

## **Unvalidated References:**

*Lawyers Act 1986*

*Land Registration Act 1981*

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel  
Dated 25 November 2006

## **INDEPENDENT STATE OF PAPUA NEW GUINEA.**

### Chapter 91.

#### ***Lawyers' Conveyancing Costs Rules***



## ARRANGEMENT OF SECTIONS.

1. Interpretation.
  - “agreement”
  - “bill of sale”
  - “copy”
  - “folio”
  - “item remuneration”
  - “lease”
  - “purchaser”
  - “transfer”
  - “vendor”
2. Consideration for the purposes of these Rules.
3. Scale remuneration.
4. Item remuneration.
5. Additional remuneration in urgent cases.
6. Security for costs.

### **SCHEDULE 1 – SCALE REMUNERATION.**

### **SCHEDULE 2 – Amendment of Conveyancing Costs Rules..**

#### ***Lawyers' Conveyancing Costs Rules***

MADE under the *Lawyers Act 1986*.

Dated                    200 .

## **1. INTERPRETATION.**

(1) In these Rules, unless the contrary intention appears–

“**agreement**” means a written agreement, and includes a contract;

“**bill of sale**” includes a hire-purchase agreement, crop lien and stock mortgage;

“**copy**” includes a manuscript copy, a copy by a carbon impression machine made engrossment and any other facsimile;

“**folio**” means 100 words or figures or words and figures, and includes a part of a folio;

“**item remuneration**” means remuneration prescribed by Schedule 2;

“**lease**” includes any document by which land is demised for a term or for a periodic tenancy, but does not include a mortgage;

“**purchaser**” includes a transferee;

“**transfer**” includes assign, assure, convey grant and exchange;

“**vendor**” includes a transferor.

(2) For the purposes of these Rules—

- (a) a transaction shall be deemed to have been completed or substantially completed notwithstanding that, at the request or with the concurrence of the client the lawyer has not performed some of the work or services usual or necessary to complete the transaction; and
- (b) —a fractional part of K200.00. of consideration or rent shall be accounted as K200.00.

## 2. **CONSIDERATION FOR THE PURPOSES OF THESE RULES.**

(1) Unless the contrary intention appears, in determining in accordance with these Rules the remuneration of a lawyer—

- (a) when in a particular transaction the consideration is not wholly monetary, the consideration shall be deemed to include the value of any property transferred or given, or agreed to be transferred or given, under the transaction; and
- (b) when the transaction is in respect of property or of land under the *Land Registration Act 1981*, and other land, the consideration shall be apportioned according to the respective values of the property and remuneration may be charged in respect of each transfer or other assurance necessarily prepared; and
- (c) where—
  - (i) the consideration for a transaction is marriage or any other consideration that is not monetary; or
  - (ii) there is no consideration for a transaction,

the consideration shall be deemed to be the value of the subject property; and

- (d) subject to Subsection (2), the consideration for a mortgage or bill of sale shall be deemed to be the sum secured by the document plus any further specified or ascertainable sum agreed to be advanced and secured by the document, but without regard to the amount of any possible but unspecified further advance not ascertainable by the terms of the document; and
- (e) on the sale of an equity of redemption, the amount of the principal sum and the interest due under the mortgage shall be deemed to form part of the consideration except when the mortgagee is the purchaser and employs the lawyer who prepared the mortgage, in which case the consideration shall be deemed to be the sale price of the equity.

(2) In a case referred to in Subsection (1)(d), where the document concerned does not secure a specified ascertainable sum item remuneration applies.

**3. SCALE REMUNERATION.**

(1) Subject to Subsection (3), the remuneration of a lawyer, in respect of any conveyancing business (including the formation and registration of companies) shall be—

- (a) when the transaction has been completed or substantially completed, according to the scale of costs in Schedule 1 so far as applicable; and
- (b) for all other business, according to the scale of costs in Schedule 2.

(2) The charges in Schedule 1 include all matters specified in Schedule 2 and attention to all matters usual and necessary to complete the transaction on behalf of the client, but not the obtaining of the consent of the Head of State or of the Minister where necessary.

