
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 48

COSTS—SPECIAL CASES

SECTION 1—COSTS PAYABLE BY OR TO PARTICULAR PERSONS

Pre-commencement disclosure and orders for disclosure against a person who is not a party

48.1.—(1) This paragraph applies where a person applies—

(a) for an order under—

(i) section 33 of the Supreme Court Act 1981(1); or

(ii) section 52 of the County Courts Act 1984(2),

(which give the court powers exercisable before commencement of proceedings); or

(b) for an order under—

(i) section 34 of the Supreme Court Act 1981(3); or

(ii) section 53 of the County Courts Act 1984(4),

(which give the court power to make an order against a non-party for disclosure of documents, inspection of property etc.).

(2) The general rule is that the court will award the person against whom the order is sought his costs—

(a) of the application; and

(b) of complying with any order made on the application.

(3) The court may however make a different order, having regard to all the circumstances, including—

(a) the extent to which it was reasonable for the person against whom the order was sought to oppose the application; and

(b) whether the parties to the application have complied with any relevant pre-action protocol.

(1) 1981 c. 54. Section 33 was amended by S.I. 1998/2940.

(2) 1984 c. 28. Section 52 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 43 and by S.I. 1998/2940.

(3) 1981 c. 54. Section 34 was amended by S.I. 1998/2940.

(4) 1984 c. 28. Section 53 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 44 and by S.I. 1998/2940.