

FORM 5

(r. 5 (1))

FIRST SCHEDULE—(Contd.)

| | | |
|---|-----------------|----------------|
| CERTIFICATE | | 000000 |
| NAME OF POLICY HOLDER: | | |
| TEMPORARY CERTIFICATE FOR 14 DAYS ONLY | | |
| COMMENCES: | | |
| EXPIRES: | | |
| REGISTRATION NUMBER | VEHICLE COVERED | CLASSIS NUMBER |
| ISSUED BY: | | |
| Signed: | | |
| Read overleaf. | | |

Reverse side as Form 2

SECOND SCHEDULE

MANNER OF PRINTING OF FORMS

| | | | |
|--------|-----|-----|--|
| Form 1 | ... | ... | In black print on a white background. |
| Form 2 | ... | ... | In black print on a yellow background with the superimposed triangle printed in red. |
| Form 3 | ... | ... | In black print on a blue background. |
| Form 4 | ... | ... | In black print on a light brown background. |
| Form 5 | ... | ... | In black print on a mauve background with the superimposed inverted triangle printed in green. |

Made this 22nd day of December, 1978.

C. NJONJO,
Attorney-General.

LEGAL NOTICE No. 264

THE ADVOCATES ACT

(Cap. 16)

IN EXERCISE of the powers conferred by Section 48 of the Advocates Act the Chief Justice, on the recommendation of the Council of the Law Society of Kenya, makes the following Order:—

**THE ADVOCATES (REMUNERATION) (AMENDMENT)
ORDER, 1978**

1. This Order may be cited as the Advocates (Remuneration) (Amendment) Order, 1978, and shall come into force on the 1st January, 1979.

Sub. Leg.

2. The Advocates (Remuneration) Order is amended by substituting for Schedules, I, II, III and IV thereto the new Schedules I, II, III and IV annexed hereto.

3. In the application of this Order to work commenced before but finally completed at the date on which this Order comes into force the provisions of this Order shall apply unless the work could have been completed before it came into force but for unnecessary delay attributable to the advocate.

SCHEDULE I

FIRST SCALE

Scale of charges on sales, purchases and mortgages affecting land registered in the Government Lands Registry or the Land Titles Registry

| | <i>Scale Fee</i> | <i>Sh. cts.</i> |
|--|--|-----------------|
| (a) VENDOR'S ADVOCATES | | |
| For preparing and completing contract, answering any preliminary enquiries, deducing title (including any necessary abstraction) to a freehold or leasehold property, answering any requisitions on title, perusing and completing conveyance or assignment. | (1) On the first £2,500 minimum charge | 1,500 00 |
| | (2) From £2,501 to £5,000 per £100 | 37 50 |
| | (3) From £5,001 to £7,500 per £100 | 17 50 |
| | (4) From £7,501 to £12,500 per £100 | 16 50 |
| | (5) From £12,501 to £20,000 per £100 | 12 50 |
| | (6) Over £20,000 per £100 | 8 50 |
| (b) PURCHASER'S ADVOCATE | | |
| For investigating title to a freehold or leasehold property and preparing and completing conveyance (including perusal and completion of contract, if any). | The scale fee set out under (a) above. | |
| (c) MORTGAGOR'S ADVOCATE | | |
| (i) For deducing title (including any necessary abstraction) to a freehold or leasehold property, answering any requisitions on title, perusing and completing mortgage. | One-half of the scale fee set out under (a) above. | |
| (ii) For preparing and completing reconveyance or reassignment of mortgage. | A fixed charge of | 350 00 |
| (d) MORTGAGEE'S ADVOCATE | | |
| (i) For investigating title to a freehold or leasehold property and preparing and completing mortgage. | The scale fee set out under (a) above | |
| (ii) For perusing and completing reconveyance or reassignment of mortgage. | A fixed charge of | 115 00 |