(3) The remuneration prescribed by Subsection (1) does not include disbursements for—

- (a) fees or other charges payable at public offices or to public authorities, or to surveyors, valuers, auctioneers or counsel; or
- (b) duty stamps, travelling or hotel expenses, postage other than ordinary postage; or
- (c) other out-of-pocket expenses reasonably and properly incurred and paid; or
- (d) payments necessarily made to another lawyer employed as agent; or
- (e) remuneration for any extra work occasioned by material changes occurring in the course of any business by reason of death, insolvency or otherwise,

which may be charged in addition to the remuneration prescribed by Subsection (1).

**4. ITEM REMUNERATION.**

(1) Subject to Subsection (3), in all cases to which the remuneration prescribed by Schedule 1 applies, a lawyer may, within seven days from the time of undertaking any conveyancing business, elect, by written notice to his client, to charge item remuneration.

(2) On receipt of a notice under Subsection (1), the client may terminate the retainer, and item remuneration applies in respect of services previously rendered by the lawyer.

(3) Notwithstanding Subsection (1) where the consideration does not exceed K2,000.00, an election shall not be made under that subsection except where because of some difficulty or complexity in the transaction the charges prescribed by Schedule 1 would be inadequate.

**5. ADDITIONAL REMUNERATION IN URGENT CASES.**

In respect of any business that is required to be, and is, by special exertion, carried through in an exceptionally short space of time, a lawyer may be allowed a proper additional remuneration, in the discretion of the taxing officer, for the special exertion according to the circumstances.

**6. SECURITY FOR COSTS.**

A lawyer may accept from his client, and a client may give to his lawyer, security for the amount to become due to the lawyer for business to be transacted by him for the client.

**SCHEDULE 1 – SCALE REMUNERATION.**

*Note* No. 34 of 1978 amended the Conveyancing Costs Rules for all conveyancing business undertaken on or after 18 January 1979:–

“The Conveyancing Costs Rules are amended by increasing the cost of each item of fees and costs allowed for in those Rules by 20%.”

*The 20% allowed by No. 34 of 1978 has not been added to the following tables.*

**Sch. 1.1. Memoranda of Transfer..**

Consideration.	Lawyer for vendor.	Lawyer for purchaser.
K	K	K
Not exceeding 400	8.40	12.24
401-600	10.08	16.80
601-800	13.44	21.84
801-1,000	13.44	23.52
1,001-1,200	15.12	25.20
1,201-1,400	15.12	28.56
1,401-1,600	16.80	31.92
1,601-1,800	16.80	33.60
1,801-2,000	21.84	35.28
2,001-2,400	21.84	40.32
2,401-2,800	23.52	42.00
2,801-3,200	23.52	45.36
3,201-3,600	25.20	50.40
3,601-4,000	28.56	57.12
4,001-4,400	31.92	58.80
4,401-4,800	31.92	63.84
4,801-5,200	33.60	63.84
5,201-5,600	33.60	70.56
5,601-6,000	35.28	75.60
6,001-7,000	40.32	80.64
7,001-8,000	42.00	90.72



8,001-9,000	45.36	92.40
9,001-10,000	48.72	100.80
10,001-12,000	50.40	107.52
12,001-14,000	52.08	112.56
14,001-16,000	57.12	117.60
16,001-18,000	58.80	124.32
18,001-20,000	63.84	129.36
20,001-22,000	67.20	132.72
22,001-24,000	67.20	132.72
24,001-26,000	70.56	137.76
26,001-28,000	70.56	141.12
28,001-30,000	72.24	141.12
30,001-32,000	72.24	146.16
32,001-34,000	72.24	149.52
34,001-36,000	72.24	151.20
36,001-38,000	78.96	156.24
38,001-40,000	78.96	158.00
40,001-42,000	80.64	159.85
42,001-44,000	80.64	161.74
44,001-46,000	84.00	162.36
46,001-48,000	84.00	163.00
48,001-50,000	90.72	164.89
50,001 and upwards	Add K5.60 for everyK4,000 or part of K4,000	Add K5.60 for everyK2,000 or part of K2,000

**Sch. 1.2.Memoranda of Transfer.**

(Same lawyer acting for both Vendor and Purchaser.)

