

EAST TIMOR DEMOCRATIC REPUBLIC

DECREE LAW

16/2011

COURT COSTS CODE

The Court Costs Code approved by Decree-Law 15/2003 dated October 1, in addition to containing gaps and deficiencies that render its enforcement difficult, establishes court fee amounts that make it expensive for the parties to use the legal services.

Thus, it is our intention to draft a new cost code that is easy to enforce while counting on mechanisms that make access to the legal system more effective for everyone, regardless of their economic situation.

In the new Court Costs Codes:

- a) Different cost arrangements are established for civil and criminal lawsuits while improving the organization of the treasury department of the court secretary offices;
- b) The "Court Coffers" provided for in the previous code are eliminated and the 30% of the revenue that was previously allocated thereto now pertains to the State Exchequer, since it is no longer justifiable for the Courts to retain their own revenue to cover small expenses that would be better covered by the general state budget, now that this sovereign body can manage its budget independently, thereby rendering the use of the state revenues more transparent while the courts rid themselves of the burden of operations that do not afford significant financial advantages;
- c) Rules have been created for using the tax amount to cover situations hitherto not provided for;
- d) The base amount for calculating the court fees in civil lawsuits is hereby altered, so as to make it less burdensome;
- e) Court fees can be reduced to one-half, one-quarter or one-eighth based on the type of process and the stage at which it may end, and it is agreed that if the lawsuit is of a straightforward nature, the fees may in exceptional circumstances be reduced by the judge to a minimum of US\$6.00;
- f) The prepayment of costs intended to guarantee the court costs payable at the end of the lawsuit is hereby eliminated, the only remaining possibility being the deposit to cover expenses when so required for the payment of costs involving the remuneration of occasional intervening parties;
- g) An intermediate account is hereby created in case the process is dormant for 6 months or is suspended;
- h) In the executive phase, the liquidation of the sentence is introduced so as to enable creditors to be paid;
- i) There will be a single account for each lawsuit and for all those responsible and the

beneficiaries and the responsibilities shall be allocated therein;

j) The possibility of paying court costs in interest-free installments is also provided for;

k) The "apportionment" criteria is hereby created to pay for the overdue court costs using the balance deposited in the lawsuit current account;

l) The amount of the variable criminal court fee to be paid in the settlement, whenever this is not set by the judge, shall be double the minimum limit;

m) The fee to be paid for occasional acts and other low-cost services such as the issuance of certificates and copies and the entrustment of processes is hereby established.

n) The past-due interest on amounts in arrears is decreased from 2% to 0.25% per month.

Thus, pursuant to the provisions of sub-items a) and b) of item No. 1 and No. 3 of Article 115 of the Constitution of the Republic, the Government decrees the following to be enforced as a law:

Article 1 Approval of the Court Costs Code

Approval is hereby given for the Court Costs Code published as an exhibit to this Decree-Law of which it is an integral part.

Article 2 Pending Processes

1. The Court Costs Code now approved shall apply to pending processes, without prejudice to the final and unappealable decisions.

2. Without prejudice to the provisions of item No. 1, accounts and settlements already made but not yet paid may be replaced by others, according to the code now approved, provided this is requested by the person responsible or interested party for payment within 30 days as of the date this law comes into effect or when the party has not yet been notified for complaint purposes, within the timeframe set for complaining about the account or settlement.

Article 3

Destination to be given to the revenues already collected for the former Court Coffers

The revenues already collected for the former Court Coffers, pursuant to the former Court Cost Code shall be transferred to the State Exchequer.

Article 4
Revocatory Rule

The Court Costs Code approved by Decree Law 15/2003 of October 1, as well as the rules contained in legislation enshrining solutions contrary to those adopted in the new code are hereby revoked.

Article 5
Coming into Effect

This Decree Law as well as the Court Costs Code now approved shall come into effect on the day following its publication.

Approved in the Council of Ministers on February 2, 2011

The Prime Minister,

Kay Rala Xanana Gusmão

The Minister of Justice,

Lúcia M. B. F. Lobato

Enacted on 11/April/2011

For publication.

The President of the Republic,

José Ramos-Horta

ATTACHMENT
COURT COSTS CODE
TITLE I
GENERAL PROVISIONS

Article 1
The scope of the court costs

1. Civil and criminal processes are subject to the payment of court costs, pursuant to the respective procedural codes and this code, except in the situations of exemption provided for in the law.
2. Court costs encompass court fees and charges.

