



**IN THE INDEPENDENT
LEGAL SERVICES COMMISSION**

ILSC Action No: 001 of 2016

BETWEEN: **CHIEF REGISTRAR** **Applicant**

AND: **TEVITA V.Q. BUKARAU** **Respondent**

Counsel for the Applicant: Ms. V. Prasad

Respondent: In Person

Dates of Hearing: 10th June 2016

Date of Orders: 10th June 2016

Date of Judgment: 15th June 2016

Ruling on Costs

[1] I note that on 10th June 2016, I made an ex tempore ruling on costs that were summarily assessed.

[2] I now provide my reasons.

[3] Following the handing down of my judgment in this matter on 7th June 2016, I invited the parties to file brief submissions as to costs.

[4] I had already set out in my judgment dated the 7th of June 2016 my preliminary view as to costs at [153]:

‘... Practitioners should also expect that there may well be two orders for costs – one for putting the Registrar and his staff within the LPU through the time and expense of having to bring such an application and the other for the Commission having to deal with the practitioner for failing to comply with the practitioner’s statutory responsibility pursuant to s.108(1).’

[5] I expanded on the above in more detail at paragraphs [156]-[158] and, in particular, explained that I looked for guidance to The Solicitors Disciplinary Tribunal of England and Wales and its approach to costs set out in its ‘Guidance Note on Sanctions’.

[6] In her written submission, Counsel for the Applicant cited the above ‘Guidance Note on Sanctions’ and noted that it, in turn, cited **R v Northallerton Magistrates Court, ex parte Dove**(1999)163 JP 8949 [See also [1999] EWHC Admin 499; [2000] 1 Cr App R (S) 136]:

- *it is not the purpose of an order for costs to serve as an additional punishment for the respondent, but to compensate the applicant for the costs incurred by it in bringing the proceedings*
- *any order imposed must never exceed the costs actually and reasonably incurred by the applicant*

[7] Counsel for the Applicant noted that they had prepared three sets of documents for the hearing which did not proceed as the Respondent changed his plea. Nominal costs were sought in the range from \$250.00-\$300.00.

[8] The Respondent in his submissions noted that I had referred in my judgment to the fact some of the time taken had not been the fault of the Respondent and submitted that this had assisted in clarifying the principles involved. If costs were to be imposed, the Respondent submitted, they should be in the vicinity of \$200.00.

[9] I found both sets of submissions helpful and directly on point. Accordingly, pursuant to section124 of the *Legal Practitioners Decree 2009*, I have summarily assessed the costs payable by the Respondent to the Applicant in the sum of \$250.00. Similarly, pursuant to section124 of the *Legal*

Practitioners Decree 2009, I have summarily assessed that the Respondent is to pay to the Commission the sum of \$250.00 towards the reasonable costs incurred by the Commission in this matter.

[10] Both sums are sum to be paid within 28 days of 10th June 2016, that is, by 12 noon on 8th July 2016, to which, I note, that the Respondent indicated to me at the time of my Ruling on the 10th of June 2016 that he was agreeable to this timetable.

[11] Finally, I wish to record my thanks to both parties for their assistance on the assessment of costs in this matter.

ORDERS

1. The Respondent to pay the Applicants' costs summarily assessed in the sum of \$250.00 payable within 28 days of 10th of June 2016, that is, on or before 12 noon on the 8th of July 2016.
2. The Respondent to pay to the Commission the sum of \$250.00 as a contribution towards the reasonable costs incurred by the Commission in this matter, such sum to be paid with 28 days of 10th of June 2016, that is, on or before 12 noon on the 8th of July 2016.

Dated this 15th day of June 2016.

Dr. Thomas V. Hickie
COMMISSIONER

**IN THE INDPENDENT LEGAL SERVICES
COMMISSIONAT SUVA**

Application No: 001 of 2016

BETWEEN : CHIEF REGISTRAR

Applicant

AND : TEVITA BUKARAU

Respondent

Ex Tempore Ruling on Costs

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