

Assessment of Costs

1. Masters have resolved that it is in the interest of the parties and for better case management to make more use of Order 62 rule 9(4)(b) in appropriate cases. They have in mind the gross sum assessment in respect of interlocutory applications before them. Some Masters have been trying it out. For the time being we do not want to make it as a rule or a practice direction. We are happy to leave the matter at the discretion of individual Masters to invoke such power.
2. We will review our procedure from time to time to make it more efficient and costs saving. For the time being the procedure is as follow:-

Procedure

- A. At the end of a hearing in any interlocutory proceeding before a Master and after he has made a costs order in favour of one party, if the Master or any party considers it appropriate to have lump sum assessment, submissions are invited why immediate gross sum assessment under Order 62 rule 9(4)(b) should not be made.
- B. After hearing submissions the Master shall make a ruling thereon. If the Master decides to proceed with the assessment, he will invite the receiving party to supply the following information in writing in the form of a costs schedule:
 - a. The charge out rate of the solicitor in charge and his standing.
 - b. The time and costs for the preparation or perusal, as the case may be, of the summons.
 - c. The time and costs for the preparation of any affidavit and any other document, if any, relating to the summons.

- d. The time and costs for the perusal of the affidavits for the other side.
 - e. The time and costs for the preparation or perusal, as the case may be, of the bundle for the hearing.
 - f. The time and costs for the correspondence and telephone calls related to the summons.
 - g. The time and costs for preparation for the hearing.
 - h. The time and costs for attending hearing of the summons including call-over attendance.
 - i. Costs for other miscellaneous matters, such as mechanical preparation of documents, photocopy charges and filing charges.
 - j. Counsel fees and other disbursements, if any, with copy fee notes to be provided for perusal.
- C. Please note that the Master will not conduct a mini taxation. The assessment of the costs is carried out on broad principles.
- D. As to the information required under paragraph B above, the Master asks for estimates only. Detail breakdowns of each item are not encouraged or required. Costs for preparation to supply such information are not usually allowed. Parties are encouraged to exchange such information before hearing of the summons so that they can well prepare themselves for argument when called upon to do so.
- E. The Master will after hearing submissions make assessment forthwith and fix the amount as costs of and incidental to the summons.

- F. We expect the whole process will take less than 15 minutes. That will save a lot of taxation costs, time and effort. The assessed costs are usually ordered to be paid forthwith or within a reasonable time.
- G. It would be helpful if parties for the interlocutory hearings bring along the information mentioned in paragraph B above in the form of a costs schedule so that gross sum assessment can be made forthwith. Otherwise, the gross sum assessment hearing may be adjourned to another date to be fixed with 15 minutes reserved in order to give time to the party entitled to the costs to prepare and submit the costs schedule for the Master's consideration.

Registrar, High Court
September 2004