Consideration.	Vendor.	Purchaser.
K	K	K
Not exceeding K400	6.72	13.44
401-600	8.40	15.12
601-800	8.40	16.80
801-1,000	10.08	21.84

**Sch. 1***Lawyers' Conveyancing Costs 9999*

1,001-1,200	13.44	23.52
1,201-1,400	13.44	25.20
1,401-1,600	15.12	25.20
1,601-1,800	15.12	28.56
1,801-2,000	16.80	31.92
2,001-2,400	16.80	33.60
2,401-2,800	16.80	35.28
2,801-3,200	16.80	40.32
3,201-3,600	23.52	42.00
3,601-4,000	25.20	45.36
4,001-4,400	25.20	50.40
4,401-4,800	28.56	50.40
4,801-5,200	28.56	52.08
5,201-5,600	28.56	53.92
5,601-6,000	31.92	58.80
6,001-7,000	31.92	65.52
7,001-8,000	35.28	70.56
8,001-9,000	35.28	73.92
9,001-10,000	40.32	75.60
10,001-12,000	42.00	80.64
12,001-14,000	45.36	90.72
14,001-16,000	45.36	92.40
16,001-18,000	48.72	99.12
18,001-20,000	50.40	100.80
20,001-23,000	52.08	107.52
23,001-26,000	52.08	112.56
26,001-29,000	57.12	117.60
29,001-32,000	57.70	124.32
32,001-35,000	58.80	126.00
35,001-38,000	58.80	129.36
38,001-41,000	63.84	132.72
41,001-44,000	63.84	132.72
44,001-47,000	63.84	137.76

47,001-50,000	63.84	141.12
50,001 and upwards	Add K2.75 for everyK2,000 or part of K2,000	Add K4.19 for everyK2,000 or part of K2,000

**Sch. 1.3.Bills or Memoranda of Mortgage.**

(Other than over Hotel Properties.)

Consideration.	Lawyer for mortgagor.	Lawyer for mortgagee.	Same lawyer for mortgagor and mortgagee.
K	K	K	K
Not exceeding K400	9.71	19.42	27.19
401-600	15.54	27.19	33.02
601-800	17.48	29.13	36.90
801-1,000	17.48	33.02	38.85
1,001-1,200	19.42	36.90	40.79
1,201-1,400	19.42	38.85	46.62
1,401-1,600	25.25	40.79	48.56
1,601-1,800	25.25	46.62	52.44
1,801-2,000	27.19	48.56	56.33
2,001-2,400	27.19	56.33	60.21
2,401-2,800	29.13	58.27	66.04
2,801-3,200	29.13	66.04	67.98
3,201-3,600	33.02	66.04	73.81
3,601-4,000	36.90	73.81	81.58
4,001-4,400	38.85	73.81	87.41
4,401-4,800	38.85	77.70	91.29
4,801-5,200	40.79	81.58	93.24
5,201-5,600	40.79	83.52	97.12
5,601-6,000	46.62	87.41	104.89
6,001-7,000	48.56	97.12	110.72
7,001-8,000	52.44	104.89	116.55
8,001-9,000	56.33	110.72	124.32

**Sch. 1**

*Lawyers' Conveyancing Costs 9999*

9,001-10,000	58.27	116.55	130.14
10,001-12,000	66.04	126.26	143.74
12,001-14,000	73.81	135.97	153.45
14,001-16,000	73.81	143.74	159.28
16,001-18,000	73.81	149.57	168.99
18,001-20,000	77.70	159.28	174.82
20,001-22,000	81.58	168.99	182.59
22,001-24,000	83.52	174.82	190.36
24,001-26,000	87.41	182.59	194.25
26,001-28,000	91.29	190.36	200.07
28,001-30,000	93.25	194.25	209.79
30,001-32,000	97.12	200.07	213.67
32,001-34,000	104.89	209.79	221.44
34,001-36,000	104.89	213.67	229.21
36,001-38,000	106.83	221.44	233.10
38,001-40,000	110.72	229.21	236.98
40,001-42,000	114.60	233.10	244.75
42,001-44,000	116.55	236.98	252.52
44,001-46,000	120.43	244.75	260.29
46,001-48,000	124.32	252.52	268.06
48,001-50,000	126.26	260.29	271.95
50,001 and upwards	Add K6.47 forevery K2,000 orpart of K2,000	Add K6.47 forevery K2,000 orpart of K2,000	Add K4.84 forevery K2,000 orpart of K 2,000

**Sch. 1.4. Company Mortgages--(Where there is no Mortgage Debenture.).**

The same as bills of mortgage and memoranda of mortgage together with a further sum of--

K4.20 where the mortgage does not exceed	K2,000
K8.40 where the mortgage does not exceed	K4,000
K18.50 where the mortgage exceeds	K6,000

**Sch. 1.5. Leases or Agreements for Leases—(Other than Hotel Leases).**

All costs payable by Lessee.

