 50/2009, L.N. 35/2014, r. 7.] SCHEDULE 2 SCALE OF CHARGES FOR THE PREPARATION OF LEASES, AGREEMENTS, FOR LEASES AND TENANCY AGREEMENTS AT A RACK RENT [L.N. 56/1972, s. 16, L.N. 37/1977, s. 11, L.N. 264/1978, s. 2, L.N. 70/1982, s. 2, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] SCHEDULE 3 FORMATION, INCORPORATION AND REGISTRATION OF COMPANIES [L.N. 8/1965, Sch., L.N. 56/1972, s. 16, L.N. 37/1977, s. 10, L.N. 264/1978, s. 2, L.N. 70/1982, s. 2, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] SCHEDULE 4 TRADE MARKS [L.N. 56/1972, s. 16, L.N. 37/1977, s. 12, L.N. 264/1978, s. 2, L.N. 70/1982, s. 2, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] SCHEDULE 5 FEES IN RESPECT OF BUSINESS THE REMUNERATION FOR WHICH IS NOT OTHERWISE PRESCRIBED OR WHICH HAS BEEN THE SUBJECT OF AN ELECTION UNDER PARAGRAPH 22 [L.N. 56/1972, s. 16, L.N. 37/1977, s. 10, L.N. 264/1978, s. 2, L.N. 70/1982, s. 2, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] SCHEDULE 6 COSTS OF PROCEEDINGS IN THE HIGH COURT [L.N. 8/1965, Sch., L.N. 56/1972, s. 16, L.N. 37/1977, s. 11, L.N. 264/1978, s. 2, L.N. 70/1982, s. 2, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] SCHEDULE 7 COSTS OF PROCEEDINGS IN SUBORDINATE COURTS [L.N. 8/1965, Sch., L.N. 56/1972, s. 16, L.N. 37/1977, s. 12, L.N. 264/1978, s. 2, L.N. 70/1982, s. 2, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] SCHEDULE 8 COSTS OF PROCEEDINGS IN TRIBUNAL UNDER THE LANDLORD AND TENANT (SHOPS, HOTELS AND CATERING ESTABLISHMENTS) ACT [L.N. 198/1969, s. 3, L.N. 62/1979, s. 13, L.N. 73/1983, s. 14, L.N. 121/1984, s. 2, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] SCHEDULE 9 COSTS OF PROCEEDINGS IN TRIBUNALS UNDER THE RENT RESTRICTION ACT OR ANY LEGISLATION AMENDING OR REPLACING THE SAME [L.N. 62/1979, s. 13, L.N. 121/1984, s. 5, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] SCHEDULE 10 PROBATE AND ADMINISTRATION [L.N. 73/1983, s. 14, L.N. 121/1984, s. 6, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] In contested matter under the law, the fees as between advocate and client shall be— SCHEDULE 11 COSTS OF PROCEEDINGS BEFORE TRIBUNALS OTHER THAN THOSE UNDER SCHEDULES 8 AND 9 OF THIS ORDER EXCEPT WHERE OTHERWISE PRESCRIBED UNDER THE ACT SETTING UP THE TRIBUNAL As between advocate and client the costs shall be— SCHEDULE 12 PATENTS, UTILITY MODELS AND INDUSTRIAL DESIGNS PART I - GENERAL MATTERS PART II - NON-CONTENTIOUS MATTERS PART III - TAXATION OF COSTS IN CONTENTIOUS AND OTHER MATTERS SCHEDULE 1 SCALE FEES [L.N. 8/1965, Sch., L.N. 56/1972, s. 16, L.N. 37/1977, s. 10, L.N. 264/1978, s. 2, L.N. 70/1982, s. 2, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] Particulars Ksh. 1. Applications (a) Instructions to register one trade mark in one class 42,000 (b) Instructions to register second and further trade marks in the name of the same proprietor simultaneously per trade mark in one class 29,000 (c) Filing priority application 4,000 2. Registered users (a) Instructions to file an application to enter one registered user of one registered trade mark or more than one registered trade mark of the same proprietor incorporated in the same set of documents and subject to the same conditions and restrictions in each case— (i) for the first single registered trade mark 18,900 (ii) for the second registered trade mark 18,900 (iii) for the third registered trade mark and each subsequent registered trade mark, applications being filed simultaneously 2,600 (iv) For the fourth and each subsequent registered trade mark applications being filed simultaneously 5,040 (b) Drawing statement of case, statutory declaration in support and application, depending on the amount of work involved but not less than Kshs. 9,000 (c) Drawing registered user agreement, depending on the amount of work involved but not less than Kshs. 12,500 (d) Instructions to file an application under section 31(8)(b) for cancellation of a registered user in respect of one registered trade mark or more than one registered trade mark of same proprietor— (i) For the first or single registered trade mark 25,000 (ii) For the second registered trade mark 15,000 (iii) For the third registered trade mark and each subsequent registered trade mark, applications being filed simultaneously 5,040 (e) Drawing application for cancellation and statement