TITLE II
CIVIL COURT COSTS
CHAPTER I
GENERAL PROVISIONS
SECTION I
EXEMPTIONS
Article 2
Subjective Exemptions

Without prejudice to the provisions contained in special law, the following entities shall be exempted from court costs:

- a) The State, including its services or agencies, even if customized;
- b) The local Government agencies, associations and federations of municipalities and community leaderships defined in law;
- c) The Public Prosecution Office;
- d) Legally established political parties, pursuant to the provisions of the Political Parties Statute;
- e) The Catholic Church and other religions;
- f) Social solidarity institutions;
- g) Persons incapable or of a similar nature;
- h) Those injured in employment-related accidents and those with occupational illnesses, in

the lawsuits arising from the accident or illness;

i) Process servers in relation to the court costs of a fruitless lawsuit they have given rise to, where the judge's well-founded decision considers them as not guilty;

j) Those benefiting from legal aid services.

Article 3 Objective Exemptions

Without prejudice to the provisions of special law, there are no court costs in:

a) Adoption processes;

b) Processes filed by minors;

c) Probate proceedings when the inheritance is left to persons incapable and absent whose whereabouts is unknown;

d) Processes of interdiction, disqualification and authorization granted to representatives of persons incapable, so that they perform their duties;

e) In the cases where the value of the lawsuit is verified for counting purposes;

f) Labor lawsuits where the worker is responsible for the court costs;

g) In the cases where the legal support is requested and the respective benefit is granted.

Article 4 Reimbursement of parties' court costs

Court costs exemptions do not include reimbursements to the prevailing parties as parties' costs.

SECTION II AMOUNT OF THE LAWSUIT FOR COURT COSTS PURPOSES

Article 5 General Rule

1. In the cases not herein expressly provided for, the amount of the lawsuit, for the purpose of court costs, shall be that resulting from the application of the procedural law.

2. The amount assigned by the parties is accepted, provided it is not less than the amount resulting from the application of the legal criteria.

3. Court costs shall be calculated based on the complaint, even if it is decreased on the

initiative of the plaintiff or the Court.

4. The plaintiff or judgment creditor shall indicate in the complaint the settlement of the interests that have already matured on the date it is filed with the Court for the purposes of the provisions of this article.

Article 6 Special Rules

1. In lawsuits involving the status of a person and immaterial interests, the amount of the lawsuit, for the purposes of court costs, shall be US\$200.00.

2. In eviction proceedings with the aim of terminating an urban lease contract, the amount shall be the annual income, plus any overdue income and the damages petitioned for.

3. In probate proceedings, even where accumulation exists, the amount of the process shall be the sum total of the assets to be apportioned, without deducting legacies or debts.

4. In the case of stay of proceedings by the judgment debtor, when challenging the execution and contesting the preventive injunctions, the amount shall be that of the lawsuit from which the amount of the respective party was deducted, or if it was a partial amount.

5. In cases of interpleads by third parties and opposition to attachment, the amount shall be that of the subject assets of the interplead or of opposition.

Article 7

Amount of the foreclosure, bankrupt person's creditors' claims and disposal of assets

1. A feasible amount in foreclosures is the aggregate of the execution credits or the proceeds from the liquidated assets if the latter is less.

2. In bankruptcy creditors' claims whose court costs are to be borne by the judgment debtor, the criteria adopted is the aggregate of the credits deducted therein or of the liquidated assets, if less; if the assets have not yet been liquidated, the amount shall be that of the assets pledged, if it is less than the amount of the credits deducted.

Article 8

Amount of the lawsuit in the case of counterclaim or main intervention

Whenever there is a counterclaim or main intervention with a different plea from that submitted by the plaintiff, the amount to be considered for the purpose of costs is the sum total of the pleas.

Article 9
Amount of the lawsuit in appeals

In appeals, the amount is the prevailing party's costs and fees, whenever these can be determined.

Article 10
Unliquidated, unknown or inaccurate amount

If, in view of the type of lawsuit, the amount of the lawsuit is unliquidated, unknown or seems higher than that stated by the parties, the judge may assign to it an amount he considers accurate, and to this end he/she may specifically order verification thereof, pursuant to procedural law.

CHAPTER II
COURT FEE

Article 11
Basis for calculating the court fee

Without prejudice to the provisions of the subsequent articles, the court fee in the civil lawsuits is calculated based on the amount of the lawsuit, any extraordinary occurrences in the lawsuits or the appeals, pursuant to the table attached hereto.

Article 12
Reduction of the court fee according to the stage of the lawsuit

1. The court fee shall be reduced to one-half:

- a) In lawsuits that end before fact finding proceedings are completed or, if they are not applicable, before the final decision is handed down;
- b) In lawsuits challenged only by the public prosecutor's office;
- c) In foreclosure proceedings that end before the summonses for bankruptcy creditors' claims are completed;
- d) In probate proceedings that end after the summonses for verifying the interested parties have been concluded, but before said verification has been done.

