

**Legal Profession**

Cap. 370A.

**LEGAL PROFESSION (ATTORNEYS-AT-LAW)  
(REMUNERATION FOR NON-CONTENTIOUS  
BUSINESS) RULES, 1997**

1997/55.

**Authority:** These Rules were made on 5th September, 1996 by the Barbados Bar Association under section 35 of the *Legal Profession Act* and approved by the Judicial Council on 18th March, 1997.

**Commencement:** 9th October, 1997.

**1.** These Rules may be cited as the *Legal Profession (Attorneys-at-Law) (Remuneration for Non-Contentious Business) Rules, 1997*.

**2.** Except as otherwise provided by these Rules, the fees prescribed by the *Schedule* are the minimum fees which may be charged by an Attorney-at-Law in respect of non-contentious business. Schedule.

**3.** If an Attorney-at-Law peruses a document, other than a lease, on behalf of several clients having distinct interests, the Attorney-at-Law is entitled to charge an additional \$100 for each client after the first.

**4.** When a property is sold subject to encumbrances, the amount of the encumbrance is deemed to be part of the purchase money except where the mortgagee purchases, in which case the charge of the Attorney-at-Law for the mortgagee shall be calculated upon the price of the equity of redemption.

**5.** Where no investigation of title is required by a purchaser or a mortgagee, the fee to be charged by that party's Attorney-at-Law shall be one-half of the prescribed fee.

6. (1) Subject to paragraph (2), whenever an Attorney-at-Law through poverty or any other circumstances of his client desires to charge less than the prescribed fee the Attorney-at-Law shall, before making such charge, refer the matter to the Costs Committee of the Bar Association stating fully all the circumstances of the case and that Committee shall within 15 days thereafter adjudicate the matter and the decision of the Committee shall be final and binding. In default of a decision of that Committee within the time stipulated by this paragraph, the Attorney-at-Law may charge a fee in accordance with his reference to that Committee.

(2) An Attorney-at-Law shall not hold himself out, or allow himself to be held out directly or indirectly and whether or not by name, as being prepared to do non-contentious business and shall not directly or indirectly do any non-contentious business at a fee less than the prescribed fee, but may waive the entire fee at any time without any reference to the Costs Committee of the Bar Association.

SCHEDULE

(Rule 2)

1. *Agreement for the Sale and Purchase of Land*  
  
To be charged on the basis of time spent and the responsibility undertaken, with the following minimum charges of:  
  
*Vendor*  
  
For building estates \$ 250  
Other agreements \$ 400  
  
*Purchaser*  
  
For building estates \$ 300  
Other agreements \$ 600
2. *Affidavits*  
  
Based on time spent with a minimum charge of \$ 250
3. *Application to Immigration Department for Work Permit, Immigrant/Resident Status* \$1 200
4. *Bills of Sale (Security)*  
  
One half of the scale fee for mortgages with a minimum charge of \$ 250
5. *Chattel Mortgages*  
  
Same scale as that provided for Bills of Sale
6. *Companies*  
  
(a) Incorporation and registration of a private company including by-laws, first organisational meeting and preparation of ancillary documents \$1 500

**CAP. 370A** *Legal Profession (Attorneys-at-Law)* L.R.O. 2007 C4  
*(Remuneration for Non-Contentious Business) Rules, 1997*

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	(b) Incorporation and registration of a public company including by-laws, first organisational meeting and preparation of ancillary documents	\$2 500
	(c) Conversion of a private company into a public company	\$5 000
	(d) Amalgamation of companies	\$5 000
	(e) Preparing and filing Articles of Amendment under section 237	\$1 500
	(f) Preparing and filing Notices of Changes	\$ 250
	(g) Dissolution or winding up of a company	\$1 000
	(h) Incorporation of companies in the Offshore Sector	\$3 000
7.	<i>Debentures</i>	
	Same scale as for a mortgage	
8.	<i>Debt Collection</i>	
	(1) Local Clients:-	
	On the first \$50 000	15%
	Thereafter	10%
	(2) Overseas Clients:-	25% or
	to be negotiated being not less than that prescribed for local clients.	
9.	<i>Deeds of Gift</i>	
	The fee shall be that prescribed for a vendor's Attorney-at-Law calculated on the value of the property as shown in the then current land tax demand notice or as determined in accordance with the <i>Property Transfer Tax Act</i> , Cap. 84A whichever shall be greater.	