of ground, depending on amount of work involved but not less than Kshs. 12,500 (f) And for each subsequent registered trade mark included in the same application for cancellation, the grounds for cancellation being the same Kshs. 5,040 (g) Instructions to file an application for variation of terms of appointment of registered user Kshs. 6,000 3. Assignments (a) Instructions to file an application to register a subsequent proprietor of one registered trade mark for more than one registered trade mark standing in the same name under the same devotion of title and filed simultaneously with or without goodwill— (i) for the first registered trade mark 25,000 (ii) for the second registered trade mark 12,000 (b) Instructions to file application for directions by the Registrar for advertisement of the assignment of trade marks in use without goodwill and attending to the advertisement thereof— (i) for one registered trade mark assigned 25,000 (ii) for every other registered trade mark assigned under the same devolution of titlefiled simultaneously 20,000 (c) Instructions to apply for extensions of time in which to apply for directions to advertise an assignment without goodwill 12,600 4. Renewals (a) Instructions to renew the registration of one trade mark in one class 25,000 (b) Instructions to renew the registration of second and further trade marks in the same proprietor simultaneously 12,600 (c) Instructions to restore the registration of one trade mark in one class under the provisions of rule 68 of the Trade Marks Rules 15,000 5. Change of name (a) Instructions to register change of name of the registered proprietor in respect of one trade mark in one class 10,000 (b) Instructions to register change of name of the registered proprietor in respect of second and further trademarks simultaneously for each change of name per trade mark in one class 5,040 6. Searches and copies (a) Attendances to search a registered trade mark at the registry and advising thereon by— (i) An advocate 5,000 (ii) Unqualified employee 2,000 (b) Instructions to obtain Registrar's preliminary advice on Form T.M. 27 or T.M. 28 including drawing the prescribed form 5,000 (c) Instructions to obtain registry certified copies of documents— (i) One copy of any document 2,940 (ii) Second and additional copies of same document simultaneously 882 9. Opposition and rectification proceedings (a) Instruction to enter opposition or to defend opposition proceedings or to apply for rectification or to defend rectification proceedings where such opposition or proceedings are conducted before the Registrar, such fee as the taxing officer may decide taking into consideration the nature and importance of the opposition or rectification, the value of the trade mark to the parties concerned, the amount of evidence filed and the time required for the proceedings and all other relevant circumstances but not less than Kshs. 210,000 (b) Attendance before the Registrar conducting opposition or rectification proceedings every whole day 16,464 (c) Attendance before the Registrar conducting opposition or rectification proceedings every half-day or part thereof 8,232 (d) On interlocutory matters, taking judgment, etc. every 15 minutes or part thereof 1,127 (e) On taxation of bill of costs for every 15 minutes or part thereof 1,127 10. Miscellaneous matters (a) Instructions to advise on registrability of a mark or on a point of law or practice, such fee as may be reasonable in the circumstances but not less than Kshs. 7,500 (b) Attendance on the Registrar for filing papers every 15 minutes or part thereof— (i) For argument 2,100 (ii) For filing papers 588 (c) Correspondence where charged for separately (see the note to this part of this schedule)— (i) Per letter 294 (ii) Per folio 176 (d) Receiving and perusing letters, documents, pleadings, statutory declarations, etc.