2. The court fee is reduced to one-quarter:

- a) In lawsuits that end before they are contested, and in those where due to the absence of the latter, a decision is handed down;
- b) In lawsuits that do not permit the defendant to be summonsed;

c) In probate proceedings that end before completion of the summonses of the interested parties;

d) In foreclosure proceedings that end before completion of the/summonses of the judgment debtors.

Article 13
Reduction of the court fee to one-eighth

1. The court fee is reduced to one-eighth:

a) In bankruptcy creditors' claims;

b) In injunctions and respective opposition;

c) In stay of execution proceedings;

d) In extraordinary occurrences in the lawsuit;

e) In the opposition to probate proceedings;

f) In other acts legally designated or construed as extraordinary occurrences.

2. In special cases and in the simplified processes the Judge may, if so warranted, exceptionally decrease the court fee up to USD6.00.

Article 14
Court Fee in the Higher Courts

In appeals, the court fee is half the amount shown in the table.

Article 15
Reduction of the court fee according to the stage of the appeal

Should an appeal be deemed forfeited at the higher Court or end before this court hands down a decision, the court fee shall be reduced to one-quarter.

Article 16
Minimum limit of the court fee

In the lawsuits, extraordinary occurrences and appeals, the court fee, even if subject to reduction, cannot be lower than US\$6.00.

**CHAPTER III
CHARGES**

**SECTION I
CHARGES IN GENERAL**

**Article 17
Charges**

Costs comprise the following charges:

- a) Reimbursements to the State Exchequer for expenses paid in advance;
- b) Restitutions owed to those occasionally involved in the process, including the compensations legally determined;
- c) The expenses with transportation, accommodation and meals or expense allowances, if applicable;
- d) Reimbursement of costs incurred by the prevailing party.

**Article 18
Party's Court Costs**

1. A party's court costs comprise all expenses incurred by them in the lawsuit involving the adverse judgment and for which the party is entitled to compensation.
2. Prepayments of costs, as well as any court costs paid that have to be refunded, shall always be settled up in the final reckoning.
3. Any remaining expenses shall only be taken into consideration if the interested party submits the detailed bill and justification within 10 days from the date on which the judgment implying calculation of the process expenses becomes known.

**SECTION II
REMUNERATION AND COMPENSATION OF OCCASIONALLY INVOLVED PARTIES**

**Article 19
Remuneration of occasional intervening parties**

1. The expert witnesses, appraisers, translators, interpreters, witnesses and other individuals occasionally involved in the lawsuit or who assist in any proceedings are entitled to remuneration to be fixed by the judge ranging from US\$6.00 to US\$250.00.
2. Whenever their involvement is especially complex or extended, the judge may raise the amount of the remuneration up to double the maximum amount provided for in the previous item.

**CHAPTER IV
GUARANTEED EXPENSES AND OTHER COSTS**

**Article 20
Prepayment of expenses**

1. In proceedings, extraordinary occurrences and appeals there may be prepayment of costs, except in those cases legally exempt.
2. Prepayment of costs is intended to pay for the charges referred to in Article 19.

**Article 21
Prepaid Costs Amount**

The amount of costs to be prepaid shall be determined by the section handling the lawsuit within 5 days from the court order, in line with probable amount thereof, and an assessment is drawn up.

**Article 22
Who must prepay costs**

1. The party requesting the proceedings must prepay the costs.
2. If the party responsible is exempt or released from the payment of court costs, the budget of the courts shall advance the amount of the expense and this shall be ultimately booked as costs under the responsibility of the defeated party and in favor of the State Exchequer, without prejudice to the benefit of exemption.

**Article 23
Due date for prepayment of costs**

Prepayment of costs shall be made within 10 days from notice thereof.

**Article 24
Court where prepayment of costs is made**

Prepayment of costs is made at lower court level where the proceedings or extraordinary occurrence is being handled.

**Article 25
Refund of deposits**

1. Prepayments of expenses shall be refunded to the party who has made them whenever the payment of the charges referred to in Article 1 is not required.

2. Partial refunds of prepaid expenses shall not take place whenever the amount to be refunded is less than US\$6.00, case in which this amount shall revert to the State Exchequer.

3. The provisions of the previous item shall likewise be applicable to the amounts deposited as probable court costs.

Article 26
Consequence of failure to prepay costs

Failure to prepay costs shall lead to non-performance of the procedural step, where this was requested, without prejudice to the possibility of the other party making said payment in order for the procedural step to take place.

Article 27
Cost of certificates and other documents

Certificates or other documents shall not be delivered without the prepayment of their cost, except if they are exempt from the respective payment.

CHAPTER V
CALCULATIONS, PAYMENT OF COURT COSTS AND APPORTIONMENT

SECTION I
CALCULATING COURT COSTS IN GENERAL

Article 28
When the calculation is made

Unless provided for to the contrary, the calculations pertaining to the process shall be made after the final decision has become unappealable (*transit in rem judicatam*) and at the lower court that handled the case.

