
Status: Point in time view as at 01/10/2007.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: SECTION IV—COSTS PAYABLE BY ONE PARTY TO ANOTHER—PROCEDURE WHERE POINTS OF DISPUTE ARE SERVED. (See end of Document for details)

STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 47 **E+W**

PROCEDURE FOR DETAILED ASSESSMENT OF COSTS AND DEFAULT PROVISIONS

SECTION IV—COSTS PAYABLE BY ONE PARTY TO ANOTHER —PROCEDURE WHERE POINTS OF DISPUTE ARE SERVED

Optional reply **E+W**

47.13.—(1) Where any party to the detailed assessment proceedings serves points of dispute, the receiving party may serve a reply on the other parties to the assessment proceedings.

(2) He may do so within 21 days after service on him of the points of dispute to which his reply relates.

[^{F1}(The costs practice direction sets out the meaning of reply)]

Textual Amendments

F1 Words in [rule 47.13](#) inserted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), [rules 1, 25](#) (with [rule 39](#))

Modifications etc. (not altering text)

C1 [Pt. 47](#) applied in part (with modifications) (1.10.2007) by [The Court of Protection Rules 2007 \(S.I. 2007/1744\)](#), [rules 1, 160](#)

Commencement Information

I1 [Rule 47.13](#) in force at 26.4.1999, see [Signature](#)

Detailed assessment hearing **E+W**

47.14.—(1) Where points of dispute are served in accordance with this Part, the receiving party must file a request for a detailed assessment hearing.

(2) He must file the request within 3 months of the expiry of the period for commencing detailed assessment proceedings as specified—

- (a) in [rule 47.7](#); or
- (b) by any direction of the court.

(3) Where the receiving party fails to file a request in accordance with paragraph (2), the paying party may apply for an order requiring the receiving party to file the request within such time as the court may specify.

Status: Point in time view as at 01/10/2007.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: SECTION IV—COSTS PAYABLE BY ONE PARTY TO ANOTHER—PROCEDURE WHERE POINTS OF DISPUTE ARE SERVED. (See end of Document for details)

(4) On an application under paragraph (3), the court may direct that, unless the receiving party requests a detailed assessment hearing within the time specified by the court, all or part of the costs to which the receiving party would otherwise be entitled will be disallowed.

(5) If—

- (a) the paying party has not made an application in accordance with paragraph (3); and
- (b) the receiving party [^{F2}files a request for a detailed assessment hearing] later than the period specified in paragraph (2),

the court may disallow all or part of the interest otherwise payable to the receiving party under—

- (i) section 17 of the Judgments Act 1838⁽¹⁾; or
- (ii) section 74 of the County Courts Act 1984⁽²⁾,

but must not impose any other sanction except in accordance with rule 44.14 (powers in relation to misconduct).

(6) No [^{F3}party] other than—

- (a) the receiving party;
- (b) the paying party; and
- (c) any party who has served points of dispute under rule 47.9,

may be heard at the detailed assessment hearing unless the court gives permission.

(7) Only items specified in the points of dispute may be raised at the hearing, unless the court gives permission.

(The costs practice direction specifies other documents which must be filed with the request for hearing and the length of notice which the court will give when it fixes a hearing date)

Textual Amendments

- F2** Words in rule 47.14(5)(b) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **19**
- F3** Word in rule 47.14(6) substituted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rules 1(b), **17**

Commencement Information

- I2** [Rule 47.14](#) in force at 26.4.1999, see [Signature](#)

(1) 1838 c. 110. Section 17 was amended by [S.I. 1998/2940](#).

(2) 1984 c. 28. Section 74 was amended by section 2 of the Private International Law (Miscellaneous Provisions) Act 1995 (c. 42).

Status:

Point in time view as at 01/10/2007.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: SECTION IV—COSTS PAYABLE BY ONE PARTY TO ANOTHER—PROCEDURE WHERE POINTS OF DISPUTE ARE SERVED.