

# **Practice Direction No. 5 of 2011: General Rules about Costs – (Cost Order in Favor of Party represented Pro Bono)**

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

PRACTICE DIRECTION NO. 5 OF 2011

**Cost Order in Favor of Party represented Pro Bono**

## **Citation**

This Practice Direction will come into effect on the date of issue. It may be cited as **Practice Direction 5 of 2011 — General Rules about Costs – (Cost Order in Favor of Party represented Pro Bono)** and may be abbreviated to **PD 5/2011**

1. Rule 38.91 sets out how the Court may determine the amount to be paid when making an order for costs under Rule 38.89.
2. The general rule is that the Court will make an immediate assessment of costs unless there is good reason not to do so.
3. Where an order under Rule 38.90 is sought, to assist the Court in making an immediate assessment of the amount payable to the Fund, the party who has pro bono representation must prepare, file and serve in accordance with Rules 38.35 – 38.37 a written statement of the sum equivalent to the costs that party would have claimed for the legal representation had it not been provided free of charge
4. If a detailed assessment of costs is required then it shall be undertaken in accordance with Part 40 in the usual manner and the costs of the detailed assessment proceedings shall also be awarded to the Fund.
5. In proceedings where a party is represented pro bono the Court, wherever possible, shall reserve the issue of costs until the conclusion of the trial or final hearing. In general, a note shall be made on the Court file to indicate the costs order that would have been made at the interim stages had a party not been represented pro bono. The Court conducting the final hearing can then make a single costs order which reflects the justice of the case overall, providing for the interim successes and failures.

Michael Hwang  
Chief Justice of the DIFC Courts

Dated: 11 September 2011