

LEGAL NOTICE NO. 8

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, hereby makes the following Order:—

THE REMUNERATION OF ADVOCATES (AMENDMENT)
ORDER, 1964

1. This Order may be cited as the Remuneration of Advocates (Amendment) Order, 1964, and shall come into operation on the 1st January 1965.

2. The several provisions of the Remuneration of Advocates Order specified in the first column of the Schedule to this Order are amended in the manner respectively specified in the second column of the Schedule.

Cap.16
(Sub. Leg.).

SCHEDULE

Substitute for the words "seven days" the words "fourteen days".

paragraph
11 (1)

Insert a new subparagraph after subparagraph (2)—

paragraph 11

"(3) The Supreme Court shall have power in its discretion by order to enlarge the time fixed by subparagraph (1) of this paragraph for the taking of any step. Application for such an order may be made by Chamber Summons upon giving to every other interested party not less than three clear days notice in writing or as the Court may direct and may be so made notwithstanding that the time sought to be enlarged may have already expired."

Delete subparagraph (b).

paragraph 18

Delete subparagraph (f), and substitute—

"(f) in respect of any business referred to in subparagraphs (a) and (c) of this paragraph which is not completed, and in respect of other deeds or documents, including settlements, deeds of gift inter vivos, assents, and instruments vesting property in new trustees, and all other business of a non-contentious nature, the remuneration for which is not herein before provided, the remuneration is to be that prescribed in Schedule V to this Order."

Delete and substitute—

paragraph 45

"Charges where advocate is concerned for both lessor and lessee."

"45. Where an advocate is concerned for both lessor and lessee, he shall be entitled to charge the lessor's advocate's charges and one-half of those of the lessee's advocate."

SCHEDULE—(Contd.)

- paragraph 57 Substitute for the figure "10", the figure "11".
- Schedule I
Second
Scale Insert after the words "Coast Registry" the words "or registered under the Registered Land Act".
- Schedule III
paragraph
(1) (b) (ii) Delete and substitute—
(ii) exceeds £7,000: three per cent on the first £7,000, one-half per cent from £7,000 up to £15,000, one-quarter per cent from £15,000 up to £500,000, and thereafter one-eighth per cent."
- Schedule III
paragraph
(4) (a) (ii) Delete and substitute—
" (ii) Where security is given by way of a mortgage debenture or other form of charge of immovable property in addition to a floating charge—

The fee prescribed for a mortgage's or chargee's advocate by the First Scale in Schedule I to this Order (limited, however, where the property charged comprises both land registered under either the Crown Lands Act or the Land Titles Act and land registered under either the Registration of Titles Act or the Registered Land Act to the fee prescribed by the First Scale in the said Schedule) and in addition the scale fee."
- Schedule III
paragraph
4 (a) Insert a new subparagraph after subparagraph (ii)—
" (iii) In any case not provided for above the fee shall be determined under Schedule V to this Order."
- Schedule VI
paragraph
(1) (a) Delete "(a) To sue or defend in a suit on a bill of exchange, promissory note or cheque, or for goods sold and delivered, or for work done and materials supplied" and substitute—
" (a) To use or defend in a suit on a bill of exchange, promissory note or cheque, or for goods sold and delivered, or for work done and materials supplied, or for the recovery of money lent or advanced with or without security, or for recovery of money on an account stated, or for recovery of rent of premises without possession, or for salary due, or for fees for professional services rendered, or to defend proceedings against a second or subsequent mortgagee where the defendant substantially adopts the defence of the first defendant."
- Schedule VI
paragraph
(1) (c) Delete "Sh. 800" and substitute "Sh. 1,200".
- Schedule VI
paragraph
(1) (j) Delete "Sh. 500" and substitute "Sh. 300".

SCHEDULE—(Contd.)

Delete and substitute—		Schedule VI paragraph (12) (b)
“(b) Instructions to apply for grant of probate of letters of administration with or without will annexed or for re-sealing a grant, the proceedings not being contested—		
	<i>Sh. cts.</i>	
(i) where the gross capital value of the property comprised in such grant or letters does not exceed Sh. 3,000	250 00	
(ii) where such value exceeds Sh. 3,000 but does not exceed Sh. 5,000	300 00	
(iii) where such value exceeds Sh. 5,000 but does not exceed Sh. 10,000	400 00	
(iv) where such value exceeds Sh. 10,000 but does not exceed Sh. 50,000	500 00	
(v) where such value exceeds Sh. 50,000 but does not exceed Sh. 200,000	750 00	
(vi) where such value exceeds Sh. 200,000 but does not exceed Sh. 500,000	1,000 00	
(vii) where such value exceeds Sh. 500,000 but does not exceed Sh. 1,000,000—		
one-quarter per cent of such value		
(viii) where such value exceeds Sh. 1,000,000—		
one-quarter per cent of such value on the first Sh. 1,000,000 thereof and thereafter one-eighth per cent thereof.”		
Delete and substitute—		Schedule VI paragraph 13 (e)
“(e) Debtor’s advocate’s costs—		
	<i>Sh. cts.</i>	
Where the Court allows costs to the debtor on setting aside bankruptcy notice or dismissal of petition in insolvency: instructions to apply to have notice set aside or to oppose petition: not less than	150 00”	
Insert immediately after the words “one-third” the words “and the other charges shall be as set out in Schedule V so far as the same can be applied <i>mutatis mutandis</i> ”.		Schedule VII B— Advocate and Client Costs
Made this 29th day of December 1964.		

A. J. AINLEY,
Chief Justice.