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# GENERAL TARIFF OF FEES FOR LEGAL

# PRACTITIONERS WITH EFFECT FROM OCTOBER 2022

## PART 1: EXPLANATORY MEMORANDUM AND DIRECTIONS

**Note 1** **Legal practitioners are professionally and legally obliged to charge fees for legal work which are fair and reasonable in all the circumstances. In order to assist the profession and the public in this regard and to seek a degree of uniformity and consistency, this tariff is recommended by the Council of the Law Society of Zimbabwe for application to all legal work undertaken by legal practitioners, save where some other tariff is applied by law or where the client has agreed to some other rate or basis of charging. Thus party and party fees in civil litigation, conveyancing fees, collection commissions and deceased estate administration fees are not covered by this tariff whereas legal practitioner and client fees in civil litigation and fees for criminal and general non-litigious work are covered.**

**Note 2** **The recommended ranges are to be regarded as the ordinary fees chargeable for work of the type described. If one or more of the following five special criteria are present then the rate customarily selected by the legal practitioner within his or her experience category may be increased by premiums where appropriate, in accordance with Notes 5 and 6. The criteria which would place a matter outside the ordinary and justify a higher rate occur where;**

**2.1 the matter is complex or the questions raised are difficult or novel;**

**2.2 specialised knowledge, skill and/or responsibility are required the legal practitioner;**

**2.3 the place where or the circumstances in which the business is transacted are unusual or difficult;**

**2.4 the amount or value of the money or property involved is particularly high; and/or**

**2.5 the matter is of particular importance to the client.**

**Note 3** **It should be noted that By-law 68 (1) requires that a legal practitioner's fees in non-litigious matters should be fair and reasonable in the circumstances, listing the points set out in Note 2 above (amongst others) and adding a further criterion, namely "any tariff of recommended charges issued by the Council". Legal practitioners who exceed this recommended tariff do so at their peril. If they feel the tariff is inadequate or inequitable or likely to prejudice a good relationship with a client, they are welcome to approach the Council for guidance.**

**Note 4** **Where a legal practitioner intends to charge fees on a basis which is different from that which is set out in this recommended tariff, it is essential that the client be informed in advance and that the client's prior agreement to this should be obtained. It is preferable to record such agreement in writing. The Council will regard any rate which is higher than the upper margin of the recommended range as materially different.**

**Note 5** **The ranges of hourly fees recommended in this tariff are designed to take into account both the varying levels of experience of practitioners and their varying costs of practice. Legal practitioners are entitled to charge rates which are at the lower or upper margins or anywhere in between these margins. Thus a simple non-commercial matter handled by a newly-registered practitioner paying a relatively low rent in a small town is unlikely to justify any more than a rate at the lower margin of his or her applicable range while a complicated international commercial transaction handled by a senior partner of a large city firm who has been in practice for 20 years or more is likely to merit a fee charged at a rate at the upper margin of his or her applicable range (before the premium resulting from any special criteria is added).**

**Note 6** **The maximum premiums which may be added to a legal practitioner's customary rate for the type of work involved as a result of the existence of special criteria are as follows:**

| **Number of years' experience as a registered legal practitioner** | **Premium over and above customary rate** |
|---|---|
| **0 years to 4 years 11 months** | **0 %** |
| **5 years to 9 years 11 months** | **25 %** |
| **10 years to 19 years 11 months** | **50 %** |
| **20 years or more** | **100%** |
| **30 years or more** | **125%** |
| **40 years or more** | **150%** |

**Note 7** **Where a legal practitioner performs work in an area where another professional person would charge a percentage fee, the legal practitioner shall be entitled to charge a percentage fee or a flat fee if the client's prior agreement is obtained. Again, it is preferable to record such agreement in writing.**

**Note 8** **Where a legal practitioner performs work on instructions emanating from outside Zimbabwe, he or she shall be entitled both to charge a fee similar to that which would be charged by a legal practitioner of comparable experience and ability in the country from which the work emanates and to charge such fee in the currency of that country, provided always that the provisions of the exchange control and any other applicable regulations are observed.**

**Note 9** **As illustrations of an ordinary fee and a fee to which a premium is added, a legal practitioner of 17 years' experience who prepares an Agreement in October 2022 could legitimately charge the following hourly rates:**

**9.1** **If the Agreement is not particularly complex and the value of the transaction is not particularly high, a fee of US$ 240.00 per hour.**

**9.2** **If the Agreement is complex and the value of the transaction is very considerable, as a result of which the maximum premium of 50% for special criteria can legitimately be charged, a rate of USD 405.00 per hour, calculated as follows:**

| | |
|---|---|
| **Upper margin of hourly range for October 2022** | **US$ 270.00** |
| **Add 50% premium** | **US$ 135.00** |
| | **US$ 405.00** |

**Note 10** **Although hourly rates are recommended, a legal practitioner is expected to divide these up in such smaller units of time spent as are convenient to his or her practice and the type of work concerned. No unit of more than 5 or 6 minutes is likely to be accepted as being reasonable.**

**Note 11** **It is most desirable to maintain file notes of all attendances which show the time spent and the work performed. When an account is drawn the total number of units of time spent can be multiplied by the requisite fraction of the relevant hourly rate in order to establish the basic fee. This can then be adjusted upward (if any of the aforesaid special criteria is present) or downward (if it is felt, for good reason, that the result is inequitable).**

