

THE LAW ON COURT FEES

No. 05/90/PSA

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Effective

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¹ Amended by Law on the Amendment of Laws, Article 2

Law on Court Fees

Chapter I General Provisions

Article 1. The Law on Court Fees has the function of contributing to the generation of State revenue, facilitating tasks of the courts, and case proceedings, and ensures the uniform collection of court fees throughout the country.

Article 2. Court fees are comprised of State taxes and other fees in respect of case proceedings and photocopy fees.

Article 3. Court fees are to be collected and paid in Kip.

Article 4. Layperson jurists² [W]itnesses, experts, and translators invited to the courts and officials who undertake such tasks are to be reimbursed for the amount that they spend for travel, room and board [per diem].

Layperson jurists³ [E]xperts, translators, document delivery personnel, and evidence keepers will receive wages while doing their tasks as delegated by the courts according to specific regulations.

The salaries of workers and civil servants summoned to the courts as witnesses are to be maintained. For witnesses who are not workers or civil servants who are summoned to courts [and are required] to abandon their daily tasks, those persons will receive compensation.

Chapter II Civil Court Fees

Article 5. All petitions filed with the courts incur State taxes as follows:

- Petitions with a value not exceeding two thousand kip incur [a filing fee] of fifty kip;
- Petitions with a value in excess of two thousand Kip to five thousand Kip incur [a filing fee] of one hundred Kip;
- Petitions with a value in excess of five thousand to ten thousand Kip incur [a filing] of two percent of the amount claimed;
- Petitions with a value in excess of fifty thousand Kip incur [a filing] of three percent of the amount claimed, but not to exceed one hundred thousand Kip;
- Divorce petitions incur [a filing fee] of two thousand Kip;

² Amended by Law on the Amendment of Laws, Article 3

³ Amended by Law on the Amendment of Laws, Article 3

- Divorce petitions regarding divorce from persons who are acknowledged as having disappeared or persons who cannot undertake legal acts due to loss of mental facilities or persons who are adjudged be imposed with deprivation of liberty for more than three years incur [a filing fee] of one hundred Kip;
- Petitions regarding modifying or terminating house leases, regarding the cancellation of sequestration orders, and other petitions that do not involve assets or cannot be valued incur [a filing fee] of one hundred Kip;
- Photocopy costs of documents in case dossiers, of final judgments, court decisions, Supreme Court decisions, and court orders incur State tax of forty Kip per page.

New Article 5.

Before being enforced, all final court decisions shall incur Sate tax according to court assessed asset values as follows below

- 1 Court decisions of a certain value incur a fee of two (2%) percent of that value, but shall not exceed a maximum of one thousand (1.000) Kip;
- 2 Court decisions in respect of divorces incur a fee of two thousand (2.0001) Kip;
- 3 Court decisions in respect of divorces from persons who are acknowledged as having disappeared or persons who cannot undertake legal acts due to loss of mental facilities or persons who have been sentenced to deprivation of liberty of more than three (3) years incur [a fee] of five hundred (500) Kip;
- 4 Petitions regarding modifying or terminating house leases, regarding sequestration orders, and other petitions that involve assets or cannot be valued incur [a fee] of one hundred Kip⁴

New Article 6. Requests to Overturn Court decisions incur a State tax of one quarter [25%] of the rate as provided for in Article 5 of this Law.

Requests to overturn court decisions in respect of divorces incur [a filing fee] of one thousand (1.000) Kip.

Requests to overturn court decisions as provided for in clauses 3 and 4 of Article 5 of his Law incur [a filing fee] of one hundred (100) Kip⁵

Article 7. The value of a claim is to be established as follows:

- Claims for money, the amount of money claimed [shall be deemed the amount] of the dispute;
- Claims for [physical] items, the value of those items [shall be deemed the amount] of the dispute;
- Claims in respect of ownership in built items, whether belonging to juristic persons or individuals, the value of those built items [shall be deemed the amount] of the dispute;

⁴ Amended by Law on the Amendment of Laws

⁵ Amended by Law on the Amendment of Laws

- Claims with multiple plaintiffs, the total amount of money claimed [shall be deemed the amount] of the dispute;
- Claims for stop payment, the amount of money remaining to be paid [shall be deemed the amount] of the dispute;
- Claims for the termination of contracts to rent [physical], the amount remaining unpaid on that contract [shall be deemed the amount] of the dispute.

The amount of a claim is to follow a plaintiffs submission [of that amount]. In the case that the amount of the claim so submitted by the plaintiff is not in conformity with the actual value of [physical] items or in the case of difficulties in determining the value of that claim, the courts shall so determine [that value].

Article 8. State taxes paid shall be returned either partially or in their entirety to the plaintiff in the case that the payment of taxes are in excess of the rates as provided for by this Law;

The return of a petition to a plaintiff due to insufficiency of that claim;

The case is not within the jurisdiction of the court.

