

STATUTORY INSTRUMENTS

**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 45**

**FIXED COSTS**

**[<sup>F1</sup>SECTION II**

*Commencement, Entry of Judgment and Enforcement*

**Textual Amendments**

- F1** Pt. 45 substituted (1.10.2023) by [The Civil Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/572\)](#), rule 1(1), [Sch. 3](#) (with rule 2)

**Scope and application**

**45.16.**—(1) In any case to which this Section applies, unless the court orders otherwise, the only costs allowed in respect of a legal representative's charges are those specified in this Section.

(2) This Section applies where—

- (a) the only claim is a claim for a specified sum of money where the value of the claim exceeds £25 and—
  - (i) judgment in default is obtained under rule 12.4(1);
  - (ii) judgment on admission is obtained under rule [<sup>F2</sup>14.2(5)];
  - <sup>F3</sup>(iii) .....
  - (iv) summary judgment is given under Part 24;
  - (v) the court has made an order to strike out a defence under rule 3.4(2)(a) as disclosing no reasonable grounds for defending the claim; or
  - (vi) rule 45.19 applies;
- (b) the only claim is a claim where the court gave a fixed date for the hearing when it issued the claim and judgment is given for the delivery of goods, and the value of the claim exceeds £25;
- (c) the claim is for the recovery of land, including a possession claim or recovery of a dwelling including a Renting Homes possession claim under Part 55, whether or not the claim includes a claim for a sum of money and the defendant gives up possession, pays the amount claimed, if any, and the fixed commencement costs stated in the claim form;
- (d) the claim is for the recovery of land, including a possession claim or recovery of a dwelling including a Renting Homes possession claim under Part 55, where one of the grounds for possession is arrears of rent, for which the court gave a fixed date for the hearing when

it issued the claim and judgment is given for the possession (whether or not the order for possession is suspended on terms) and the defendant—

- (i) has neither delivered a defence, or counterclaim, nor otherwise denied liability; or
  - (ii) has delivered a defence which is limited to specifying his proposals for the payment of arrears of rent;
- (e) the claim is a possession claim under Section II of Part 55 (accelerated possession claims of land let on an assured shorthold tenancy) or a claim under Section V of Part 55 (Renting Homes Wales – accelerated possession claims of dwellings let on a standard contract) and a possession order is made where the defendant has neither delivered a defence, or counterclaim, nor otherwise denied liability;
- (f) the claim is a demotion claim or prohibited conduct standard contract order claim under Section III of Part 65 or a demotion claim or prohibited conduct standard contract order claim is made in the same claim form in which a claim for possession is made under Part 55 and that demotion claim or prohibited conduct standard contract order claim is successful;
- (g) a judgment creditor has taken steps under Parts 70 to 73 to enforce a judgment or order; or
- (h) costs are ordered under rule 27.14(2)(a).

(Practice Direction 49C sets out the types of case where a court will give a fixed date for a hearing when it issues a claim.)

(3) No sum in respect of legal representatives' charges shall be allowed where the only claim is for a sum of money or goods not exceeding £25.

(4) Any appropriate court fee shall be allowed in addition to the costs set out in this Section.

(5) The claim form may include a claim for fixed commencement costs.

#### Textual Amendments

- F2** Word in rule 45.16(2)(a)(ii) substituted (1.10.2023 immediately after [S.I. 2023/572](#) comes into force) by [The Civil Procedure \(Amendment No. 3\) Rules 2023 \(S.I. 2023/788\)](#), [rules 1\(1\)](#), [23\(2\)\(a\)](#)
- F3** Rule 45.16(2)(a)(iii) omitted (1.10.2023 immediately after [S.I. 2023/572](#) comes into force) by virtue of [The Civil Procedure \(Amendment No. 3\) Rules 2023 \(S.I. 2023/788\)](#), [rules 1\(1\)](#), [23\(2\)\(b\)](#)

#### Amount of fixed commencement costs in a claim for the recovery of money or goods

**45.17.**—(1) In a claim to which rule 45.16(2)(a) or (b) applies, where the claim form includes a claim for fixed commencement costs—

- (a) the amount of fixed commencement costs is set out in Table 2; and
  - (b) the amount claimed, or the value of the goods claimed if specified, in the claim form is to be used in determining the band in Table 2 that applies to the claim.
- (2) The amounts shown in Table 6 are to be allowed in addition, if applicable.

#### When defendant only liable for fixed commencement costs

**45.18.** Where—

- (a) the only claim is for a specified sum of money; and
  - (b) the defendant pays the money claimed within 14 days after being served with the particulars of claim, together with the fixed commencement costs stated in the claim form,
- the defendant is not liable for any further costs unless the court orders otherwise.

### **Fixed costs on entry of judgment in a claim for the recovery of money or goods**

**45.19.** Where—

- (a) the claimant has claimed fixed commencement costs under rule 45.17; and
- (b) judgment is entered in a claim to which rule 45.16(2)(a) or (b) applies in the circumstances specified in Table 3,

the amount to be included in the judgment for the claimant's legal representative's charges is the total of—

- (i) the fixed commencement costs; and
- (ii) the relevant amount shown in Table 3.

### **Amount of fixed commencement costs in a claim for the recovery of land (including possession) or a demotion claim or prohibited conduct standard contract claim (Wales)**

**45.20.**—(1) The amount of fixed commencement costs in a claim to which rule 45.16(2)(c), (d) or (f) applies is set out in Table 4.

(2) The amounts shown in Table 6 are to be allowed in addition, if applicable.

### **Fixed costs on entry of judgment in a claim for the recovery of land (including possession) or a demotion claim or prohibited conduct standard contract claim (Wales)**

**45.21.** Table 5 sets out the amounts to be allowed in respect of a legal representative's charges in the circumstances mentioned.

### **Miscellaneous fixed costs**

**45.22.** Table 6 shows the amount to be allowed in respect of legal representative's charges in the circumstances mentioned.

### **Fixed costs of enforcement**

**45.23.** Table 7 shows the amount to be allowed in respect of legal representatives' costs in the circumstances mentioned. The amounts shown in Table 6 are to be allowed in addition, if applicable.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross  
Heading: SECTION II.