**Note 12** **Where an experienced legal practitioner carries out work of a comparatively simple nature (for example, either at the specific request of the client or because it is not possible or convenient to refer the matter to a more junior person) then it is expected that the fee charged will be based on a lower rate than that which is normally charged by such senior practitioner, bearing in mind the need for the overall fee to be fair and reasonable in all the circumstances.**

**Note 13** **Unless agreed otherwise with the client, a fee for the investment and administration of trust funds shall not exceed 5% of the gross interest earned.**

**Note 14** **The fees recommended by the Council do not take value added tax into account: it should be added.**

**Note 15** **In addition to fees, the client may also be charged for;**

**15.1 photocopies, machine-duplicated copies and computer-printed copies, at the rate of US$0.50 per page;**
**15.2 faxes sent, at a rate equivalent to the cost of the telephone call involved plus the photocopying cost of the number of pages;**
**15.3 trunk and mobile telephone calls made, at cost;**
**15.4 revenue stamps, Deputy Sheriff's and Messenger of Court's fees and all other disbursements, at cost;**
**15.5 collection commission, where applicable, at the prescribed rate.**

**Note 16** **A standard disbursement entry in an account for "stationery, postage and petties" is permissible, provided that it is appropriate (which would not be the case where little or nothing was actually spent by the legal practitioner on the items in question) and further provided that it shall not exceed 2% of the total fee charged in the account.**

**Note 17** **The Council of the Society will review the tariff periodically going forward.**

**Note 18** **The fees set out in this tariff shall also be payable in Zimbabwe Dollars, if the client wishes, at the prevailing inter-bank exchange rate on the date of payment.**

**Note 19** **The USD General Tariff of April 2021 and the ZWL General Tariff of June 2022 shall not apply to any work which is done after the date of this tariff.**

## PART II: FEES

## ITEM 1: GENERAL PROFESSIONAL SERVICES

**Time reasonably and actually spent in personal attendance by a legal practitioner in performing his or her mandate, including taking instructions, telephone calls, attendances in court, offices of record and the like, research, preparation, drafting, dictation and perusals of letters and documents:**

| **YEARS' EXPERIENCE** | **BASIC HOURLY RANGES** |
|---|---|
| **30 years and over** | **US$ 310.00 - US$ 350.00** |
| **20-29 years 11 months** | **US$ 270.00 - US$ 310.00** |
| **15-19 years 11 months** | **US$ 210.00 - US$ 270.00** |
| **10-14 years 11 months** | **US$ 150.00 - US$ 210.00** |
| **5-9 years 11 months** | **US$ 120.00 – US$ 150.00** |
| **2-4 years 11 months** | **US$ 90.00 – US$ 120.00** |
| **0-1 years 11 months** | **US$ 60.00 – US$ 90.00** |
| **Unregistered Law Graduate whose name is recorded by Law Society** | **US$ 30.00–US$ 60.00** |

## ITEM 2: OPTIONAL STANDARD FEES FOR BASIC WORK

**A legal practitioner shall be entitled to charge the following standard fees instead of calculating his or her fees on the above basis, where basic work is involved. If the work is not basic, notes 1 to 10 apply.**

**2.1 SALE AGREEMENT**

| | |
|---|---|
| **residential or farm** | **US$500.00 or 1% of the selling-price, whichever is the greater** |
| **business or shares** | **US$800.00 or 2% of the selling-price, whichever is the greater** |

**LEASE AGREEMENT**

| | |
|---|---|
| **residential or farm** | **US$300.00 or one month's rent, whichever is greater.** |
| **business** | **US$600.00 or one month's rent, whichever is the greater.** |

**COMMERCIAL TRANSACTION 2% of the value of the transaction**

**2.3 UNCONTESTED DIVORCE**

**(with or without consent paper, with minimal negotiations and including appearance in Court, where necessary)**

| | |
|---|---|
| **for Plaintiff** | **US$1 200.00** |
| **for Defendant** | **US$ 800.00** |

**2.4 WILL**

**simple (e.g., all to spouse, one or two bequests) US$400.00**
**more complex, (e.g. multiple heirs and/or bequests, trust established etc) ..... charge applicable rate**

**2.5 COMPANY FORMATION**

**(with share certificates and initial Companies Act forms)**

| | |
|---|---|
| **with a full set of Articles** | **US$500.00** |
| **where Articles substantially incorporate Table A, whether or not with modifications** | **US$350.00** |

**2.6 NOTARIAL WORK**

| | |
|---|---|
| **simple ante- and post-nuptial contract** | **US$300.00** |
| **change of name** | **US$250.00** |
| **simple authentication** | **US$100.00** |
| **notarial cession of book debts where this is not part of notarial bond** | **2% of the value involved** |
| **bond** | **charge conveyancing tariff** |

**2.7 LIQUOR LICENCE**

| | |
|---|---|
| **initial application** | **US$450.00** |
| **renewals to Secretary** | **US$300.00** |
| **all other application** | **US$250.00** |

**2.8 SHOP LICENCE** **US$250.00**

**2.9 GENERAL POWER OF ATTORNEY** **US$75.00**

**2.10 INSOLVENCY/ LIQUIDATION CLAIM** **2. 5% of the value claimed**

**ISSUED BY THE LAW SOCIETY OF ZIMBABWE, OCTOBER 2022**