Article 29
Remittance for calculation and preparation of a provisional calculation

1. The respective section shall send for calculation purposes, within 5 days, all cases implying payment of court costs.
2. The section shall also send for calculation:
 - a) Suspended cases, should the judge so determine;
 - b) Cases that have been dormant for over six months, due to the fault of the parties;
 - c) Cases which are to be settled.

3. The calculation of the processes referred to in sub-items a) and b) of the previous item shall be made as if the case had run its course.

Article 30
Settlement of cases where a final decision has been handed down

In lawsuits and classification of credits in order of preference, where payments are to be made by the court, the adjudication shall be settled at the time the process is first sent for calculation after the respective judgment.

Article 31
Calculation of Court Costs

A calculation is made for each process, appeal or extraordinary occurrence.

Article 32
Deadline for making the calculation

The deadline for calculating the court costs is ten days; however, in urgent cases, it shall be adjusted according to the level of urgency, but in any case it shall not exceed 5 days.

Article 33
Doubts concerning the calculation

1. Should any doubt arise as regards the calculation, the accountant shall address these and issue his opinion for forwarding to the judge to make a decision.
2. The decision shall be considered to have been notified to the interested parties through notice of court costs.

Article 34
General Rules governing the calculation process

1. The calculation shall be made in accordance with the adjudication of the last stage, comprising the court costs related to the action, extraordinary occurrences and appeals.
2. The calculation must contain the elements required for the entry and a duplicate or copy of the calculation must be filed at the central division.
3. The amounts ascertained shall be rounded up to the next ten cents.
4. The calculation must:
 - a) Indicate the number of the calculation and the amount of the action, extraordinary

occurrences and appeals;

b) Specify and totalize the applicable court fees.

c) Specify in the revenue of the State Exchequer, the fines, court fees and late payment interest and on other credits;

d) Specify the payments and remunerations due;

e) Settle the reimbursements to be made to the prevailing party, share the costs in line with the adjudication and offset each party's obligation against the amount spent by said party so as to determine the amount they are to receive or pay after arriving at the sum total of the amounts specified;

f) Complete the calculation by showing in writing the full amount of the debt and of the payment slips to be given to each one of the parties responsible, including the name and signature of the accountant.

5. If no set-off is to be made, the reimbursements due to the prevailing party are added so as to ascertain the total amount of the debt.

Article 35 Small value costs

Whenever the amount owed by an interested party is lower than US\$3.00 it shall be disregarded, and if applicable, it shall be apportioned.

Article 36 Notice of the calculation to the interested parties

1. Those responsible and interested parties, as well as the respective attorneys and public defenders shall be notified of the calculation made within ten days, for the purposes of complaints, receipt or payment.

2. Notification is accompanied by a copy of the calculation

SECTION II COMPLAINTS AND CORRECTION OF THE CALCULATION

Article 37 Complaints and Correction of the Calculation

1. Off the record or upon a request by the interested parties, the judge shall order the calculation corrected if it is not in line with the legal provisions.

2. Complaints regarding the calculation must be submitted within 10 days:

a) By whoever is responsible for the payment, before paying the court costs; and

b) By whoever is entitled to receive any amount.

Article 38
Steps to be followed when complaining about the calculation

1. After a complaint is filed in relation to the calculation, the case is sent immediately to the employee who made the calculation, and they shall have five days to respond, after which it shall be sent to the judge who shall issue a decision within the same timeframe.
2. A second complaint by the interested parties shall not be admitted unless the costs are lodged.

Article 39
Appealing the decision on the complaint concerning the calculation or accountant's doubts

Any decision regarding the complaint and the accountant's doubts of the can be appealed to the higher court if the amount of the court costs calculated exceeds US\$1,000.00.

Article 40
Correction of the calculation with refunding of the court costs

1. If a corrected calculation requires the State Exchequer or any other entity that has received the court costs to refund them, the amount to be refunded shall be deducted from the amounts payable to the debtor entity in the following month, and this fact shall be advised to it through a note of reversal.
2. If a refund is not possible pursuant to the previous item, the debtor entities shall return the amount at stake.

SECTION III
VOLUNTARY PAYMENT FOR COURT COSTS

Article 41
Deadline for the voluntary payment of court costs

1. The timeframe for the voluntary payment of court costs is 10 days.
2. The timeframe for the payment of the court costs calculated following a complaint commences with the notification of the new calculation or of the final decision where the complaint has been dismissed.
3. If there is an appeal against the decision involving the complaint about the calculation, the person responsible shall be notified to pay as soon as the process is returned to the lower court that acted as the first instance.

