

REGISTRAR'S CIRCULAR NO. 3 OF 1952.

FEES FOR PROCESS SERVERS.

Item 39 of the Schedule of Fees under the 1948 Supreme Court Rule No. 9 and item 25 of Subordinate Courts Rule No.1 of 1948 authorise Process servers to charge fees for their travelling at the rate of 10 cents per mile exceeding the first two miles if travelled by bicycle or on foot, or to claim actual sums disbursed by them.

2. In spite of the note under the items referred to above, it was decided to introduce uniformity in the practice of collecting these fees from the parties concerned and disbursing them to the Process servers in accordance with paragraph 3 on page 23 of Registrar's Circular No.17/48.

3. Accordingly all fees collected from the parties are now treated as Court Fees and paid into revenue. Process servers are subsequently paid their actual expenses from the Departmental vote, Transport and Travelling.

4. It has come to my knowledge that in some cases excessively large sums have been claimed and paid to Process servers on this account. Process servers are reported to be claiming mileages for journeys by bicycle when the journey could be done more cheaply by bus or when in fact the journey was done by bus. It must be borne in mind that these fees are paid by the litigant concerned and it is in the interest of the public that Process servers' fees should be kept as low as possible.

5. For example, if a Process server travels 20 miles on bicycle on a trip and returns, he is entitled to claim £4.00 for 40 miles whereas the same journey if done by a bus, where bus service is available, would only cost about £1.50. This excessive claim of £2.50 by the Process server is wrong and objectionable.

6. It is appreciated that there may be occasions when it is more convenient to do a particular journey by bicycle rather than by bus, but in every case it is the duty and responsibility of the Officer certifying the voucher to see that the most convenient and economical means of transport has been used and to authorise the payment only of such sum as was actually disbursed by the Process server.

7. Assistant Registrars, Presidents of Sessions Courts and Circuit Magistrates are to ensure that claims put up by Process servers are reasonable, fair and economical. Except in special cases where the approval of the Assistant Registrar, or the President of Sessions Court, or the Circuit Magistrate, has been previously obtained for the use of transport other than that which is the most economical, Process servers should be allowed only such amount as corresponds to the amount which they would be entitled to had they used the cheapest means of transport.

8. The contents of this Circular should be brought to the notice of all Process servers.