



محكمة قطر الدولية
ومركز تسوية المنازعات
QATAR INTERNATIONAL COURT
AND DISPUTE RESOLUTION CENTRE

Neutral Citation: [2019] QIC (A) 5

**In the name of His Highness Sheikh Tamim bin Hamad Al Thani,
Emir of the State of Qatar**

**IN THE CIVIL AND COMMERCIAL COURT
OF THE QATAR FINANCIAL CENTRE
APPELLATE DIVISION**

Case Nos 3 and 4 of 2018

15 July 2019

ABDULLA JASIM AL TAMIMI

Applicant

v

- (1) QATAR FINANCIAL CENTRE AUTHORITY
(2) QATAR FINANCE AND BUSINESS ACADEMY LLC**

First Respondents

ABDULLA JASIM AL TAMIMI

Applicant

v

EMPLOYMENT STANDARDS OFFICE

Second Respondent

DECISION ON REVIEW OF COSTS ASSESSMENT

Before:

Lord Thomas of Cwmgiedd, President

Justice Hassasn Al Sayed

Justice Sir William Blair

DECISION ON REVIEW OF COSTS ASSESSMENT

1. In two letters written in May 2019 the Applicant seeks a review of the decision and judgment of the Registrar given on 22 April 2019 on an assessment of costs. That assessment was made pursuant to the Order of this court on 24 January 2019 that the Applicant pay the reasonable costs of the First Respondents before the First Instance Circuit. The Registrar considered the application of the First Respondents that the Applicant pay costs of QAR 98,232.75. He determined for reasons given in his judgment that the First Respondents should be successful to the extent of QAR 20,000 and ordered that sum be paid.
2. In the letters and in a short submission, the Applicant contends that he should not have to pay the costs of the First Respondents. He contends that in any event he should not be required to pay that part of the costs relating to the costs incurred by the Legal Department of the QFCA.
3. We have already made an Order that the Applicant pay the reasonable costs of the First Respondents; we have considered his submissions, but cannot re-open the Order we have made that he pay the reasonable costs of the First Respondents. We have, however, taken the submissions into account in reviewing the overall assessment of reasonable costs.

The general principles

4. The amount of reasonable costs claimed by the First Respondents was QAR 98,232.75 comprising (1) QAR 34,177.50 which related to fees of counsel and (2) QAR 64,055.25 which was said to relate to other internal costs incurred by the Qatar Financial Centre Authority.
5. The general approach to and the principles under which the Qatar International Court assesses reasonable costs are succinctly, clearly and correctly set out in the judgments of the Registrar in *Hammad Shawabkeh v Daman Health Insurance Qatar LLC* [2017]

QIC (C) 1 (as approved by the First Instances Circuit at [2017] QIC (F) 2 at paragraph 20) and of the First Instance Circuit in *Khalid Abusleibah v Qatar Financial Centre Authority* [2016] QIC (F) 1.

The instruction of counsel not based in Qatar

6. As the Registrar made clear the court will, when considering whether the instruction of counsel not resident in Qatar was reasonable, examine the complexity and importance of the case and the general reasons for instructing that particular counsel. In employment cases there will be more intense scrutiny of the instruction of any lawyer not based in Qatar. That is because it is an important general principle, as the Registrar made clear, that the risk of having to contribute to the costs of such a lawyer must not deter employees and other unrepresented litigants from coming to this court.
7. In this particular case there were wholly unusual and quite exceptional circumstances. We therefore conclude that the Registrar was correct in allowing the fee of counsel to be recoverable in principle as part of his overall assessment of the reasonable costs. We emphasise, however, that in a case which does not have the particular complex issues that were raised in this case, it is very unlikely that the court in an employment dispute will award as part of the reasonable costs the instruction of a lawyer not based in Qatar. This highly restrictive approach applies for the reasons given in *Khalid Abusleibah v Qatar Financial Centre Authority* only to employment disputes. That highly restrictive approach does not apply to the other business of the court.

The recoverability of the costs of an in-house legal team

8. The Registrar was, in our view, right to conclude that, as a matter of general principle, a party is entitled to recover as part of reasonable costs the costs incurred by its in-house legal department as the Registrar determined in *Pinsent Masons LLP (QFC Branch) v Al Qamra Holding Group* [2018] QIC (C) 1. We reject the contention of the Applicant

that he should not have to pay any part of those costs. In our view it is obviously right that any party before this court which uses its own in-house legal department should be in no different position as a matter of principle from a party that instructs external lawyers. The issue in any such case is likely to be the basis on which such costs should be assessed.

9. In this particular case the overall assessment of the Registrar was that reasonable costs were QAR 20,000, about one fifth of the costs total claimed both for outside counsel and the costs of the in-house team. We consider that overall assessment to be correct and reflective of the approach that should be taken in an employment case.

10. In those circumstances it is not desirable for this court to set out any views as to the approach to be taken to the assessment of the costs of an in-house legal team. Nor is it appropriate to comment on the approach set out in the decision of the Court of Appeal of England and Wales in *re Eastwood* [1975] Ch 112. It is sufficient to state, as the Registrar correctly pointed out, that that decision applied in circumstances that were very different to the approach to costs in England and Wales at the present time. However, in any event, as the Registrar rightly made clear, guideline figures used in England and Wales and tables of costs used in England and Wales are examples of costs regimes applicable in a specific jurisdiction. As is the case with respect to costs regimes of other nations and states, they are inapplicable to the assessment of costs in the Qatar International Court and Dispute Resolution Centre.

11. We therefore affirm the assessment of the Registrar and order the Applicant to pay the sum of QAR 20,000.

By the Court,



Lord Thomas of Cwmgiedd

President

