
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 43

SCOPE OF COST RULES AND DEFINITIONS

Modifications etc. (not altering text)

- C1** [Pt. 43](#) applied (with modifications) (26.4.1999) by [The Family Proceedings \(Miscellaneous Amendments\) Rules 1999 \(S.I. 1999/1012\)](#), rules 1, [4\(1\)\(2\)](#) (with rule [4\(3\)](#))

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Scope of this Part

43.1 This Part contains definitions and interpretation of certain matters set out in the rules about costs contained in Parts 44 to 48.

(Part 44 contains general rules about costs; Part 45 deals with fixed costs; Part 46 deals with fast track trial costs; Part 47 deals with the detailed assessment of costs and related appeals and Part 48 deals with costs payable in special cases)

Commencement Information

- II** [Rule 43.1](#) in force at 26.4.1999, see [Signature](#)

Definitions and application

43.2.—(1) In Parts 44 to 48, unless the context otherwise requires—

- (a) “costs” includes fees, charges, disbursements, expenses, remuneration, reimbursement allowed to a litigant in person under rule 48.6 and any fee or reward charged by a lay representative for acting on behalf of a party in proceedings allocated to the small claims track;
- (b) “costs judge” means a taxing master of the Supreme Court;
- (c) “costs officer” means—

Status: Point in time view as at 26/04/1999.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, PART 43. (See end of Document for details)*

- (i) a costs judge;
 - (ii) a district judge; and
 - (iii) an authorised court officer;
- (d) “authorised court officer” means any officer of—
- (i) a county court;
 - (ii) a district registry;
 - (iii) the Principal Registry of the Family Division; or
 - (iv) the Supreme Court Costs Office,
- whom the Lord Chancellor has authorised to assess costs.
- (e) “fund” includes any estate or property held for the benefit of any person or class of person and any fund to which a trustee or personal representative is entitled in his capacity as such;
- (f) “receiving party” means a party entitled to be paid costs;
- (g) “paying party” means a party liable to pay costs;
- (h) “assisted person” means an assisted person within the statutory provisions relating to legal aid; and
- (i) “fixed costs” means the amounts which are to be allowed in respect of solicitors' charges in the circumstances set out in Part 45.
- (2) The costs to which Parts 44 to 48 apply include—
- (a) the following costs where those costs may be assessed by the court—
 - (i) costs of proceedings before an arbitrator or umpire;
 - (ii) costs of proceedings before a tribunal or other statutory body; and
 - (iii) costs payable by a client to his solicitor; and
 - (b) costs which are payable by one party to another party under the terms of a contract, where the court makes an order for an assessment of those costs.

Commencement Information

I2 [Rule 43.2](#) in force at 26.4.1999, see [Signature](#)

Meaning of summary assessment

43.3 “Summary assessment” means the procedure by which the court, when making an order about costs, orders payment of a sum of money instead of fixed costs or “detailed assessment”.

Commencement Information

I3 [Rule 43.3](#) in force at 26.4.1999, see [Signature](#)

Meaning of detailed assessment

43.4 “Detailed assessment” means the procedure by which the amount of costs is decided by a costs officer in accordance with Part 47.

Commencement Information

I4 [Rule 43.4](#) in force at 26.4.1999, see [Signature](#)

Status:

Point in time view as at 26/04/1999.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 43.