C5 L.R.O. 2007 *Legal Profession (Attorneys-at-Law)* **CAP. 370A**  
*(Remuneration for Non-Contentious Business) Rules, 1997*

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10. *Deed Poll of Change of Name* \$ 250
11. *Exchange Control*
- To be charged on the basis of time spent  
with a minimum charge of \$ 250
12. *Further Charges*
- The fee shall be the same as that prescribed for mortgages or debentures (as the case may be) on the amount of the further loan. This scale is to be applied whether the further charge is effected by a new document or by the up stamping of an existing document.
13. *Interviews*
- Where an Attorney-at-Law has an interview with a client or a prospective client and the interview is not part of work for which the client will otherwise be charged, this should be charged on the basis of time spent and nature of advice sought, the complexity of the matter and other relevant factors \$ 50 for every  
15 minutes or  
part thereof
14. *Land Tax Certificate*
- (a) Obtaining Land Tax Certificate \$ 100
- (b) Preparation of Change of Ownership forms  
and section 12A forms \$ 100
15. *Landlord and Tenant*
- (a) For leases up to one year:-
1. *Residential (domestic) leases*
- (i) Up to \$15 000 of the total rent \$1 000
- (ii) On the next \$15 000 of the total rent \$ 750
- (iii) Thereafter 1%

**CAP. 370A** *Legal Profession (Attorneys-at-Law)* L.R.O. 2007 C6  
*(Remuneration for Non-Contentious Business) Rules, 1997*

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2. *Commercial leases*

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|-------|--|---------|
| (i)   | Up to \$25 000 of the total rent       | \$2 500 |
| (ii)  | On the next \$25 000 of the total rent | \$1 500 |
| (iii) | Thereafter                             | 1%      |
- (b) For leases for over one year add 25% to the fees chargeable on leases up to one year.
- (c) Where the rent is rising or varying the prescribed fee shall be calculated on the average rent payable.
- (d) Where a lease is partly in consideration of a money payment or premium and partly of a rent, then and in such cases the money payment or premium shall be deemed to be the rent.
- (e) The fee for the lessor's Attorney-at-Law shall be the same as the fee for the lessee's Attorney-at-Law.
- (f) Where a party other than the lessor and the lessee joins in a lease, the lessor's Attorney-at-Law and the lessee's Attorney-at-Law shall each be entitled to charge an additional \$500. Where such a party is represented by an Attorney-at-Law the charges of such Attorney-at-Law shall be one half of the normal prescribed fee.

*Renewal of lease*

- (a) The fee on a renewal of a lease where the terms (other than as to rent) are the same as those in the original lease shall be one-half of the prescribed fees on a lease.
- (b) Where the terms are different from those in the original lease the fee shall be the same as on a lease.

- (c) The provisions relating to rent in a lease shall not be deemed to be a "term" of the lease for the purpose of paragraphs (a) and (b) under this head, but notwithstanding anything contained in this paragraph the rent payable under the renewed lease shall be the basis of the calculation of the fee to be charged under paragraphs (a) and (b) of this head.

16. *Miscellaneous Business*

In respect of matter for which no specific remuneration is prescribed, the remuneration shall be as follows:

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|---|---------|
| (a) Journeys within Barbados, per hour and in addition to the normal fee (excluding journeys to courts outside of Bridgetown)   | \$ 250  |
| (b) Journeys out of Barbados per day and in addition to the fee for the matter and all expenses   | \$2 500 |
| (c) A transaction other than a transaction relating to the collection of debts involving a client residing out of Barbados – in addition to the fee prescribed under any other head for each such non-resident client | \$ 250  |

17. *Mortgages*

For preparing and completing mortgages

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|-----------------------|-------------------------------|
| (a) Mortgagor –       |                               |
| Up to \$25 000        | \$ 750                        |
| On the next \$75 000  | 1.5%                          |
| On the next \$100 000 | 1%                            |
| Thereafter            | <sup>3</sup> / <sub>8</sub> % |

**CAP. 370A** *Legal Profession (Attorneys-at-Law)* L.R.O. 2007 C8  
*(Remuneration for Non-Contentious Business) Rules, 1997*

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*Registered Land one third of the scale above*