Annual rental.	Lawyer for lessor.	Lawyer for lessee.	Same lawyer acting for lessor and lessee.
K	K	K	K
Not exceeding K200	14.70	11.76	19.11
201-400	22.05	14.70	24.99
401-600	29.40	20.58	30.87
601-800	36.75	24.99	39.69
801-1,000	44.10	31.00	45.58
1,001-1,200	51.45	35.28	55.86
1,201-1,400	58.80	39.69	58.80
1,401-1,600	66.15	44.10	69.09
1,601-1,800	73.50	49.98	79.38
1,801-2,000	80.85	55.86	83.93
2,001-2,200	86.73	57.33	88.20
2,201-2,400	91.14	61.74	94.08
2,401-2,600	95.55	64.68	98.49
2,601-2,800	101.43	66.15	100.90
2,801-3,000	107.31	72.03	102.78
3,001-3,200	108.78	73.50	113.19
3,201-3,400	116.13	79.38	116.13
3,401-3,600	120.54	80.85	123.48
3,601-3,800	123.48	83.79	127.89
3,801-4,000	130.83	86.73	132.30
4,001 and upwards	Add K2.45 for every K200 or part of K200	Add K4.90 for every K600 or part of K600	Add K2.45 for every K400 or part of K400

Special covenants to be charged for extra.

Where the rent is progressive the charges shall be allowed at the highest rental.

Where a premium is paid, whether for the lease or for goodwill of business carried on in premises, the same shall be treated as rental and averaged over the whole term of the lease.

**Sch. 1.6. Bills of Sale.**

(Other than Hotel Bills of Sale.)

Consideration.	Lawyer for creditor.
K	K
Not exceeding K200	8.40
201-400	10.50
401-600	13.65
601-800	14.70
801-1,000	15.75
1,001-1,200	17.85
1,201-1,400	19.95
1,401-1,600	21.00
1,601-1,800	22.05
1,801-2,000	25.20
2,001-2,200	26.25
2,201-2,400	28.35
2,401-2,600	30.45
2,601-2,800	31.50
2,801-3,000	32.55
3,001-3,200	35.70
3,201-3,400	36.75
3,401-3,600	39.90
3,601-3,800	40.95
3,801-4,000	42.00
4,001-4,200	44.10
4,201-4,400	46.20
4,401-4,600	47.25
4,601-4,800	49.35
4,801-5,000	51.45
5,001-5,200	52.50

5,201-5,400	56.70
5,401-5,600	56.70
5,601-5,800	57.75
5,801-6,000	59.85
6,001-6,600	61.95
6,601-7,200	63.00
7,201-7,800	65.10
7,801-8,400	67.20
8,401-9,000	68.25
9,001-9,600	70.35
9,601-10,000	72.45
10,001-11,000	73.50
11,001-12,000	76.65
12,001-13,000	77.70
13,001-14,000	77.70
14,001-15,000	80.85
15,001-16,000	82.95
16,001-17,000	82.95
17,001-18,000	86.10
18,001-19,000	86.10
19,001-20,000	88.20
20,001 and upwards	Add K3.50 for every K2,000 or part of K2,000

Lawyer for debtor-One half of the above charges.

**Sch. 1.7. Contracts of Sale of Freehold or Leasehold Land.**

Contract to be prepared by Vendor. Each party pays his own costs in absence of special agreement.

