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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 43**

**SCOPE OF COST RULES AND DEFINITIONS**

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**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))
- C2** Pt. 43 applied (with modifications) (1.4.2001) by [The Court of Protection Rules 2001 \(S.I. 2001/824\)](#), rules 1, **86** (with rule 91)
- C3** Pt. 43 applied (with modifications) (7.10.2001) by [The Railway Administration Order Rules 2001 \(S.I. 2001/3352\)](#), rules 1.1, **6.21**

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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)

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**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 <sup>[F1]</sup>, any additional liability incurred under a

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The Civil Procedure Rules 1998, PART 43. (See end of Document for details)*

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funding arrangement] 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—
  - (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; <sup>F2</sup>...
- [<sup>F3</sup>(i) “LSC funded client” means an individual who receives services funded by the Legal Services Commission as part of the Community Legal Service within the meaning of Part I of the Access to Justice Act 1999;]
- [<sup>F4</sup>(j)] “fixed costs” means the amounts which are to be allowed in respect of solicitors' charges in the circumstances set out in Part 45.
- [<sup>F5</sup>(k) “funding arrangement” means an arrangement where a person has—
  - (i) entered into a conditional fee agreement [<sup>F6</sup>or a collective conditional fee agreement] which provides for a success fee within the meaning of section 58(2) of the Courts and Legal Services Act 1990;
  - (ii) taken out an insurance policy to which section 29 of the Access to Justice Act 1999 (recovery of insurance premiums by way of costs) applies; or
  - (iii) made an agreement with a membership organisation to meet his legal costs;
- (l) “percentage increase” means the percentage by which the amount of a legal representative’s fee can be increased in accordance with a conditional fee agreement which provides for a success fee;
- (m) “insurance premium” means a sum of money paid or payable for insurance against the risk of incurring a costs liability in the proceedings, taken out after the event that is the subject matter of the claim;
- (n) “membership organisation” means a body prescribed for the purposes of section 30 of the Access to Justice Act 1999 (recovery where body undertakes to meet costs liabilities); and
- (o) “additional liability” means the percentage increase, the insurance premium, or the additional amount in respect of provision made by a membership organisation, as the case may be.

(The Conditional Fee Agreements Regulations 2000 [F7, the Collective Conditional Fee Agreements Regulations 2000] and the Access to Justice (Membership Organisations) Regulations 2000 contain further provisions about conditional fee agreements and arrangements to meet costs liabilities F8 ...)]

- (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.

#### Textual Amendments

- F1** Words in rule 43.2(1)(a) inserted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **12(a)** (with rule 39)
- F2** Word in rule 43.2(1)(h) omitted (3.7.2000) by virtue of [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **12(b)** (with rule 39)
- F3** Rule 43.2(1)(i) inserted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **12(d)** (with rule 39)
- F4** Rule 43.2(1)(i) renumbered as rule 43.2(1)(j) (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **12(c)** (with rule 39)
- F5** Rules 43.2(1)(k)-(o) and words inserted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **12(e)** (with rule 39)
- F6** Words in rule 43.2(1)(k)(i) inserted (26.3.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(a), **14(a)**
- F7** Words in rule 43.2 inserted (26.3.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(a), **14(b)(i)**
- F8** Word in rule 43.2 omitted (26.3.2001) by virtue of [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(a), **14(b)(ii)**

#### 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.

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**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)

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**Commencement Information**

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

**Status:**

Point in time view as at 07/10/2001.

**Changes to legislation:**

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