Article 42
Payment of court costs in installments

Whenever the amount of the costs exceeds US\$50.00 the judge may, at his own discretion and at the request of the person responsible for the payment made within the timeframe for the voluntary payment, authorize payment in monthly installments within a maximum period of twelve months, interest-free.

Article 43
Payment of the court costs by virtue of a deposit to the order of the court.

Whenever the person responsible for the court costs has any deposit to the order of the court, the payment of court costs shall be deducted primarily from this deposit.

Article 44
Payment before foreclosure is enforced

1. Once the deadline for the payment of the overdue court costs has lapsed and prior to the enforcement of the foreclosure, the debtor may still make the payment plus late payment interest at the rate of 0.25% per month.

2. The interest shall be rounded up to the next ten cents.

Article 45
Payment of court costs by a third party

Any person can pay the court costs owed by a third party on the last day of the timeframe for payment or thereafter, under the conditions in which the debtor is entitled to pay, and this person shall have right of recourse against the latter unless it can be proven that the payment was made in bad faith.

SECTION IV
PAYMENT PREFERENCE AND APPORTIONMENT

Article 46
Payments and Entry

1. Once the timeframe for voluntary payment has expired and payment has not been made and if no deposit exists against which withdrawals can be made, according to Article 43, the process section shall immediately send the process to the central division so that within 5 days any portion of the court costs already paid may be apportioned and the payments may be made pursuant to Article 47.

2. Processes whose calculations imply reverse entries only shall be sent to the central division to be entered within five days after timeframe for complaints about the calculation has lapsed.

Article 47
Order of Preference for payments

Payments shall be made according to the following order of preference:

- a) Revenues allocated to the State Exchequer;
- b) Amounts allocated to other entities;
- c) The Parties' costs.

Article 48
Apportionment

Once the payments referred to in the previous article are made, the remaining balance shall be apportioned among the remaining creditors.

Article 49
Payment and apportionment to be made following foreclosure

Where foreclosure occurs and the proceeds from the liquidated assets are insufficient meet the foreclosure plus any additional payments, whatever is ascertained shall be equally apportioned.

TITLE III
CRIMINAL COURT COSTS

CHAPTER I
RESPONSIBILITY FOR THE PAYMENT

SECTION I
GENERAL PROVISIONS

Article 50
No refund of amounts paid

Except for the cases specifically provided for in the law, court costs and fines paid in the course of the process shall not be refunded.

SECTION II COURT FEE

Article 51 Determining the court fee

1. The amount of the variable court fee is determined by the judge based on the debtor's economic situation, the complexity of the process or the manifestly delaying nature of the matter at hand.
2. Should the judge fail to determine the amount of the court fee, at the time of liquidation it must be considered as double the minimum limit, unless otherwise provided for in law.

Article 52 Court Fees in the lower courts

The court fee in the lower courts shall be the following:

- a) In criminal cases heard by a single judge court, between US\$10.00 and US\$200.00;
- b) In criminal cases heard by a panel of judges ,between US\$20.00 and US\$400.00.

Article 53 Court Fees in appeals

The court fee for appeals shall be between USD \$10.00 and USD \$200.00.

SECTION III CHARGES

Article 54 Charges

Court costs comprise the following charges:

- a) The reimbursement to the State Exchequer for expenses paid in advance ;
- b) The compensation owed to those occasionally involved n the process, including compensations established in law;
- c) Expenses with transportation, accommodation and meals or expense allowances, if applicable.

Article 55
Remuneration of occasionally involved parties

1. Expert witnesses, evaluators, translators, interpreters, witnesses and other persons who may occasionally become involved in the process or assist in any procedural steps are entitled to compensation to be determined by the judge of between US\$6.00 and US\$250.00.
2. Whenever their involvement is especially complex or extended, the judge may raise the amount of the remuneration up to double the maximum amount provided for in the previous item.

CHAPTER II
SETTLEMENT AND PAYMENT OF COURT COSTS AND FINES

Article 56
Settlement, timeframe and form of calculation

1. Costs and fines are settled the central division within 10 days.
2. In the case of adverse judgment, settlement shall take place after the final decision becomes unappealable at the lower court.

Article 57
Notification of Settlement

1. Those responsible and the respective lawyers and public defenders shall be notified within ten days of the settlement for the purposes of complaints, receipt or payment.
2. The notice shall be accompanied by a copy of the amount to be settled.

Article 58
Complaints and Correction of the amount to be settled

1. Off-the records or upon a request by the parties responsible, the judge may order the settlement to be corrected if it is not in line with the legal provisions.
2. The party responsible may submit a complaint about the amount to be settled within 10 days, but never after court costs have been paid.

Article 59
Timeframe for the voluntary payment of the court costs

1. The timeframe for the voluntary payment of court costs is 10 days.
2. Should a complaint arise regarding the amount of the settlement, the timeframe for payment of court costs commences with the notice of a new calculation of the settlement amount or with the final decision where such complaint has been dismissed.