SECOND SCALE

Scale of charges on sales, purchases and charges affecting land registered in the Inland Registry or the Coast Registry or registered under the Registered Land Act

| | <i>Scale Fee</i> | <i>Sh. Cts.</i> |
|---|--|-----------------|
| (a) VENDOR'S ADVOCATE | | |
| For preparing and completing contract for sale or conditions (if any), answering any preliminary enquiries deducing title (including and necessary abstraction) to freehold or leasehold property, answering any requisitions on title, perusing and completing transfer. | (1) On the first £2,500 minimum charge | 1,250 00 |
| | (2) From £2,501 to £5,000 per £100 | 28 00 |
| | (3) From £5,001 to £7,500 per £100 | 15 00 |
| | (4) From £7,501 to £12,500 per £100 | 12 50 |
| | (5) From £12,001 to £20,000 per £100 | 10 00 |
| | (6) Over £20,000 per £100 | 8 00 |
| (b) PURCHASER'S ADVOCATE | | |
| For investigating title to freehold or leasehold property and preparing and completing transfer (including perusal and completion of contract (if any). | The scale fee set out under (a) above. | |
| (c) CHARGOR'S ADVOCATE | | |
| (i) For deducing title (including any necessary abstraction) to freehold or leasehold property answering any requisitions on title, perusing and completing charge. | One-half of the scale fee set out under (a) above. | |
| (ii) For preparing and completing discharge of charge. | A fixed charge of | 320 00 |
| (d) CHARGEES' ADVOCATE | | |
| (i) For investigating title for freehold or leasehold property and preparing and completing charge | The scale fee set out under (a) above. | |
| (ii) For perusing and completing discharge of charge. | A fixed charge of | 160 00 |

THIRD SCALE

Scale of charges relating to memoranda of equitable mortgage by deposit of documents or charges by deposit of title

| | Scale Fee | Sh. cts. |
|---|---|----------|
| (a) For investigating title to a freehold or leasehold property and completing and registering a memorandum of equitable mortgage by deposit of documents or a memorandum of charge by deposit of title in respect thereof. | (1) On the first £12,500 minimum charge | 1,275 00 |
| | (2) From £12,501 to £20,000 per K.£100 | 3 50 |
| | (3) Over £20,000 per £100 | 2 75 |
| (b) For preparing, completing and registering a memorandum of discharge of equitable mortgage by deposit of documents or a memorandum of discharge of charge by deposit of title. | A fixed charge of | 150 00 |

FOURTH SCALE

Scale of negotiating commission on sales and mortgages

| | Scale Fee | Sh. cts. |
|---|--|----------|
| For negotiating a sale of property by private treaty or a loan secured by mortgage. | (1) On the first £5,000 per £100 | 37 50 |
| | (2) From £5,001 to £12,500 per £100 | 18 75 |
| | (3) From £12,501 to £20,000 per £100 | 17 50 |
| | (4) Over £20,000 per £100 | 9 00 |

NOTES

(1) In calculating fees payable under any of the above Scales a fraction of £100 up to and including £50 shall be accounted as one-half but over £50 shall be accounted as a whole unit of calculation.

(2) In the above Scales, "mortgage" includes any conveyance, assignment or other assurance or any agreement to convey, assign or otherwise assure any immovable property or any estate interest or other right therein to secure the payment of any moneys; and "charge" includes any agreement to charge any immovable property or any estate, interest or other right therein to secure the payment of any moneys; but neither word includes a memorandum of equitable mortgage by deposit of documents or a memorandum of charge by deposit of title or any agreement exclusively collateral thereto unless such collateral agreement contains an agreement or covenant to execute a mortgage or charge at some future time or when called upon.

SCHEDULE II

Scale of charges for the preparation of leases, agreements for lease and tenancy agreements at a rack rent

| | Scale Fee | |
|---|---|---|
| (1) To the advocate preparing, settling and completing lease or agreement and counterpart. (a) where the term of the lease or agreement is for 3 years or less | Annual Rent | |
| | First £500 | 10% or Sh. 525 minimum. |
| | £501 to £1,000 | 10% on first £500, and 3% on excess. |
| | £1,001 to £1,500 | 10% on first £500, 3% on next £500, and 2% on excess. |
| | Over £1,500 | 10% on first £500. 3% on next £500. 2% on next £500. 1% on excess. |
| (b) Where the term of the lease or agreement is for more than 3 years. | The scale fee set out under (a) above increased by one-half. | |
| (2) To the advocate perusing, amending and completing lease or agreement and counterpart. | One-half of the fee payable under (1) above, or Sh.262/50 whichever is the greater. | |

NOTES

(1) Where a varying rent is payable the amount of the annual rent means the amount of the largest annual rent payable under the lease or agreement.

(2) In the case of extension of the term of a lease, agreement for lease or tenancy agreement capable of being effected by way of an endorsement on or annexure to the original instrument the charge shall be calculated under Schedule V.

