

Practice Direction

Bills of Costs

No 12 of 2023

1. Introduction

- 1.1 This practice direction is made pursuant to Rules 4.2 and 72.10 of the Supreme Court Civil Procedure Rules, 2022 (as amended) (the Rules).
- 1.2 The purpose of this practice direction is to specify the form of a bill of costs for use in proceedings for the assessment of costs.
- 1.3 This practice direction comes into effect on 2 January 2024.

2. General requirements

- 2.1 A bill of costs must consist of the following sections —
 - (i) title page;
 - (ii) background information;
 - (iii) items of cost divided into columns;
 - (iv) summary showing the total costs claimed on each page of the bill; and
 - (v) a declaration that the bill is both accurate and complete.

[Where it is convenient to do so, a bill of costs may be divided into two or more parts, each part containing its own sections (ii), (iii) and (iv).]
- 2.2 Every page of a bill of costs must be paginated.
- 2.3 Every bill of costs should be divided into eight columns as follows —
 - (i) Column 1 should contain the item numbers.
 - (ii) Column 2 should contain the item dates.
 - (iii) Column 3 should contain the name or initials of the persons that performed the professional services for which costs are claimed.

- (iv) Column 4 should contain a description of each item of work arranged chronologically; the date(s) on which or period(s) during which it was done; the identity of the person(s) doing the work; the time spent; the applicable hourly rates; and any disbursements.
- (v) Column 5 should contain the amounts claimed in respect of disbursements.
- (vi) Column 6 should contain the amounts claimed in respect of professional charges.
- (vii) Column 7 is for use by a Registrar to summarise the amount taxed off in respect of each item and should be left blank.
- (viii) Column 8 is for use by a Registrar to summarise the amount allowed in respect of each item and should be left blank.

2.4 A precedent party-and-party bill is annexed to this Practice Direction as an illustrative model form.

2.5 An explanatory schedule may be attached to a bill of costs. The object of such a schedule is to assist a Registrar and the paying party by providing additional information regarding the items of cost in the bill. Such schedules must not be overly detailed.

2.6 A bill of costs drawn up for taxation between an attorney and his or her own client should generally be drawn up in the same manner as a party-and-party bill. Unless the bill provides otherwise, an attorney will be deemed to have indicated that all items included in the bill are in relation to work done or disbursements incurred with the express or implied approval of the client.

3. Detailed requirements

3.1 The title page of a bill of costs must set out —

- (i) the full title of the proceedings; and
- (ii) the name of the party whose bill it is and a description of how the party's right to assessment has arisen.

3.2 The background information section of a bill of costs must set out –

- (i) a brief description of the proceedings up to the date of commencement of proceedings for the assessment of costs. The description provided must be sufficient to enable a Registrar to gain a proper understanding of the proceedings without necessarily having to read the pleadings, evidence or judgments.
- (ii) the names of the persons in respect of whom costs are claimed, the positions held by those persons, the number of years called of those persons and (if costs are calculated on the basis of hourly rates) the hourly rates claimed for each such person.
- (iii) a brief explanation of any agreement or arrangement between the receiving party and his or her attorneys which affects the costs claimed in the bill.

3.3 Each item claimed in a bill of costs must be consecutively numbered.

3.4 Every bill of costs should distinguish between legal fees and disbursements.

3.5 The work done and disbursements incurred should be itemised and set out chronologically. In this regard –

- (i) sufficient particulars must be included in the bill to enable a Registrar to exercise their discretion in relation to each item in the bill.
- (ii) the amount claimed in respect of any professional charge must not exceed the amount which the receiving party has paid or is liable to pay.
- (iii) the amount claimed in respect of any disbursement must not exceed the actual amount paid by the successful party.

3.6 The items appearing in a bill of costs should be grouped under the following headings if convenient in the circumstances of the case –

- (i) attendances at court up to the date of the notice of commencement;

- (ii) attendances on and communications with the client;
- (iii) attendances on and communications with the receiving party;
- (iv) attendances on and communications with witnesses including any expert witness;
- (v) attendances to inspect any property or place for the purposes of the proceedings;
- (vi) attendances on and communications with other persons, including offices of public records;
- (vii) communications with the Court;
- (viii) work done on documents in connection with the proceedings;
- (ix) work done in connection with negotiations with a view to settlement if not already covered in the heads listed above;
- (x) other work done which was of or incidental to the proceedings and which is not already covered in the heads listed above (other than the costs of assessment); and
- (xi) costs of assessment.

3.7 A bill of costs must be drawn in B\$ (referred to as “the currency of the bill”). Costs incurred in any other currency must be translated into the currency of the bill at the exchange rate prevailing on the date of the bill.

4. Miscellaneous rules for specific circumstances

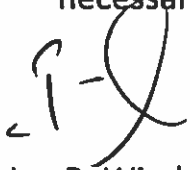
4.1 Where the receiving party acted in person during the course of some but not all of the proceedings the bill must be divided into different parts so as to distinguish between –

- (i) the costs claimed for work done by the party’s attorneys; and
- (ii) the costs claimed for work done by the receiving party in person.

4.2 Where the receiving party was represented by different attorneys belonging to different firms during the course of the proceedings, the bill must be

divided into different parts so as to distinguish between the costs payable in respect of each firm of attorneys.

- 4.3 Where the bill covers costs payable under an order or orders under which there are different paying parties the bill must be divided into parts so as to deal separately with the costs payable by each paying party.
- 4.4 Where the bill covers costs payable in respect of which the receiving party wishes to claim different rates of VAT, the bill must be divided to enable the necessary calculations to be conveniently performed.

A handwritten signature in black ink, appearing to be 'I-R. Winder', written in a cursive style.

Sir Ian R. Winder
Chief Justice
19 December 2023

PRECEDENT PARTY-AND-PARTY BILL OF COSTS

In the Commonwealth of The Bahamas

In the Supreme Court

..... Division

Claim No.

In the Matter of

Between:

.....

Claimant

And

.....

Defendant

BILL OF COSTS OF

BILL OF COSTS in respect of actual professional fees and disbursements incurred by filed pursuant to the of the Honourable [Mr.]/[Mrs.] Justice in the Supreme Court filed on whereby it was ordered that do pay the costs of and occasioned by this action to be subject to detailed assessment if not agreed; and for professional services rendered to including attendances to numerous phone calls and conferences, drafting and perusing numerous letters, emails, messages, documents, correspondence and submissions, conducting extensive research, preparation of documents, and for the general care and conduct of this action.

Background information

[Insert description of factual and procedural background sufficient to enable a Registrar to gain a proper understanding of the proceedings without necessarily having to read the pleadings, evidence or judgments]

The professional charges in this bill have been incurred on a time spent basis for the professional services provided by the following attorneys whose hourly rates are set out in the table below:

Name	Position	Years called	Hourly rate (B\$)
.....
.....

Items of cost

No.	Item date	Attorney	Description	Disbursements (B\$)	Professional charges (B\$)	Amount taxed off	Amount allowed
<i>Attendances at court up to the date of the notice of commencement</i>							
1.		
<i>Attendances on and communications with the client</i>							
2.		
<i>Attendances on and communications with the receiving party</i>							
3.		
.....							
.							
Costs of assessment							
99.		
			Sub-totals		
			VAT @ 10%		
			Grand totals		

Certificate as to accuracy

It is hereby certified that this bill is accurate and complete.

Dated

(Name or firm and business address of the attorney whose bill it is)