For investigating title, perusing and completing mortgages

(b) Mortgagee –

Up to \$25 000	\$1 000
On the next \$75 000	2%
On the next \$100 000	1.25%
Thereafter	$\frac{5}{8}\%$

*Registered Land two thirds of the scale above*

- (c) Where the same Attorney acts for both the mortgagor and the mortgagee, he shall charge the whole mortgagee's Attorney's fee and half of the mortgagor's Attorney's fee.
- (d) Where the same Attorney acts for a purchaser/mortgagor but not for the mortgagee, he shall charge the whole of the purchaser's Attorney's fee and half of the mortgagor's Attorney's fee.
- (e) Where the same Attorney acts for a purchaser/mortgagor and also for a mortgagee, he shall charge the whole of the purchaser's Attorney's fee and the whole of the mortgagee's Attorney's fee.
- (f) Where the same Attorney acts for a vendor/mortgagee he shall charge the whole of the vendor's attorney's fee plus one half of the mortgagee's Attorney's fee.
- (g) The above scale shall apply to transfers of mortgages and debentures.
- (h) Where an assignment of a life insurance policy or policies is included as collateral security, add \$250 to the scale fee.



C9 L.R.O. 2007 *Legal Profession (Attorneys-at-Law)* **CAP. 370A**  
(*Remuneration for Non-Contentious Business*) Rules, 1997

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18. *Negotiation*

(a) The fee for negotiating a sale or purchase of property by private treaty shall be calculated and charged according to the following scale:—

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|----------------------------|----|
| (i) On the first \$ 40 000 | 5% |
| (ii) Thereafter            | 3% |

19. *Notice to Quit*

Fee for preparing Notice to Quit and serving or giving instructions to serve thereof	\$ 250
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20. *Patents*

Application for Letters Patent	\$1 000
Application for patent co-operation treaty under section 25 of the Act (Cap. 314)	\$1 200
Application to record amendment	\$ 250
Application for renewal	\$ 500
Application for registration of licence-contract	\$ 250
For transfer of licence-contract or patent	\$ 250
Application for surrender of a patent	\$ 500
For recording address for service other than on first grant	\$ 150
Other matters – according to the work involved	

21. *Personal Injury*

(Where no legal proceedings have commenced)

15% of the sum recovered with a minimum of	\$1 200
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**CAP. 370A** *Legal Profession (Attorneys-at-Law) L.R.O. 2007 C10*  
*(Remuneration for Non-Contentious Business) Rules, 1997*

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22.	<i>Powers of Attorney</i>	
	(a) Specific powers	\$ 250
	(b) General powers	\$ 400
23.	<i>Probate and Letters of Administration</i>	
	(1) Probate (limited to completing application to Registrar and filing all documents to lead to grant)	
	(a) Original grant in Barbados	
	Up to \$100 000	\$1 000
	On the next \$75 000	1%
	Thereafter	.5%
	(b) Resealing grant outside of Barbados	\$1 000
	(c) Resealing foreign grant in Barbados – same fee as for an original grant	
	(d) On a grant <i>de bonis non</i> , on the above scale but calculated on the value of the unadministered portion of the estate	
	(e) On a second grant	\$ 750
	(2) Letters of administration (limited to completing application to Registrar and filing all documents to lead to obtaining grant)	
	Up to \$100 000	\$1 500
	On the next \$75 000	1%
	Thereafter	.5%

C11 L.R.O. 2007 *Legal Profession (Attorneys-at-Law)* **CAP. 370A**  
*(Remuneration for Non-Contentious Business) Rules, 1997*

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(3)	Administration of estate (supervision of administration and winding up of estate including obtaining tax clearance certificate)	
	Up to \$25 000	5%
	On the next \$75 000	3%
	On the next \$400 000	1.5%
	Thereafter	.75%
(4)	Bankrupt Estates	\$ 250
(5)	Deed of Assent	
	Half of the fee charged by a vendor's attorney based on the improved value of the property on the current land tax demand notice or the market value	\$ 750
24.	<i>Public Auction</i>	
(a)	Taking instructions for sale, drawing and engrossing conditions of sale and attending and conducting sale	\$1 500
(b)	Where property sold (in addition to fee on conveyance) 1% of sale price	
(c)	Attending at a sale by public auction on behalf of a prospective purchaser	\$ 500
25.	<i>Releases</i>	
(1)	(a) Mortgages of land and debentures	
	Up to \$25 000	\$ 300
	Between \$25 000 and \$100 000	\$ 450
	Over \$100 000	\$ 600
	(b) Discharge of Judgments, Chattel Mortgages or Vendor's lien	\$ 240

