



محكمة قطر الدولية
ومركز تسوية المنازعات

QATAR INTERNATIONAL COURT
AND DISPUTE RESOLUTION CENTRE

PRACTICE DIRECTION ON COSTS

(No. 2 of 2024)

Introduction

1. This Practice Direction is issued pursuant to article 37.2 of the Regulations and Procedural Rules of the Court (the ‘**Rules**’) and article 26.2 of the Regulations and Procedural Rules of the Regulatory Tribunal.
2. This Practice Direction sets out the principles and procedures governing the assessment and award of costs in proceedings before the QICDRC, as mandated by article 33 of the Court's Rules and article 26 of the Regulatory Tribunal’s Regulations and Procedural Rules.

Costs before the Court

3. Article 33 of the Court’s Rules outlines essential provisions for the assessment and award of costs:

Article 33 - Assessment and Award of Costs

33.1 The Court shall make such order as it thinks fit in relation to the parties’ costs of the proceedings.

33.2 The general rule shall be that the unsuccessful party pays the costs of the successful party. However, the Court can make a different order if it considers that the circumstances are appropriate.

- iv. Subject to rules as to privilege, whether any reasonable settlement offers were made and rejected.
- v. The extent to which the party seeking to recover costs has been successful.

Proportionality assessment

- 7. When making the proportionality assessment, which involves evaluating whether the costs incurred are proportionate to the complexity and significance of the case, the following factors, while not exhaustive, are likely to be relevant:
 - i. In monetary or property claims, the amount or value involved.
 - ii. The importance of the matter(s) raised to the parties.
 - iii. The complexity of the matter(s).
 - iv. The difficulty or novelty of any particular point(s) raised.
 - v. The time spent on the case.
 - vi. The manner in which work on the case was undertaken.
 - vii. The appropriate use of resources by the parties including, where appropriate, the use of available information and communications technology.
- 8. As noted, the Court will have regard to the sum in issue. It is particularly important that in claims assigned to the Small Claims Track, the principle of proportionality is considered by the parties at every stage of the proceedings.
- 9. Where costs are awarded on the indemnity basis, the proportionality limb does not apply.

Self-representation, mediation costs, legal representation, settlement offers, and conditional fee arrangements

Self-represented law firms, companies and individuals

10. Self-represented law firms may seek to recover costs at professional rates, provided that such rates are reasonable and justifiable.
11. Self-represented companies or individuals are entitled generally to recover their expenses; a greater measure of recovery may be ordered by the Court where such recovery is in the interests of justice.

Mediation costs

12. Costs associated with mediation shall generally be borne by the parties involved. An exception to this general rule exists when parties have contractually agreed to a different arrangement.

Choice of legal representation

13. Parties have the right to be represented by advocates of their choice, including counsel from abroad. However, in cases which the Court considers straightforward, the costs incurred for such representation may not be recoverable from the unsuccessful individual.

Multiple legal representation

14. In circumstances where a party has engaged a law firm and external counsel, it is not reasonable to seek to recover costs associated with internal employees who are in some way said to have provided input into the claim, whether by providing instructions or in some other way. Costs associated with internal employees will not form a part of cost recovery unless exceptional circumstances warrant otherwise.

Litigants-in-person

15. In order to ensure consistency in the approach to cases in which litigants-in-person appear, where the litigant in person cannot prove other financial loss, the Court has established a

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reasonableness and proportionality. The structure of these agreements can encompass both fixed fees and bonuses calculated as a percentage of the judgment amount.

21. The total recoverable fee should reflect the genuine costs of the case. Notably, fees related to extraneous applications or unnecessary interlocutory steps might not be recoverable.

Regulatory Tribunal proceedings

22. Article 24 of the Regulations and Procedural Rules of the Regulatory Tribunal provides that the Tribunal will not normally order one party to pay another's legal costs, and this is regardless of the appeal's outcome.

23. However, article 24.1 allows it to make an award of costs, *"if it considers that justice so requires."*

24. This discretion will be exercised judiciously, considering the unique circumstances of each case. So far as relevant, the provisions of this Practice Direction apply to assessment by the Registrar.

Matters to be set out in submissions

25. In most cases, parties should submit documentation that assists in determining whether costs incurred have been reasonably incurred and, if so, whether they are reasonable in amount. The documentation should include evidence which shows the amount which the client has in fact paid.

26. Submissions should include, but are not limited to, the following:

- i. A detailed breakdown of costs, including all relevant expenses and charges.
- ii. Justifications for the necessity of the costs, with reference to the nature and complexity of the case.

