

## **CIRCULAR NO.5 OF 1998**

### **TO ALL MEMBERS OF THE LEGAL PROFESSION**

#### **COSTS**

There seems to be some confusion about the question of costs in a civil trial before the High Court.

If counsel wish to make any representations about costs, they should (if judgement is reserved as it usually will be) do so in the course of their final submissions whether or not invented to do so.

If no such representations are made, the court will assume that the question of costs has been left to its discretion.

As an alternative, counsel may ask that an order nisi be made as to costs, in order that counsel may then decide whether or not he wishes to argue on this matter.

It will, of course, remain in the discretion of the court as to whether or not an order nisi as to costs will be made.

6<sup>th</sup> June, 1998.

[ORIGINAL SIGNED]  
**DATO SIR DENYS ROBERTS**  
**Chief Justice**

Copies :      Attorney General  
                 Chief Registrar  
                 Legal Adviser, BSP