Article 60
Payment of the court costs in installments

Whenever the amount of the court costs exceeds US\$50.00, upon a request by the party responsible submitted within the timeframe set for voluntary payment the judge may, at his/her own discretion, authorize the payment of the court costs in monthly installments within a maximum period of twelve months, interest-free.

TITLE IV
JUDICIAL FINES

Article 61
Fines applicable to civil and criminal actions

The fines applicable to civil and criminal actions shall be determined by the judge, with no increases, between the minimum of US\$10.00 and the maximum of US\$100.00.

Article 62
Settlement, notification, complaints and payment

1. Fines are settled by the central division within 10 days following the final unappealable decision at the lower court.
2. Those responsible and the respective lawyers and public defenders shall be notified of the settlement within ten days, for the purposes of complaint or payment.
3. Off the record or upon request by the parties responsible, the judge may order the settlement corrected if it is not in line with the legal provisions.
4. The party responsible may submit a complaint about the amount of the settlement within 10 days, but never after the court costs have been paid.

**TITLE V
INDEPENDENT ACTS**

**Article 63
Amounts involving notifications and other independent procedural acts**

For each notification, posting of public notices or other independent procedural steps the amount of US\$5.00 will be payable

**Article 64
Costs of certificates and copies**

1. For each certificate extracted from a process the following prices shall be payable:
 - a) For the first page US\$0.50;
 - b) For each of the 10 subsequent pages US\$0.10;
 - c) After the tenth page, US\$1.50 for each group of 20 pages and US\$0.10 for each of the remaining pages.
2. Per photocopy extracted from a process, the following prices shall be payable:
 - a) For each of the first 10 pages US\$0.10;
 - b) After the tenth page, US\$1.50 for each group of 20 pages and US\$0.10 for each one of the remaining pages.

**Article 65
Amount payable for the entrustment of the process**

For the entrustment of each process and its attachments the amount of US\$5.00 shall be payable.

**Article 66
Payment of the costs of independent and procedural acts**

1. The costs of independent and procedural acts shall be payable immediately and on demand.
2. The calculation is made in the respective request or act performed and registered in the book of emoluments for independent acts.
3. The court secretary shall be the bailee for the amounts paid.

**TITLE VI
LATE PAYMENT INTEREST**

**Article 67
Incidence and late payment interest rate**

On the full amount calculated or settled, late payment interest shall be payable at the rate of 0.25% per month, as from the end of the timeframe established for the respective payment.

**TITLE VII
COMPULSORY PAYMENT OF COURT COSTS AND FINES**

**CHAPTER I
WITHDRAWAL OF THE DEPOSIT**

**Article 68
Release of the deposit**

When the timeframe for the payment of the court costs or fines has elapsed and the payment has not either been made or the debtor has not requested it, the judge, pursuant to Article 43, shall order the release of the corresponding amount, together with late payment interest if a deposit has been made in the process to which the court costs and fines refer.

**CHAPTER II
FORECLOSURE FOR COURT COSTS AND FINES-RELATED DEBT**

**Article 69
Information on the existence of seizable assets.**

1. When the payment of court costs or fines are not made pursuant to Articles 41 to 45, 57 to 60 and 68, the process department shall send to the Public Prosecution Office, within 10 days, a certificate containing the non-payment information so that it may file an executory process for compulsory collection thereof, advising whether the debtor has assets that can be seized.
2. Upon receipt of the certificate, the Public Prosecution Office shall verify if the party responsible has seizable assets.

**Article 70
Filing of an Executory Action**

1. The Public Prosecution Office shall file an executory action against the debtor for the court costs or fines if the party responsible has seizable assets.

2. No suit shall be filed or pursued if the amount of the debt is so negligible as to not warrant the activity or expenses involved in the process.

Article 71

Terms of the executory action for court costs, fines and other calculated amounts

1. Without prejudice to the provisions of the following Article, executory actions for collecting court costs, fines and other calculated amounts shall be filed as exhibits to the suit where the notice for payment occurred, filing the initial request and with due regard for all other terms of the common executory action.

2. In cases of detachment of processes, the certificate of calculation or settlement is included with the executory action, mentioning the voluntary payment cut-off date.

Article 72

Terms of executor actions in special cases

Executory actions for the fines imposed on parties occasionally involved shall be filed based on the certificate of settlement which the section must send to the Public Prosecution Office within 10 days.

Article 73

Joinder of Executory Actions

1. A single executory action to collect shall be filed against the same party responsible party even where several calculations of overdue court costs exist in the process and attachments.

2. In the case of various non-joint and several parties responsible, an individual executory action shall be filed against each one of them.