In case number one [above] of this Article, State taxes are to be returned in the amount paid in excess⁶.

Article 9. Payments in civil case processing are as follows:

Payments to individuals who are referred to in Article 4 of this Law;
 Expenses made for premises inspection;
 Expenses made in searching for a defendant;
 Expenses made in enforcing a court decision.

Article 10. Regarding money paid to individuals referred to in Article 5 of this Law or expenses made for inspecting premises, the requesting party must make an advance to pay for such. If the disputants both request [such] or if the court proposes to call witnesses, experts, or to conduct a premises inspection, that amount of money is to be split in half and paid by the disputants equally.

For the convenience of case proceedings, the court may require that the moving party [person requesting] post a deposit with the court not to exceed 5,000 Kip. If that deposit is insufficient for costs incurred, the court may require the relevant party to increase the deposit.

In the case that the money so deposited with the court remains after payments have been made, the [remainder] will be returned to the relevant party.

⁶ Amended by Law on the Amendment of Laws, Article 4

Article 11. Petitions that will be exempt from fees are as follows:

- Petitions for labor wages or other claims that arise from labor relationships of employees or civil servants workers [state enterprise workers];⁷
- Petitions for support [alimony and child support, etc.];
- Petitions by any individual to compensate for damages arising from disability or damage to health or death;
- Petitions by social welfare organizations to make support payments or repayment of pensions incorrectly paid;
- Petitions for damages compensation arising from criminal wrong doing;
- Requests to cancel divorce cases;⁸
- Petitions by public prosecutors, State administrative agencies, cooperatives, or other public organizations, or individuals, [who are proceeding] to protect the rights of another individual;
- Petitions by State financial agencies;
- Petitions by State administrative agencies, civil servants, or individuals in cases arising from administrative relationships.

A court may grant a complete exemption from all court fees or any part thereof for any individual by reference their economic circumstances.⁹

Article 12. The loser in a case must pay all court fees to the winner regardless of whether the loser was exempt from court fees or not.

If any part of a petition is adjudged in favor of the plaintiff, the defendant must pay court fees according to the amount so adjudged in favor of the plaintiff. Defendant is to then pay the remaining court fees.

The regulations referred to in the above paragraph in this Article is also to be adhered to in the instance of a judgement from the court of rescission.

New Article 13. When a plaintiff has withdrawn its petition, the defendant will not be required to repay plaintiff costs incurred in case proceedings court fees ¹⁰already paid. If the plaintiff withdraws the petition because the plaintiff comes to some agreement with the defendant after having filed the petition, the defendant must pay all of the costs incurred in case proceedings court fees. ¹¹

Article 14. When a court has made a decision to terminate a petition of the public prosecutor, a State administrative agency, a cooperative, or other public organization, or an individual petitioning the court to protect legal rights and interests of another individual, whether partially or in the entirety, the defendant will be reimbursed their expenses in

⁷ Amended by Law on the Amendment of Laws

⁸ Amended by Law on the Amendment of Laws

⁹ Amended by Law on the Amendment of Laws

¹⁰ Amended by Law on the Amendment of Laws

¹¹ Amended by Law on the Amendment of Laws

processing the case in respect of expense that the defendant has paid or according to that portion of the plaintiff's petition that the court has so terminated by collecting that from the budget [State budget?].

Article 15. Expenses made during case processing by a court and State taxes for which the plaintiff is exempt, are to be collected from the defendant and shall be State revenue according to the amount adjudged by the court.

When a court has issued a decision to terminate a plaintiff's petition, expenses made by the court in case processing are to be collected from the plaintiff.

If any part of a plaintiff's petition is adjudged, and the defendant is exempt from paying court fees, court fees are to be collected from the plaintiff who has not received an exemption from such court fees according to that part of the petition that the court has adjudged to terminate.

If both parties are exempt from paying [court] fees, the State will pay the expenses of the court made during case processing.

In the case that there is a notification in search of a person who has avoided payment of court fees, the court must have the relevant person compensate for fees incurred in search of them, while also paying the yet unpaid court fees which will then become State revenue.

Article 16. There may be requests to terminate or objections to final court decisions, [not final] court decisions, or court orders in respect of court fees.

Chapter III Criminal Court Fees

Article 17. Criminal court fees are as follows:

- Expenses made for persons referred to in Article 4 of this Law;
- Payments made to care for, to deliver, and to search for evidence;
- Other payments made in case processing.

Article 18. Wrong doers will pay criminal court fees. In the case if multiple wrong doers, they shall be liable to make payment in proportion to their wrongdoing.

In the case that there is a termination of a case or the defendant is released from criminal charges or the person who is to make payments for expenses incurred in criminal case proceedings is in such a state as to be unable to make such payments, the State will pay those expenses.

In the case that there is a termination of a case due to an agreement between an injured party and the person charged in a case in which only the injured party has the right to sue, the court may allow the injured party and the person charged or any party to pay expenses for case processing.