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ON

COURT'S FEES

CHAPTER ONE

GENERAL PROVISION

ARTICLE 1 : The Court's fees, shall be established in the court processes for the interest of the State's Budget.

ARTICLE 2 : This court's fee shall be specified by the judge in the last bottom part of a judgement of the lower court or Appeal court, under the provisions of this law.

CHAPTER TWO

ARTICLE 3 : Court's fee is the global tax and expenses which shall be paid for in each lawsuit which has been registered in the adjudicate courts of the State of Cambodia.

Court's fees, shall be paid in the Civil, Commercial, Labour and Administrative dispute cases. This fee shall always be paid in advance by the complainant/plaintiff party. This fee shall be the charges of any party who failed in the case of lawsuit in the last stage.

In any lawsuit which the prosecutor determined himself/herself to be a complainant/plaintiff party, the State shall pay the court's fee in advance, and this fee shall be claimed to be repaid by any of the parties who failed in the case, according to the rate as specified in the judgement of the lower court or of the Appeal court.

In no case shall the prosecutor reimburse the court's fee to another party of the lawsuit who have paid them so far, even though if the prosecutor who is considered as plaintiff/complainant party failed in such case.

If the prosecutor shall be exempted from paying court's fees, if he/she is only a subordinate party.

ARTICLE 4 : Court's fees for civil, commercial lawsuits, labour and administrative litigations, shall consist as follows :

- lawsuit registration tax,
- hearing tax,
- investigation/inquiry expenses,
- registration and seal tax.

CHAPTER THREE

LAWSUIT REGISTRATION TAX

ARTICLE 5 : Lawsuit registration tax is a tax which shall be paid at the time of registering in lawsuit book in the adjudicate courts of all levels, in order that these adjudicate courts will take the cases to register in the hearing book. This tax shall not be returned to the complainant/plaintiff party, even though if dossiers of those cases were eliminated from the register book/list of the judgement of the lower court or of the final judgement of the Appeal court. The complainant/plaintiff shall pay this above tax in the court clerk's office.

ARTICLE 6 : Party shall be required to pay anew this tax, if there is any of the parties applied to the court to issue an urgent order to protect his/her own interest.

ARTICLE 7 : The rates of lawsuit registration tax, shall be specified as follows:

- For provincial or municipal court :

- civil case 1,000.00 " one thousand " Riels.
- commercial case 1,000.00 " one thousand " Riels.
- labour dispute 1,000.00 " one thousand " Riels.
- administrative dispute 1,000.00 " one thousand " Riels.

- For the Appeal court :

- civil case 1,500.00 " one thousand five hundred " Riels.
- commercial case 1,500.00 " one thousand five hundred " Riels.
- labour dispute 1,500.00 " one thousand five hundred " Riels.
- administrative dispute 1,500.00 " one thousand five hundred " Riels.

- For the Appeal court :

- civil case 2,000.00 " two thousand" Riels.
- commercial case 2,000.00 " two thousand" Riels.
- labour dispute 2,000.00 " two thousand" Riels.
- administrative dispute 2,000.00 " two thousand" Riels.

These above taxes shall be retained 10 % by the provincial or municipal court, 15% by the Appeal court and 20% by the Supreme court for the interests of the court clerk's cash box of such respective court.

CHAPTER FOUR

HEARING TAX

I- Fixed tax

Article 8 : Fixed tax is a tax which shall be levied, when proceeding each hearing. This tax shall be returned to the complainant/plaintiff if upon the court decided to eliminate the case. This tax shall be paid by the complainant/plaintiff the same time as what of the lawsuit registration tax.

This above tax shall go into the national budget upon the court (lower or Appeal court) has made decision and issued judgement, even though if there is an opposition/refusal complaint against it.

Article 9 : This tax shall be required to be paid anew by any of the parties who has requested the court to issue an urgent order for protecting his /her own interest, and this tax shall be paid by such party at the same time with what the lawsuit registration tax as stated in the article 6 above.

Article 10 : This above tax shall be rated as follows:

- For the provincial or municipal courts:

- Civil case 1,000.00 "one thousand" Riels.
- commercial case 1,000.00 "one thousand" Riels.
- labour dispute 1,000.00 "one thousand" Riels.
- administrative dispute 1,000.00 "one thousand" Riels.

- For the Appeal court:

- civil case 2,000.00 " two thousand" Riels.
- commercial case 2,000.00 " two thousand" Riels.
- labour dispute 2,000.00 " two thousand" Riels.
- administrative dispute 2,000.00 " two thousand " Riels.

This above tax shall be retained 10 % by the provincial or municipal court, 15% by the Appeal court and 20% by the Supreme court, for the interest of the court clerk cash box.

II- Proportional tax :

Article 11 : Proportional tax of the hearing, is a tax which is levied on the value of what decided by the court ordering one of the parties to be given to another party. This tax should not be paid in advance.

This tax shall be paid only once, at the time when an excerpt of judgement of the lower or Appeal court is made as a final and absolute decision which beyond the power of making further appeal/opposition.

