



**IN THE SUPREME COURT OF BERMUDA
CIRCULAR NOTICE**

ISSUED BY THE ASSISTANT REGISTRAR

Friday, 23 February 2024

CIRCULAR No. 8 of 2024

TO ALL ATTORNEYS:

**RE: Rules of the Supreme Court Amendment Rules 2024
&
Civil Appeal Amendment Rules 2024**

The Supreme Court is pleased to announce that the Chief Justice in exercise of the power conferred by section 62 of the Supreme Court Act 1905 makes the subject amendment Rules to implement new court fees.

The Rules of the Supreme Court Amendment Rules 2024 make provision for fee increases to apply to scales of cost, fees payable and taxation of all costs incurred in relation to matters heard in the Supreme Court.

The Civil Appeal Amendment Rules 2024 make provision to increase the fees in relation to appeals from the Magistrates' Court to the Supreme Court.

When documents are filed in the Magistrates' Court, Supreme Court or Court of Appeal, collectively referred to as "the courts," litigants are required to pay court fees. These fees are payable to commence a new action or at certain intervals when seeking to continue an action already underway. These fees exist in the first instance as indeed they do in other jurisdictions per the considerable cost of facilitating the justice system that litigants rely upon to resolve disputes. Remarkably, there has not been any increase in any of our domestic court fees in almost 60 years.

An assessment was conducted that compared Bermuda court fees to those in other jurisdictions and Bermuda's fees were found to be considerably lower than competitor jurisdictions especially when compared to other British Overseas Territories such as the Cayman Islands. As Bermuda's international business sector has developed and grown, the number and complexity of court matters have increased significantly.

A new scale of fees, which will impact matters being conducted in the Magistrates Court, Supreme Court and the Court of Appeal has been developed. It is anticipated that these changes will yield an estimated additional \$750,000 in fees aid to the courts.

The overall aim of the amendment Rules is to ensure the sustainability and quality of our justice system. Sustainability in turn warrants that consideration is also given to ensuring that the new fees accurately represent our present day economy. The Judicial Department took into consideration many factors, including the anticipated impact and access to justice before increasing the rates. Accordingly, consultation was undertaken with the President of the Court of Appeal, the Chief Justice, the Registrar for the courts and the Senior Magistrate. In addition, input was sought from stakeholders such as the Bermuda Bar Association.

The new fee structure bring the fees outlined in line with other similar jurisdictions. In particular, the Chief Justice considers that the fee increases in commercial cases are reflective of the increased judicial resources required to deal with these cases on a timely basis. The increase in fees will lead to a welcomed significant increase in the overall revenue collected by the courts. It is noteworthy that the new fees, in some instances, will be significantly higher than what they were. Again, this speaks not only to current economic reality, but also to approximately six decades where there has been no fee increases.

These amendments therefore make provisions which include allocating different fees for commercial litigants, i.e., trade or commerce matters, and non-commercial litigants and providing generally higher fees for commercial litigants consistent with other jurisdictions. The demarcation takes into consideration not only the means of litigants but the fact that commercial litigation often has a greater financial outcome and is more demanding upon the justice system.

These amendment Rules will support an avenue for the Supreme Court of Bermuda to continue to properly administer justice for the foreseeable future. I thank the Registrar of the Supreme Court and all public officers and stakeholders who contributed to the implementation of this milestone. There is little doubt that this increase in revenue through this and the tranche of court fee reforms will benefit the entire community.

Dated this 23rd day of February 2024



ASSISTANT REGISTRAR

To: The Director of Public Prosecutions
Attorney-General's Chambers
Solicitor-General
All Barristers and Attorneys
Legal Aid
Hamilton Police Station
Commissioner of Corrections
Commissioner of Police
Registrar of Companies