(3) Charges as to conveyances in fee, or for any other freehold estate reserving rent; or building leases reserving rent or other long leases not at a rack rent; or agreements for the same respectively shall be calculated under Schedule V.

SCHEDULE III

1. *Formation and incorporation of companies with share capital*

A fee calculated according to the following scales, such fee to cover taking instructions to incorporate the company, drawing memorandum of association and articles of association (if any), preparing and lodging all necessary company forms at the Companies Registry on the incorporation of the company (but excluding any prospectus) and procuring certificate of incorporation, including all routine attendances and correspondence in connection therewith.

(a) *Private company without articles or with articles adopting Table "A" by reference without any modification*

| <i>Nominal Capital</i> | <i>Fee</i> |
|--------------------------------|--|
| (i) Not exceeding £5,000 | Sh.2,000 to Sh.5,000 according to time, complexity and responsibility. |
| (ii) Exceeding £5,000 | |
| On the first £5,000 | 3% |
| £5,001—£10,000 | 2½% |
| £10,001—£20,000 | ½% |
| £20,001—£100,000 | ¼% |
| £100,001 upwards | ⅛% |

(b) *Private company with articles adopting Table "A" by reference but with modification*

| <i>Nominal Capital</i> | <i>Fee</i> |
|------------------------|--|
| First £5,000 | Sh.5,000 to Sh.7,500. |
| £5,001—£10,000 | Sh.7,500 to Sh.9,000 |
| £10,001—£25,000 | Sh.9,000 to Sh.10,500. |
| £25,001—£100,000 | Sh.10,500 to Sh.14,250 according to time, complexity and responsibility. |
| £100,000 upwards | ⅓% on the balance over Sh.100,000. |

(c) *Private company with articles not adopting Table "A" by reference*

| <i>Nominal Capital</i> | <i>Fee</i> |
|--------------------------------|--|
| (i) Not exceeding £5,000 | Sh.5,000 to Sh.9,000 according to time, complexity and responsibility. |
| (ii) Exceeding £5,000 | |
| On the first £5,000 | 8% |
| £5,001—£10,000 | 4% |
| £10,001—£25,000 | ½% |
| £25,001—£75,000 | ¼% |
| £75,000 upwards | ¼% |

(d) *Public company with articles adopting Table "A" by reference without any modification*

| <i>Nominal Capital</i> | <i>Fee</i> |
|--------------------------------|--|
| (i) Not exceeding £5,000 | Sh.3,000 to Sh.6,000 according to time, complexity and responsibility. |
| (ii) Exceeding £5,000 | |
| On the first £5,000 | 4% |
| £5,000—£10,000 | 3% |
| £10,001—£20,000 | ¾% |
| £20,001—£100,000 | ½% |
| £100,000 upwards | ¼% |

(e) *Public company with articles adopting Table "A" by reference but with modification*

| <i>Nominal Capital</i> | <i>Fee</i> |
|-------------------------------------|--|
| First £5,000 | Sh.6,000 to Sh.8,500. |
| £5,001—£10,000 | Sh.8,500 to Sh.10,000. |
| £10,001—£25,000 | Sh.10,000 to Sh.11,500. |
| £25,001—£100,000 | Sh.11,500 to Sh.15,250 |
| £25,001—£100,000 | Sh.11,500 to Sh.15,250 according to time, complexity and responsibility. |
| £100,000 upwards | ½% on the balance over £100,000. |

(f) *Public company with articles not adopting Table "A" reference*

| <i>Nominal Capital</i> | <i>Fee</i> |
|----------------------------------|---|
| (i) Not exceeding £5,000 | Sh.8,500 to Sh.12,500 according to time, complexity and responsibility. |
| (ii) Exceeding £5,000 | |
| On the first £5,000 | 7% |
| £5,001—£10,000 | 5% |
| £10,001—£25,000 | 1% |
| £25,001—£250,000 | ½% |
| £250,001 upwards | ¼% |

2. *Formation and incorporation of companies without share capital*

- (a) Without articles of association or with articles adopting Table "A" without any modification Sh.2,500—Sh.5,000.
- (b) With full articles of association Sh.5,000—Sh.7,000.

In either case according to time, complexity and responsibility.

3. *Registration of Foreign Companies:*

Sh. 1,500 to cover taking instructions to register, preparing and lodging the necessary company forms at the Companies Registry and procuring certificate of registration, including all routine attendances and correspondence in connection therewith.

