



BVI Court of Appeal finds in favour of Ogier's client in recoverability of fees appeal

Cases - 03/04/2020

The BVI Court of Appeal has found for Ogier's client in a decision handed down on 30 March 2020, dismissing the appeal against Ogier's client and confirming that fees of overseas practitioners incurred prior to the enactment of the Legal Profession Act are not prohibited from being recovered.

The decision was handed down remotely by the Court of Appeal in adherence to current curfew rules in the BVI in light of the COVID-19 outbreak.

The Court also overturned the fees of a costs draftsman incurred after the Act was introduced, finding that even this type of work is that of a BVI legal practitioner and therefore not open to recovery after the introduction of the Act.

The Appeal was run by Nicholas Brookes of Ogier, led by Adam Solomon QC of Littleton Chambers.

Nicholas Brookes said: "The Eastern Caribbean Supreme Court and its operation in the BVI has transitioned almost seamlessly to remote working and video-conferencing, accompanied by robust and prompt emergency measures introduced as rules by the Court to facilitate the continuation of hearings.

"We are grateful to the Court and all its staff for these measures and for all their efforts to ensure continued access to justice and so that, for this world class legal system, it remains business as usual."

For the written judgment go to: [Zorin Sachak Khan & others v Gany Holdings \(PTC\) SA & another BVIHC\(COM\) 20 of 2012](#)

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