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27th January, 2025

SUPREME COURT (PROVOST MARSHAL FEES) RULES, 2025

Arrangement of Rules

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COURT SERVICES COUNCIL

S.I. No. 7 of 2025

SUPREME COURT ACT (CHAPTER 53)

SUPREME COURT (PROVOST MARSHAL FEES) RULES, 2025

The Rules Committee, in exercise of the powers conferred by section 76 of the Supreme Court Act (*Ch. 53*) makes the following rules —

1. Citation and commencement.

- (1) These Rules may be cited as the Supreme Court (Provost Marshal Fees) Rules, 2024.
- (2) These Rules shall come into force on the 3rd March, 2025.

2. Interpretation.

- (1) Words and expressions used in these Rules which are also used in the Supreme Court Civil Procedure Rules, 2022 shall have the same meaning as in the Supreme Court Civil Procedure Rules, 2022.
- (2) These Rules shall not be construed as affecting any entitlement of the Provost Marshal to their costs and expenses.

3. Application.

These Rules shall be applicable to all civil proceedings begun after commencement of these Rules.

4. Fees.

- (1) Subject to paragraphs (4), (5) and Rule 48.3 of the Supreme Court Civil Procedure Rules, 2022, the fees prescribed in the *Schedule* may be charged by the Provost Marshal for execution of a writ of execution.
- (2) Where the execution of a writ of *feri facias* is completed by sale, the fees charged by the Provost Marshal may be deducted from the proceeds of sale.
- (3) Where a writ of execution is withdrawn or satisfied or its execution is stopped, the fees prescribed in the *Schedule* shall be paid by the person —

- (a) upon whose application the writ was issued; or
 - (b) at whose instance the execution is stopped.
- (4) The Provost Marshal or the party liable to pay the fees of the Provost Marshal may apply to the Court for an order fixing his fees at any time before —
- (a) a writ of execution is withdrawn or satisfied;
 - (b) execution of the writ of execution is stopped; or
 - (c) the Provost Marshal has completed the execution of the writ of execution.
- (5) The Court may on an application made under paragraph (4) fix the Provost Marshal's fees at a figure higher or lower than that prescribed by the *Schedule* having regard to the circumstances of the case.

5. Review of Fees.

Where the fees of the Provost Marshal have not been fixed by the Court, and there is a dispute as to the amount of fees payable to the Provost Marshal, the Provost Marshal or the party liable to pay his fees apply to the Court at any time for an assessment of fees properly payable to the Provost Marshal.

Made this 27th day of January, 2025.

Signed
SIR IAN WINDER
Chairman
RULES COMMITTEE

SCHEDULE

FEES CHARGEABLE BY THE PROVOST MARSHAL

The fees chargeable by the Provost Marshal to execute writs of execution are as follows —

A. Fees chargeable on execution of a writ of fieri facias

For executing a writ of *feri facias*, a basic fee of \$125.00 and commission at the rate of 2.5% of the net annual value of the property seized.

B. Fees chargeable on execution of a writ of possession

- (i) For executing a writ of possession of residential property, a basic fee of \$125.00 and a commission at the rate of 1% of the net annual value of the property seized.
- (ii) For executing a writ of possession of commercial property, a basic fee of \$125.00 and a commission at the rate of 2% of the net annual value of the property seized.

For the purposes of paragraph (A) and (B), the “net annual value” means in relation to —

- (a) unimproved property, the average amount over a period that the Chief Valuation Officer is of the view allows for a fair determination of the value of the property, which the fee simple of the property, if sold in the open market by a willing seller in its then condition free from encumbrances or any other burden, charge or restriction, might be expected to realise from a buyer who is reasonably well informed;
- (b) improvements, the replacement cost of the improvements at the time of assessment by the Chief Valuation Officer;
- (c) in relation to improved property, the combined value of the unimproved value and the replacement cost of the improvements at the time of assessment by the Chief Valuation Officer.

C. Fees chargeable on execution of a writ of delivery.

For executing a writ of delivery, a basic fee of \$125.00 and a commission at the rate of 2.5% of the value of the goods as stated in the claim form or judgment.

D. Fees chargeable where a writ of execution is withdrawn or satisfied or its execution is stopped.

Where a writ of execution is withdrawn or satisfied or its execution is stopped, a basic fee of \$125.00 and remuneration on a time-spent basis for work done at a rate of \$50.00 per hour.

E. Miscellaneous.

For any matter not otherwise provided for, a sum as the Court may order upon application.