

TO ALL MEMBERS OF THE LEGAL PROFESSION

TAXATION OF COSTS

I hope that all members of the legal profession have had an opportunity to read the judgment in Md Noor bin Hj Ali v. Wai Namsui and another (HCCS 99/96).

This was a taxation appeal, which sets out the following guidelines for Registrars, when acting as taxing masters.

In future, the hourly allowance for preparation of a case for a solicitor should be increased to \$250 - \$350 an hour, the upper figure being reserved for anyone who has been in practice (in Brunei or elsewhere) for over 10 years. The new figure is intended to apply only to work done after 31st May, 1998.

The case attempts to provide guidance for taxing masters, faced with the difficult task of deciding on a fair amount to allow on taxation.

It is suggested that, as from 31st May, taxing masters should allow, in the absence of any evidence to the contrary, the time taken in the trial, (or specified in the Summons for Directions if there has been no trial) as the same as the time spent in preparation. For example, in a 3 day trial, the allowance for preparation would be  $3 \times 8$  (allowing for an eight hour day)  $\times$  \$250 to \$350 - i.e \$6000 to \$8400.

The best evidence to the contrary is the time sheet. While I appreciate that the keeping of time sheets imposes an extra burden on solicitors, this is the best method of showing that the somewhat arbitrary guidelines, suggested by me to Registrars, have been exceeded (or in some cases are not justified).