Article 74

Deposit of probable court costs

The probable court costs of the executory action shall be deposited jointly with the amount to be collected.

Article 75

Insufficient assets and conditional dismissing of the executory action

1. Where the judgment debtor does not possess other seizable assets and those seized are insufficient to pay the court costs, if no collateral right in rem exists on the assets and at the request of the Public Prosecutor's Office the judge shall waive the bankruptcy creditors' claim and shall order the immediate liquidation of the assets so as to pay the court fees with the proceeds thereof.

2. Once it is ascertained that the judgment debtor does not possess assets, the executory action is dismissed, without prejudice to the resumption thereof once the existence of assets becomes known.

Article 76
Statute of Limitations on credits from court costs

1. A five-year statute of limitation applies to credits from court costs.
2. Once the executory action has been dismissed, pursuant to the provisions of item 2 of the previous Article, the statute of limitation period commences on the date of the decision determining the dismissal.

TITLE VIII
TREASURY SERVICES

CHAPTER I
MOVEMENT OF REVENUE

Article 77
Deposits

1. The amounts deriving from the prepayments of expenses, costs and fines, irrespective of their destination, as well as other amounts related to processes shall be deposited directly using deposit slips to an account opened at a banking institution, either in cash or through a certified check in favor of the latter.
2. The checks mentioned in the previous item may be sent to the Court secretary where the process is being handled, so that it is received by the day preceding the expiration of the payment deadline.
3. The person in charge of the section must deliver the payment slips promptly to the Court secretary who will then deliver them to a banking institution.
4. The proceeds from executory actions, the income, pledges and other amounts not involving judicial charges shall be deposited independently at a banking institution to the order of the Judge handling the case.

Article 78
Bank Accounts

1. Each Court shall open an account at a banking institution for deposits and withdrawal of the amounts referred to in the previous article.
2. Interest shall accrue on the accounts alluded to in the previous item.

Article 79
Deposit or payment slips

1. As soon as the countdown of the timeframe for the payment of any amounts commences, the section shall issue the respective slips, draw up an entry for their issuance in the court files and deliver them to the parties, their representatives or attorneys-in-fact when they appear to withdraw them.
2. If notices of payment of any amounts are applicable, the section shall attach the slips to these.
3. The interested party may request slips for any payment directly at the section, and these shall be immediately issued and handed over.
4. The slips to be paid by individuals who are jointly and severally bound to pay shall be delivered against an entry in the court files to whoever requests them first.
5. If there is an urgent need to carry out acts that depend on payment of any amount and if the banking entity is closed, then the slip shall be delivered to the court secretary or to whoever is standing in for them, who then becomes the court-appointed bailee and must deposit said amount on the immediately subsequent business day.
6. In regard to the amount mentioned in the previous item, the interested party is given there and then a numbered receipt and signed by whoever received it, mentioning the amount received the name of the person who made the deposit or payment and the particulars of the process, which shall be filed with the receipt booklet.

Article 80
Information contained in the slips

1. Payment slips for any amount shall contain the following information:
 - a) The identification of the account and counter of the Bank;
 - b) The due date by which the deposit or the payment can be made;
 - c) The Court that issued the slips, the nature and number of the case and the number of the current account and court costs account, if applicable;
 - d) The name of the person obligated to make the payment; and
 - e) The breakdown and destination of the amounts.
2. The slips shall be issued in triplicate, one counterpart remaining with the bank, another in the court files and the third delivered to the person making the deposit.

Article 81
Delivery of copies of the slips

1. On the first business day following receipt of the prepayments of expenses, court costs and fines, the Caixa Geral de Depósitos shall return the copies of the respective slips to the Court which shall order the withdrawal.
2. In urgent cases, the interested party shall attach to the court files, immediately after the payment or deposit, a documentary proof of payment.

Article 82
List and control of the amounts paid

1. The central section draws up a daily list of the slips paid, which is initialed by those responsible for the process sections.
2. The central section reconciles the list with the bank statement every month and investigates any differences detected.

Article 83
Collection of emoluments related to occasional acts

Amounts related to the occasional acts and documents of each month remain in the central section cashier and are deposited in the State Exchequer account using a payment slip by the 1st business day of the following month.

Article 84
Allocation of the revenue

The following revenues shall revert to the State Exchequer:

- a) Proceeds from fines of any nature collected in court;
- b) Civil court fees;
- c) Criminal court fees;
- d) Late payment interest on civil or criminal costs;
- e) Interest accrued on deposit accounts;
- f) Amounts arising from occasional acts;
- g) The amount of the checks subject to statute of limitation

**CHAPTER II
ORGANIZATION**

**SECTION I
MANDATORY BOOKS**

**Article 85
Books of the central department**

1. It shall be mandatory for the central department to keep the following books:
 - a) Accounts and settlements registration book;
 - b) Payments Book ;
 - c) Book of fees for occasional acts;
 - d) Process current accounts book.
2. The books referred to in the previous item must, whenever possible, be computerized.