Consideration.	Lawyer for vendor.	Lawyer for purchaser.
K	K	K
Not exceeding K400	13.44	8.40
401-1,000	21.84	15.12
1,001-2,000	28.56	16.80

**Sch. 1***Lawyers' Conveyancing Costs 9999*

2,001-3,000	33.60	23.52
3,001-4,000	40.32	25.20
4,001-5,000	45.36	28.56
5,001-7,000	50.40	31.92
7,001-9,000	57.12	33.60
9,001-11,000	63.84	35.28
11,001-13,000	67.20	40.32
13,001-15,000	72.24	42.00
15,001-17,000	78.96	45.36
17,001-19,000	84.00	48.72
19,001-21,000	90.72	50.40
21,001-23,000	95.76	52.08
23,001-25,000	100.80	57.12
25,001-27,000	107.52	58.80
27,001-29,000	112.56	63.84
29,001-31,000	117.60	65.52
31,001-33,000	124.32	67.20
33,001-35,000	129.36	70.56
35,001-37,000	132.72	73.92
37,001-39,000	137.76	75.60
39,001-41,000	146.16	78.96
41,001-43,000	151.20	80.64
43,001-45,000	157.92	84.00
45,001-47,000	164.64	90.72
47,001-49,000	168.00	90.72
49,001-51,000	173.04	92.40
51,001-53,000	181.44	95.76
53,001-55,000	184.80	99.12
55,001-57,000	191.52	99.20
57,001-59,000	198.24	104.16
59,001-61,000	201.60	107.52
61,001-63,000	204.96	109.20
63,001-65,000	213.36	112.56



65,001-67,000	218.40	115.92
67,001-69,000	225.12	117.60
69,001-71,000	231.84	122.64
71,001 and upwards	Add K5.60 per K2,000 or part of K2,000	Add K2.80 per K2,000 or part of K2,000

**Sch. 1.8. Contracts of Sale of Freehold or Leasehold Land.**

(Lawyer acting for both Vendor and Purchaser.)

Consideration.	Vendor.	Purchaser.
K	K	K
Not exceeding K400	13.44	6.72
401-1,000	16.80	13.44
1,001-2,000	23.52	13.44
2,001-3,000	28.48	16.80
3,001-4,000	33.60	21.76
4,001-5,000	40.32	23.52
5,001-7,000	43.68	25.20
7,001-9,000	48.72	26.88
9,001-11,000	50.40	28.48
11,001-13,000	52.08	31.92
13,001-15,000	58.80	33.60
15,001-17,000	63.84	33.60
17,001-19,000	67.20	35.28
19,001-21,000	70.56	35.28
21,001-23,000	72.24	40.32
*Note		
25,001-27,000	82.32	43.68
27,001-29,000	84.00	45.36
29,001-31,000	90.72	48.72
31,001-33,000	92.40	50.40
33,001-35,000	95.76	50.40
35,001-37,000	100.80	52.08
37,001-39,000	102.48	52.08

**Sch. 1**

*Lawyers' Conveyancing Costs 9999*

39,001-41,000	107.52	57.12
41,001-43,000	110.88	58.80
43,001-45,000	115.92	60.48
45,001-47,000	116.00	63.84
47,001-49,000	122.64	65.52
49,001-51,000	124.32	67.20
51,001-53,000	129.36	67.20
53,001-55,000	132.72	68.88
55,001-57,000	136.08	70.56
57,001-59,000	137.76	73.92
59,001-61,000	144.48	75.60
61,001-63,000	149.52	77.28
63,001-65,000	151.20	78.96
65,001-67,000	156.24	80.64
67,001-69,000	159.60	84.00
69,001-71,000	164.64	84.00
71,001 and upwards	Add K5 60 per K2,000or part of K2,000	Add K2.80 per K2,000or part of K2,000

**Sch. 1.9.Deeds of Extension, Release of Mortgages, Renewal of Registration or Release of Bills of Sale, Stock Mortgages and Liens on Crops.**

Consideration	Lawyer for mortgagor.	Lawyer for mortgagee.	Same lawyer acting for mortgagor and mortgagee.
K	K	K	K
Not exceeding K400	12.60	6.30	18.90
401-1,000	14.15	7.85	21.27
1,001-2,000	15.75	12.60	23.55
2,001-10,000	22.05	12.60	33.05
10,001-20,000	28.35	14.15	42.50
20,001-40,000	31.50	15.75	47.25

40,001 and upwards	37.80	20.45	56.70
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**Sch. 1.10. Records of Marriage.**

		K	
One deed and less than three		12.60	
Three deeds and less than six		15.75	
Six deeds and over			An additional charge in accordance with the work involved.

**Sch. 1.11. Records of Death.**

		K	
One deed and less than three		14.15	
Three deeds and less than six		15.75	
Six deeds and over			An additional charge in accordance with the work involved.