4. *Debentures*(1) *Single debentures:*

On each single debenture of any nature, whether secured or unsecured and whether or not creating or accompanied by the creation of security over immovable property, a fee (in addition to that prescribed in Schedule I to this Order in respect of the creating of any security over immovable property) calculated as follows:

Capital for which debenture issued

| <i>Capital for which debenture issued</i> | <i>Fee</i> |
|---|------------|
| £1,000 or less | Sh.500. |
| £1,001—£5,000 | 1% |
| £5,001—£20,000 | ½% |
| £20,001—£50,000 | ¼% |
| £50,001—£1,000,000 | 1/10% |
| £1,000,000 upwards | 1/20% |

(2) *Series of debentures:*

A fee on the total capital for which the series is issued as for a single debenture, with the addition of fees under Schedule V to this Order in respect of the preparation, completion and registration of all debentures after the first.

(3) *Debenture stock issued under a debenture trust deed:*

A fee on the total capital for which the trust deed is drawn as for a single debenture plus one-half thereof, with such additional amount as may be reasonable taking into account the time, complexity and responsibility involved in each case.

NOTES

- (1) (a) Where the grantee of a security and the company creating it are separately represented, the advocate for the company shall be entitled to charge one-half of the fees chargeable by the advocate for the grantee.
- (b) Where one advocate represents both the grantee of a security and the company creating it he shall be entitled to increase the prescribed fee by forty per cent.
- (2) Where a security is created by one document by more than one company in favour of the same grantee to secure the same amount, then the fee payable shall be the full prescribed fee in respect of the first company, one-half of such fee in respect of the second company and one-quarter of such fee in respect of each company thereafter; the total fees to be divided equally between the companies unless otherwise agreed by all the companies in writing.
- (3) Where a security is created by one document by a company in favour of more than one grantee, then the fee payable shall be the full prescribed fee in respect of the first grantee, one half of such fee in respect of the second grantee and one-quarter of such fee in respect of each grantee thereafter.
- (4) Unless otherwise agreed by the parties in writing the company or companies creating a security shall pay the fees of the advocate for the grantee as well as the fees of its or their own advocate.

5. *Other Company Work*

All work relating to company matters other than that for which fees are prescribed in this Schedule shall be charged under the appropriate Schedule.

SCHEDULE IV
TRADE MARKS AND PATENTS

A. Trade Marks

| | Sh. |
|---|----------|
| 1. APPLICATIONS | |
| (a) Instructions to register one trade mark in one class, drawing forms of application and authorization, and furnishing four copies of representation of mark ... | 450.00 |
| (b) Instructions to register second and further trade marks in the name of the same proprietor simultaneously per trade mark in one class ... | 270.00 |
| 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— | |
| (1) for the first or single registered trade mark ... | 500.00 |
| (2) for the second registered trade mark ... | 225.00 |
| (3) for the third registered trade mark ... | 150.00 |
| (4) for the fourth and each subsequent registered trade mark, applications being filed simultaneously ... | 60.00 |
| (b) Drawing statement of case, statutory declaration in support and application depending on the amount of work involved but not less than ... | 750.00 |
| (c) Drawing registered user agreement depending on the amount of work involved but not less than ... | 1,000.00 |
| (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 | |
| (1) for the first or single registered trade mark ... | 400.00 |
| (2) for the second registered trade mark ... | 270.00 |
| (3) for the third registered trade mark ... | 180.00 |
| (4) for the fourth and each subsequent trade mark, application being filed simultaneously ... | 90.00 |
| (e) Drawing application and statement of grounds depending on amount of work involved but not less than ... | 225.00 |
| (f) And for each subsequent registered trade mark the grounds for cancellation being the same ... | 75.00 |
| (g) Instructions to file an application for variation of terms of appointment of a registered user including drawing application ... | 500.00 |