**Article 86
Accounts and Settlements Registration Book**

1. The accounts and settlements registration book comprises copies of the accounts and settlements referred to in item 2 of Article 34 and item 1 of Article 56.
2. After the payment of the overdue court costs and the entry and reversal in the payments book, the copies referred to in the previous item are extracted to records book.

**Article 87
Payments Book**

The court costs are entered in the payments book as soon as they are paid or as soon as they are apportioned , indicating the number and nature of the case, the number of the account or settlement and the number and page of the book where the respective current account and payments to be made are included.

**Article 88
Book of fees for occasional acts**

All fees charged at the court are registered in the book of fees for occasional acts, in numerical order, mentioning the number of the respective account.

Article 89
Process Current Accounts Book

1. The process current accounts book comprises separate pages for each process, with attachments, where daily credit entries are made in separate columns of the installments of the amounts received as prepayment of expenses and court costs paid, and debit entries for the amounts of the court costs to be paid and the refund of the balance in excess of prepayments of expenses or of the court costs deposited.
2. The debit for payment or reimbursement of court costs is entered when the process is sent to the central department for entry in the payments book, or when it is sent to another section or court.
3. The credit and debit balances are ascertained on a daily basis after the entries have been made they are duly certified in the instrument of remittance to the process department.
4. When the account is closed, the respective page is kept in the book, to be used in the event of new entries.

Article 90
Ancillary Books

In addition to the books indicated in the previous articles, other books shall be used should the need arise.

Article 91
Instrument of Opening and Closure

The books include instruments of opening and closure signed by the court administration judge who will also initial all of their pages.

SECTION II
PAYMENTS

Article 92
Verification of bookkeeping, payments and checks

1. On the first working day of each month, after the secretary office opens, the court secretary adds up each columns of the payments book after entering therein all processes received, in order to verify if the total sum to be paid for each process matches the respective current account, and whether the operations are correct.
2. After the total amounts are ascertained, the court secretary submits the book with the respective processes to the appreciation of the administrative judge who checks the entries against the information contained in the processes and enters his initial on both; in the

processes that are to be forwarded to another court, verification by the administrative judge takes place immediately after the entry in the payments book.

3. Thereafter the court secretary draws checks in favor of all persons or entities in the total amount that each one is entitled to receive and submits everything to the administrative judge, who then verifies that everything is in order, signs the checks and enters in the book a note to this effect.

4. The number and remittance date of the checks are noted in the book.

Article 93

Payment of the expenses guaranteed by prepayments

1. Following the procedural steps or hearing for which the prepayment is intended, the department prepares the respective note or list of expenses, in duplicate, which is initialed by the judge.

2. In possession of the note, the central department draws the respective checks noting therein the respective numbers and dates.

3. Thereafter, the central department makes the appropriate debit entries in the expense account of the process current accounts book.

Article 94

Signatures on checks and indication of the payment cut-off date

1. The checks drawn on the account shall be signed by the administrative judge and by the court secretary.

2. The payment cut-off date may be indicated on the checks.

Article 95

Check remittance, listing and control

1. The checks issued by the tenth day of the month and shall be accompanied by an itemized note.

2. The court shall deliver to the banking institution on the day the checks are sent a list of the checks indicating in the appropriate columns, the date of issuance, the corresponding number, the name of the interested party and the amount and the term of validity, if applicable.

3. The central department carries out a daily reconciliation of the list of checks with the bank statement, noting down on the copy of the list the date on which each check was paid.

Article 96
Expiry of check validity

1. Checks not presented for payment by the end of the three-month period commencing on the last day of the month in which the check was drawn shall lose their validity.
2. Once the validity period has elapsed and the checks have not been submitted for payment, the banking entity shall then advise the court within ten days of the fact.
3. As soon as the information is received, the court secretary shall then make an entry in the payments book in favor of the State Exchequer in the amount of the expired checks.

Article 97
Balance information, monthly balance sheet and the verification by the judge

1. The court secretary shall prepare a monthly balance sheet intended to ascertain that the sum total of the balances of the processes current account book showing the amount of the checks drawn but unpaid tallies with the sum total of the amount of the deposits in the accounts at the banking entity and the amounts arising from occasional acts.
2. For the purposes of the provisions of the previous item, the banking entity shall provide the court secretary with the account balances at the end of each month,.
3. The balance sheet referred to in item 1 must be checked by the administrative judge.

Article 98
Note to be sent to the Minister of Finance

The court secretary must send the Minister of Finance a note itemizing the previous quarter's revenues and refunds at the end of each quarter.