**Sch. 1.12. Production of Titles.**

		K
For production of title deeds at the office of a lawyer, the Public Curator or the Titles Office		6.30
For each additional title deed after the fourth		1.50

**Sch. 1.13. Transfer of Brands.**

		K
First transfer		9.45
Each succeeding transfer		6.30

**Sch. 1.14. Mortgages of Life Policies: Assignments by Way of Mortgage.**

Where mortgage of life policy constitutes the principal security, the scale shall be the same as the mortgagor's costs in connection with a bill of mortgage. Where mortgage of life policy constitutes the collateral security—see Collateral Securities (Item 17).

**Sch. 1.15. Assignment of Leases.**

The charges to be the same as provided for lawyer's costs in the case of a memorandum of transfer.

**Sch. 1.16. Sub-Mortgages of Transfers of Mortgages.**

General Itemized Scale.

**Sch. 1.17. Collateral Securities.**

For the principal security full scale costs shall be charged. For collateral securities—

- (a) for the first collateral security, 50% of the original security with a minimum charge of K9.45
- (b) for the second and all further collateral securities, 20% of the principal security with a minimum of K9.45.

Copying contemporaneous documents for inclusion in securities—scale charge for engrossing.

**SCHEDULE 2 – AMENDMENT OF CONVEYANCING COSTS RULES..**

*Note* No. 34 of 1978 amended the Conveyancing Costs Rules for all conveyancing business undertaken on or after 18 January 1979:–

“The Conveyancing Costs Rules are amended by increasing the cost of each item of fees and costs allowed for in those Rules by 20%.”

*The 20% allowed by No. 34 of 1978 has not been added to the following items.*

**ITEM REMUNERATION.**1 *Instructions.*

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For deeds, wills and other documents not otherwise specified in this Schedule-Such fee as, having regard to the skill, responsibility care and labour required, the number and length of the papers to be perused, the quantity and complexity of the facts to be considered, and other circumstances the case, is fair and reasonable.

For declarations-K2.25 or such allowance as is fair and reasonable.

2 *Drawing.*

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Deeds, wills and documents of like importance, per folio	0.85
Abstract of title, per sheet of 6 folios	75
Requisitions on title	75
Or not to exceed	90
Answers to requisitions	75
Or not to exceed	90
Where a document is printed, per folio or printed matter	0.26
Other documents, per folio	0.62

3 *Engrossing and Copies.*

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	K
Engrossing, per folio	0.26
Fair copies, per folio	0.26
Fair copies, if attested, per folio	0.25

Carbon copies, per folio	0.10
Third or additional copy	0.07
Fair copy abstract of title, per sheet of 6 folios	66
Where a document is printed, per folio of printed matter	0.07
4 <i>Perusals, Productions and Examining.</i>	
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Perusing deeds, wills, abstracts of title and documents of like importance, per folio	0.42
Perusing other documents, per folio	0.21
Examining abstract with deeds, etc.	75
Or per hour	00
Producing deeds for that purpose	15
Or per hour	00
Examining engrossment with drafts, per folio	0.21
5 <i>Attendances.</i>	
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To stamp or register any instrument for each necessary attendance at the Stamp Office or Registry	15
To deliver documents to another lawyer or to counsel (after brief or case delivered)	0.90
On counsel to deliver case or brief	70
On counsel in conference	75
Or per hour	00
Searching	75
Or per hour	00
On completion of matter	70
Or per hour	00
Any other ordinary attendance	75
Or per hour	00
On telephone	50
6 <i>Letters.</i>	
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For any letter making an appointment or asking a person to call, or forwarding a document without comment, or to the like effect	20
For circular letters after the first	0.55

Other ordinary letter 50

Or according to circumstances-Such fee as, having regard to the skill, responsibility care and labour required, the number and length of any papers to be perused, the quantity and complexity of the facts to be considered and the other circumstances of the case, is fair and reasonable.

7 *Miscellaneous.*

Where any services are necessarily and properly performed for which no specific allowance is provided in this Schedule, such an allowance may be made as is for the time being allowed under the Schedule to the Costs Rules of the National Court in respect of a similar service, or if no similar service is mentioned in those Rules, then such allowance may be made as is just and reasonable.

*Lawyers' Conveyancing Costs Rules*