| | <i>Sh.</i> |
|--|------------|
| 3. ASSIGNMENTS | |
| (a) Instructions to file an application to register a subsequent proprietor of one registered trade mark (or more than one registered trade mark standing in the same name under the same devolution of title and filed simultaneously) with or without goodwill | |
| (1) for the first registered trade mark | 300.00 |
| (2) for the second registered trade mark | 135.00 |
| (3) for each subsequent registered trade mark | 90.00 |
| (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 | |
| (1) for one registered trade mark assigned | 300.00 |
| (2) for every other registered trade mark assigned under the same devolution of title filed simultaneously | 135.00 |
| (c) Instructions to apply for extensions of time in which to apply for directions to advertise | 150.00 |
| 4. RENEWALS | |
| (a) Instructions to renew the registration of one trade mark in one class, including drawing the prescribed form and form of authorization | 330.00 |
| (b) Instructions to renew the registration of second and further trade marks in the name of the same proprietor simultaneously including drawing the prescribed form and form of authorization per mark in one class | 225.00 |
| (c) Instructions to renew the registration of one trade mark in one class under the provisions of Rule 68 of the Trade Mark Rules, including drawing the prescribed forms and forms of authorization | 400.00 |
| 5. CHANGE OF NAME | |
| (a) Instructions to register change of name of the registered proprietor in respect of one trade mark in one class including drawing the prescribed form and form of authorization | 180.00 |
| (b) Instructions to register change of name of the registered proprietor in respect of second and further trade marks simultaneously including drawing the prescribed form and form of authorization for each change of name per trade mark in one class | 120.00 |

00.000
8. CHANGE OF ADDRESS

- 00.251 (a) Instructions to register change of address of the registered proprietor in respect of one trade mark in one class including drawing the prescribed form and form of authorization 180.00
- 00.251 (b) Instructions to register change of address of the registered proprietor in respect of second and further trade marks simultaneously including the drawing of the prescribed form and forms of authorization, for each change of address per trade mark in one class 120.00

9. ALTERATIONS OR AMENDMENTS

- 00.000 (a) Instructions to amend or alter one registered trade mark in one class including the drawing of the prescribed form and form of authorization 300.00
- 00.000 (b) Instructions to amend or alter second and further registered trade marks simultaneously in one class including the drawing of the prescribed form and form of authorization for amendment or alteration per trade mark per class 120.00

10. SEARCHES

- 00.000 (a) Instructions to search the register 150.00
- 00.000 (b) Instructions to advise on the registrability of a proposed trade mark in one class including all correspondence 350.00
- 00.000 (c) Instructions to obtain Registrar's preliminary advice on Form TM. 27 or TM. 28 including drawing the prescribed form and all correspondence in connection therewith 150.00
- 00.000 (d) Instructions to search a trade mark file or particulars thereof per trade mark in one class 100.00

11. OPPOSITIONS AND RECTIFICATION PROCEEDINGS

- 00.000 (a) Instructions 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 in the exercise of his discretion and 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 preparation thereof, the conduct of the proceedings and all other relevant circumstances shall decide, but not less than 1,500.00
- (b) Attendance before the Registrar conducting opposition or rectification proceedings every whole day 2,000.00

| | |
|--|-----------------|
| (c) Every half-day or part thereof | 1,000.00 |
| (d) On interlocutory matters, taking judgement, etc., for every 15 minutes or part thereof | 125.00 |
| 10. MISCELLANEOUS MATTERS | <i>Sh. cts.</i> |
| (a) Attendance on the Registrar, for every 15 minutes or part thereof | 125.00 |
| (b) Correspondence, letters re-infringement, opposition, etc. but not concerned with applications, renewals, etc., per letter | 30.00 |
| or per folio | 12.00 |
| (c) Receiving and perusing letters: per letter | 5.00 |
| or per folio | 2.00 |
| (d) Drawing all other necessary documents (notices of opposition, statutory declarations, counter statements, etc. per folio | 30.00 |
| file copies: per folio | 3.00 |
| e/ (e) Perusing documents, pleadings, statutory declarations, etc., to be charged for perusals at Item (7) (d) of Schedule VI | |

B. Patents

| | |
|--|-----------------|
| 1. REGISTRATIONS | <i>Sh. cts.</i> |
| Instructions to register a patent including form of authorisation and stamping it, drawing and lodging application | 400.00 |
| 2. ASSIGNMENTS | |
| Instruction to register an assignment of a patent including drawing form of authorisation and stamping it and assignment, drawing and lodging application | 300.00 |
| 3. EXTENSIONS | |
| Instructions to register an extension of a patent including drawing term of authorisation and stamping it and making application for extension | 300.00 |
| 4. SEARCHES | |
| Attending at the Registry of Patents searching for every 15 minutes | 125.00 |

Made this 22nd day of December, 1978.

JAMES WICKS,
Chief Justice.