

(Civil Jurisdiction)

BETWEEN: SOLOMON BRENETT

Claimant

AND: ~~GOVERNMENT~~

First Defendant

AND: COMMISSIONER OF
POLICE

Second Defendant



Coram: Mr Justice Oliver A. Saksak

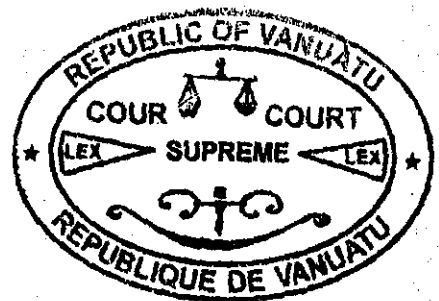
Counsel: Mr Richard Kales for the Claimant
Mr Michael Edwards and Mr Abel Kalmet for the Defendants

Date: 30th March, 2004.

JUDGMENT

This was a Chambers hearing. Mr Kales had submitted a memorandum of costs claiming –

| | |
|--------------------------|------------------|
| (1) Professional costs - | VT266.103 |
| (2) Disbursement costs - | VT 30,000 |
| (3) VAT - | VT 37,012 |
| | ----- |
| Total - | <u>VT333,115</u> |



These costs were charged at the usual rate of VT10.000 per hour.

Mr Edwards objected and made application to have the costs taxed at the rate charged in the Magistrate's Court on the High Scale rate. He argued and submitted that in view of the awards made in the case of Silas Michelle

& others v. The Government and Commissioner of Police where the Court awarded each plaintiff damages ranging from VT20.000 to VT500.000, Counsel should have foreseen that future awards could not exceed that amount and therefore should have taken out the Plaintiff's claims in the Magistrate's Court, rather than in the Supreme Court. Mr Edwards persuaded me to agree to his arguments and submissions. Counsels are officers of the Court. They have a duty both to the Court and to their clients to act in accordance with the overriding objective of the Rules of Court. See Part 1.2 and 1.5 of the Civil Procedure Rules No.49 of 2002.

Mr Edwards relied on the case of Public Service Commission v. Raymond Manuace Civil Appeal Case No.23 of 2003 (unreported) to support his submissions.

Mr Edwards therefore offered to settle all costs in the sum of VT94.000. Mr Kalses was in no position to accept this offer and he requested time to consider the matter and consult with Mr Edwards. In the circumstances the offer will remain open and parties are at liberty to apply to the Court in the event that the matter cannot be resolved.

PUBISHED at Luganville this 15th day of April, 2004.

BY THE COURT

Oliver A. Saks
OLIVER A. SAKS
 Judge