Article 12 : This proportional tax shall be levied at a rate of one (1) percent from the amount of money which the court has decided to be given back to the owner.

This money obtained from above proportional tax shall be paid 80% into State's budget and another 20% shall be retained in the cash box of the court clerks of the whole State of Cambodia.

Article 13 : The party shall pay this above proportional tax within a period of 4 months from the day of reception of a court order to come and pay this tax, which is signed by the chief judge. In case of lateness or failure to pay this tax on due time, shall be subjected to a fine penalty by paying in double the amount of due tax as rated.

CHAPTER FIVE

INVESTIGATION EXPENSES

Article 14 : Expenses for the investigation which is otherwise called reserved money/ fund which shall be used for the delivery of the court's summons of witnesses, for the arbitrary, expertise or court's authority who has come to visit on site.

Article 15 : This money shall be paid by the complainant/plaintiff shall be paid together the same time with which of the lawsuit registration tax. And this money shall be returned to the complainant/plaintiff when upon it has not been spent out for anything or when it is left. But in case if this money is not sufficient for the expenses incurred, the chief judge may then make out an order to the complainant/plaintiff to pay an additional money to this same item.

Article 16 : The rate of this reserved money/fund, shall be specified to pay for in the first step as follows:

- For provincial or municipal courts :

- civil case 5,000.00 "five thousand" Riels.
- commercial case 5,000.00 "five thousand" Riels.
- labour dispute 5,000.00 "five thousand" Riels.
- administrative dispute 5,000.00 "five thousand" Riels.

- For Appeal court :

- civil case 10,000.00 "ten thousand" Riels.
- commercial case 10,000.00 "ten thousand" Riels.
- labour dispute 10,000.00 "ten thousand" Riels.
- administrative dispute 10,000.00 "ten thousand" Riels.

- For Supreme court :

- civil case 15,000.00 "fifteen thousand" Riels.
- commercial case 15,000.00 "fifteen thousand" Riels.
- labour dispute 15,000.00 "fifteen thousand" Riels.
- administrative dispute 15,000.00 "fifteen thousand" Riels.

CHAPTER SIX

REGISTRATION AND SEAL TAX

Article 17 : All the papers which are brought in by any of the parties to incorporate in the dossiers/case file, shall be registered, sealed and stuck with stamps on them, at the time when such party brings them in to include in the dossiers stated respectively that : "for his/her proof/argument".

The copy of the whole judgement (of the lower or Appeal court) and the excerpt of the judgement (of the lower or appeal court), shall be stuck with stamp on them, except only when requested by the Minister of Justice or Prosecutor.

CHAPTER SEVEN

RESPONSIBILITY OF THE COURT CLERK

Article 18 : The court clerk, shall be directly responsible for the collection and reception of the court' fees for all cases which have been registered in the adjudicate court where he/she is

working.

Article 19 : When upon a fee is paid by a party, the court clerk shall issue him/her a receipt which is cut off from a booklet which has its remaining part as record file. These receipts shall be numbered in sequence order, and signed by the chief judge of the adjudicate court on the margin and the last end of the page.

Any violation to this article, shall be condemned to imprisonment from 15 days to one month or shall be fined from 5,000.00 (five thousand) Riels to 20,000.00 (twenty thousand) Riels, without yet considering of the compensation, if there is any.

CHAPTER EIGHT

TOLERATION OF THE COURT

Article 20 : The toleration of the court, shall bring forth the exemption of all the court's fees which are to be paid.

In principle, the toleration of the court may be asked for in all the lawsuits. And such request for toleration may be granted only to the person who does not have sufficient resources or who is poor.

Article 21 : The chief judge of the adjudicate court shall have power to grant a writ which will accept or not accept the toleration. Such writ shall be included in the dossiers.

Article 22 : Any elimination a toleration of the court, may be done in the following cases:

1- When upon the person who received toleration of the court regained his /her sufficient resources.

2- If upon there is evidence which showed later on that, the person who received toleration from the court had deceived the chief judge of the adjudicate court.

CHAPTER NINE

TRANSITIONAL PROVISION

Article 23 : All the lawsuits, even though that it is in the lower or higher adjudicate courts which have not made yet final decision, shall order the complainant/plaintiff to pay court's fees in compliance with the provisions of this law.

During a period of two months from the date of reception of

notification to pay the court's fee, if any complainant/plaintiff failed to pay such fee, the dossiers of the case shall then be eliminated from the hearing register/list.

CHAPTER TEN

FINAL PROVISION

Article 24 : Any provision which stated otherwise contrary to this law, shall be repealed.

Article 25 : This law is hereby declared as very urgent.

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This law has been passed by the National Assembly of the State of Cambodia on the 28th January 1993, during the 24th Session of its 1st Legislation.

Made in Phnom Penh,
on the 29th January 1993.
For. THE NATIONAL ASSEMBLY,
THE CHAIRMAN,

Signature and seal of : CHEA SIM.

Certified true copy,
on the 8th February 1993,

For. The General Secretariat of
the Council of State,

Signature and seal of Chan Ven.