

PRACTICE DIRECTION – 14.3

TAXATION OF COSTS OF CIVIL PROCEEDINGS IN HIGH COURT AND DISTRICT COURT

Costs – procedure for taxation in High Court and District Court

1. The present system for taxation with a call-over is to serve the following purposes:

- (a) facilitating early settlement or identification of areas of disagreement by ensuring that objections are available to the taxing party in advance of the hearing;
- (b) allowing short or short and urgent taxations to be dealt with;
- (c) disposing finally of matters where it is apparent that the paying party is no longer interested in or opposing the taxation;
- (d) explaining the taxation procedure to an unrepresented party; and
- (e) keeping control of the time estimates for the subsequent taxation hearing.

2. The following procedures are to be applied in both the High Court and the District Court:

- (a) The receiving party preparing a bill is to serve a copy on the paying party as soon as possible after the order for costs has been made. The purpose is to reach agreement either on the whole of the bill or on as many items as possible.
- (b) Thereafter the bill may be lodged in the usual way and a 15-minute appointment for taxation (hereafter referred to as “the call-over”) will be given with a return date of usually not less than 28 days.
- (c) Each item in the bill should be given an item number that can be readily referred to without making references to other pages to find out which part or section it belongs.
- (d) The paying party shall as soon as possible but in any event not less than 3 clear days before the call-over prepare, file and serve on the receiving party a list of objections.

- (e) Each item of objection should be given a serial number. It should also identify and indicate the item on the bill objected to by reference to page number and item number. The reasons for objection should also be clearly stated. If the objection is based on excessiveness or unreasonableness of the amount claimed the paying party has to suggest, where appropriate, what the reasonable amount is. The paying party is also required to calculate and indicate the total amount that would be deducted if all his objections for whatever reasons were allowed. On the list of objections the paying party should also estimate and state the length of time for the substantive hearing.
 - (f) The parties shall attend the call-over before the Master and are expected to have discussed and negotiated the bill and reduced the items in dispute so far as possible.
 - (g) At the call-over the parties shall assist the Master in assessing the length of appointment needed for the taxation itself.
 - (h) Failure to observe 2(d) above or non-appearance of the paying party at the call-over may result in the bill being taxed as drawn.
 - (i) After the call-over and before the substantive hearing the parties are expected to further discuss the items in issue and to negotiate a reduction of the items in issue.
 - (j) The receiving party shall at least two clear days before the substantive hearing lodge a bundle of all documents relating to the items objected to with the Court. The bundle shall be in the following form:
 - (i) The documents must be marked with the same item numbers as those in the List of Objections to which they relate; and
 - (ii) The documents must be arranged in the same sequence as they appear in the List of Objections.
 - (k) In case of failure to observe any of the above terms the Master may pursuant to Order 62 rule 8 make the practitioner personally liable for costs.
3. At the end of each taxation hearing, unless the Master otherwise directs, he will give the following standard directions:
- (a) The parties shall within seven days hereof endeavour to agree the amount of the taxed bill after taxation for the purpose of the allocatur to be issued.

- (b) Failing agreement the parties shall be at liberty to apply in writing to the Court for clarification and such application shall be dealt with by the Master without a hearing unless the Court otherwise directs.
 - (c) If agreement is reached or the Court's clarification is obtained, the amount agreed or ascertained is deemed to be accurate and correct. Based on such amount the taxing fee will be calculated. The allocatur will then be prepared and submitted to the Court for approval and issue.
4. This revised Practice Direction will replace Practice Direction 14.3 of 1 August 1992 and will come into force on 2 July 2002.

Dated this day of June 2002.

(Andrew Li)
Chief Justice