— (i) Per letter 117 (ii) Per folio 70 (e) Perusing documents, pleadings, statutory declarations, etc., to be charged for as for perusals at Item 8 (a) of schedule 6, 1,127 (f) All other necessary attendances (including attendances to take minutes of evidence of witnesses other than the party for whom the Advocate is acting), per quarter hour or part thereof 1,127 (g) Applying to the Registrar for an extension of time 1,000 Notes. The fees in items 1, 2, 3, 4, 5, 6, 7 and 8 are inclusive, unless otherwise provided, of drawing statutory forms and authorization of agent as necessary, and of all necessary routine correspondence with and attendances at the registry and correspondence with the client, ut they do not cover additional matters shown in items 9 and 10 and work occasioned by objections or queries by the Registrar or third parties or by any other complication or unusual delay, which matters shall be charged for separately on time basis. SCHEDULE 5 FEES IN RESPECT OF BUSINESS THE REMUNERATION FOR WHICH IS NOT OTHERWISE PRESCRIBED OR WHICH HAS BEEN THE SUBJECT OF AN ELECTION UNDER PARAGRAPH 22 [L.N. 56/1972, s. 16, L.N. 62/1979, s. 13, L.N. 73/1983, s. 14, L.N. 121/1984, r. 7.] PART I - AGREED HOURLY RATE PART II - ALTERNATIVE METHOD OF ASSESSMENT SCHEDULE 6 COSTS OF PROCEEDINGS IN THE HIGH COURT [L.N. 8/1965, Sch., L.N. 56/1972, s. 16, L.N. 37/1977, s. 11, L.N. 264/1978, s. 2, L.N. 70/1982, s. 2, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] As between advocate and client the minimum fee shall be— SCHEDULE 7 COSTS OF PROCEEDINGS IN SUBORDINATE COURTS [L.N. 8/1965, Sch., L.N. 56/1972, s. 16, L.N. 37/1977, s. 12, L.N. 264/1978, s. 2, L.N. 70/1982, s. 2, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] As between advocate and client the cost shall be— SCHEDULE 8 COSTS OF PROCEEDINGS IN TRIBUNAL UNDER THE LANDLORD AND TENANT (SHOPS, HOTELS AND CATERING ESTABLISHMENTS) ACT [L.N. 198/1969, s. 3, L.N. 62/1979, s. 13, L.N. 73/1983, s. 14, L.N. 121/1984, s. 2, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] As between advocate and client the cost shall be— SCHEDULE 9 COSTS OF PROCEEDINGS IN TRIBUNALS UNDER THE RENT RESTRICTION ACT OR ANY LEGISLATION AMENDING OR REPLACING THE SAME [L.N. 62/1979, s. 13, L.N. 121/1984, s. 5, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] As between advocate and client the cost shall be— SCHEDULE 10 PROBATE AND ADMINISTRATION [L.N. 73/1983, s. 14, L.N. 121/1984, s. 6, L.N. 264/1993, s. 2, L.N. 550/1997, s. 2, L.N. 159/2006, s. 4, L.N. 35/2014, r. 7.] In contested matter under the law, the fees as between advocate and client shall be— SCHEDULE 11 COSTS OF PROCEEDINGS BEFORE TRIBUNALS OTHER THAN THOSE UNDER SCHEDULES 8 AND 9 OF THIS ORDER EXCEPT WHERE OTHERWISE PRESCRIBED UNDER THE ACT SETTING UP THE TRIBUNAL As between advocate and client the costs shall be— SCHEDULE 12 PATENTS, UTILITY MODELS AND INDUSTRIAL DESIGNS Schedule [r. 6] FORM OF ACCOUNTANT'S CERTIFICATE Note.—In the case of a firm with a number of partners, carbon copies of the Certificate may be delivered provided section 1 below is completed on each Certificate with the name of the individual advocate. THE ADVOCATES (COMPLAINTS COMMISSION) (STRUCTURE AND PROCEDURE) RULES ARRANGEMENT OF RULES 3. Designation of Chairman 9. Disclosure of interest 10. Commissions may determine own procedure THE ADVOCATES (PROFESSIONAL INDEMNITY) REGULATIONS ARRANGEMENT OF REGULATIONS 2. Professional indemnity cover 4. Practising certificate conditional upon compliance THE ADVOCATES (SENIOR COUNSEL CONFERENCE AND PRIVILEGES) RULES ARRANGEMENT OF RULES PART II - THE COMMITTEE ON SENIOR COUNSEL 3. Composition of Committee 4. Functions of the Committee PART III - APPLICATION FOR CONFERENCE OF SENIOR COUNSEL 5. Notice inviting applications 7. Criteria for conference 9. [Deleted by L.N. 36/2012, r. 7.] 10. Consideration of application 11. Time period for considering applications 12. Letters of conference 13. Signing the Roll of Senior Counsel 14. Restrictions on the use of title of Senior Counsel 15. Removal from Roll of Senior Counsel 16. Procedures of the Committee PART IV - PRIVILEGES OF SENIOR COUNSEL 18. Use of designation of Senior Counsel 19. Duties, powers and privileges of Senior Counsel PART II - THE COMMITTEE ON SENIOR COUNSEL PART III - APPLICATION FOR CONFERENCE OF RANK OF SENIOR COUNSEL PART IV - PRIVILEGES OF SENIOR COUNSEL 0 ratings0% found this document useful (0 votes)2K viewsThe Chief Justice and President of the Supreme Court of Kenya issued Legal Notice No. 45 on May 9th, 2014 regarding amendments to the Advocates Remuneration Order of 2009. The amendments upd...AI-enhanced title and descriptionSaveSave 45-Advocates_Act_Remuneration_Amendment_No_2_0... For Later0% found this document useful, undefined