**CAP. 370A** *Legal Profession (Attorneys-at-Law) L.R.O. 2007 C12*  
*(Remuneration for Non-Contentious Business) Rules, 1997*

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- (2) Where separate Attorneys act for mortgagor and mortgagee respectively the prescribed fee shall be divided as to  $\frac{2}{3}$  thereof for the Attorney preparing the deed and as to  $\frac{1}{3}$  thereof for the other Attorney.
- (3) Where part of the property comprised in a mortgage is released, then in cases where consideration is given for the release the prescribed fee shall be based on the amount of such consideration and where there is no consideration then in such case the fee shall be a minimum of \$300.

26. *Re-registration of Judgments*

High Court Judgments \$ 250

27. *Sale and Purchase of Land*

For preparing and completing conveyance of unregistered land (excluding conveyances under the *Tenancies Freehold Purchase Act*)

*Vendor*

Up to \$25 000	\$ 750
On the next \$75 000	2%
On the next \$100 000	1.5%
On the next \$300 000	1.25%
Thereafter	1%

Registered land two-thirds of the scale above

C13 L.R.O. 2007 *Legal Profession (Attorneys-at-Law)* **CAP. 370A**  
(*Remuneration for Non-Contentious*  
*Business) Rules, 1997*

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*Purchaser*

Up to \$25 000	\$1 000
On the next \$75 000	2.5%
On the next \$100 000	1.5%
On the next \$300 000	1.25%
Thereafter	1%

Registered Land one-third of the scale above

28. *Sale and Purchase of Personal Property (including absolute bills of sale and shares)*

One half of the scale fee applicable to the sale and purchase of unregistered land

29. *Shares*

On the transfer of shares pursuant to a testamentary disposition or by the personal representative to a person entitled or otherwise the fee to be charged shall not exceed \$1 000

On the transfer of shares where real estate is involved the scale fee applicable to sale and purchase of land shall apply

30. *Trade Marks*

Application for registration	\$ 750
Application for entry of an address for service	\$ 150
Application for cancellation of mark/licence entry on register	\$ 250
Request for preliminary advice	\$ 200

Separate application needed for each class/service other than on first application for registration of mark

**CAP. 370A** *Legal Profession (Attorneys-at-Law) L.R.O. 2007 C14*  
*(Remuneration for Non-Contentious Business) Rules, 1997*

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Recording change of name:

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|---|--------|
| (a) One application                                     | \$ 175 |
| (b) On each additional application filed simultaneously | \$ 100 |

Recording assignment re proprietor or registered user of mark with or without goodwill of business

- |   |        |
|---|--------|
| (a) On one application                                  | \$ 250 |
| (b) On each additional application filed simultaneously | \$ 100 |

Recording amendment of registered mark \$ 250

*Recording merger:*

- |   |        |
|---|--------|
| (a) On one application                                  | \$ 250 |
| (b) On each additional application filed simultaneously | \$ 125 |

*Recording change of address:*

- |   |        |
|---|--------|
| (a) On one application                                  | \$ 175 |
| (b) On each additional application filed simultaneously | \$ 100 |

*Recording licence-contract or sub-licence-contract*

- |   |        |
|---|--------|
| (a) On one application                                  | \$ 300 |
| (b) On each additional application filed simultaneously | \$ 150 |
| (c) Cancellation of licence-contract                    | \$ 200 |

Application for renewal under section 27(3) of the Act \$ 200

Application for renewal under section 27(4) of the Act \$ 400

Application for amendment to application for registration of mark \$ 175

C15 L.R.O. 2007 *Legal Profession (Attorneys-at-Law)* **CAP. 370A**  
(*Remuneration for Non-Contentious*  
*Business) Rules, 1997*

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Making search in Trade Mark Register for registration of mark	\$ 125
Obtaining certified copies of certificates	\$ 100
Filing opposition to trade mark	\$ 350
Filing answer to notice of opposition	\$ 350