

Sky Hy Fashions Prop. Ltd v Union Maritime Services Ltd

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Supreme Court, Nuku'alofa
Dalgety J
Civil Case No.4/1991

22 January 1993

Procedure - Costs - Taxation - Fee for Chamber's Hearing
Costs - Taxation - Fee for Chambers Hearing

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The defendant sought payment for 3 hours for an one half-hour chambers hearing.

Held

1. A proper allowance for such an average chambers hearing would be one half-hour for the actual attendance at Court and half an hour for travelling to and from Court (a total of one hour).
2. If Counsel attends to more than one case within that hour then the time and the time and the fee should be apportioned equally amongst the clients.

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Judgment

In this Bill of Costs Counsel for the Defendants sought payment for three hours work in respect of a number of Chambers Hearings. The Hearing itself, plus attendance at Court awaiting to be called, lasted one half-hour. The balance of the charge represented travelling time from Counsel's home to Court and vice versa.

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Most Chambers Hearings plus associated attendance at Court will last more or less half an hour. In addition a modest additional charge is proper to compensate Counsel for travelling to Court from their Office and back again. I am prepared to allow up to half an hour for that purpose. Thus for the average Chambers Hearing a time charge in excess of one hour will be unlikely to survive taxation.

If the actual Hearing lasts significantly longer than average then Counsel should charge for the actual time spent in attendance at Court plus travelling time not exceeding half-an-hour and the basis for such a charge should be made clear in the Bill of Costs.

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On the other hand Counsel cannot automatically expect to be paid a fee for one hour's work for each Chambers Hearing. There may be occasions when one Counsel attends Court for four separate cases, all of equal length, and for which the total Counsel to apportion his fee equally amongst all four clients and charge each of them a fee for fifteen minutes work only.

In the present case the Defendants will be allowed a fee for one hour for each Chambers Hearing.