
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 43 E+W

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))
- 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**
- C4** Pt. 43 applied (with modifications) (24.2.2003) by [S.I. 1991/1247](#), **rule 10.27(1)** (as inserted by [The Family Proceedings \(Amendment\) Rules 2003 \(S.I. 2003/184\)](#), rules 1(1), **16**)
- C5** Pt. 43 applied (with modifications) (24.2.2003) by [S.I. 1987/2024](#), **rule 60(1)(3)–(7)** (as substituted by [The Non-Contentious Probate \(Amendment\) Rules 2003 \(S.I. 2003/185\)](#), rules 1, **5** (with rule 3))

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Scope of this Part E+W

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 E+W

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

Status: Point in time view as at 02/06/2003.

*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)*

- (a) “costs” includes fees, charges, disbursements, expenses, remuneration, reimbursement allowed to a litigant in person under rule 48.6 [^{F1}, any additional liability incurred under a 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; ^{F2}...
- [^{F3}(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;]
- [^{F4}(j)] “fixed costs” means the amounts which are to be allowed in respect of solicitors' charges in the circumstances set out in Part 45.
- [^{F5}(k) “funding arrangement” means an arrangement where a person has—
- (i) entered into a conditional fee agreement [^{F6}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.]

F7
...

- (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.

[^{F8}(3) Where advocacy or litigation services are provided to a client under a conditional fee agreement, costs are recoverable under Parts 44 to 48 notwithstanding that the client is liable to pay his legal representative's fees and expenses only to the extent that sums are recovered in respect of the litigation, whether by way of costs or otherwise.

(4) In paragraph (3), the reference to a conditional fee agreement is to an agreement which satisfies all the conditions applicable to it by virtue of section 58 of the Courts and Legal Services Act 1990.]

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(1) omitted (2.6.2003) by virtue of [The Civil Procedure \(Amendment No. 2\) Rules 2003 \(S.I. 2003/1242\)](#), rules 1, **5(a)**
- F8** Rule 43.2(3)(4) inserted (2.6.2003) by [The Civil Procedure \(Amendment No. 2\) Rules 2003 \(S.I. 2003/1242\)](#), rules 1, **5(b)** (with rule 6)

Commencement Information

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

Meaning of summary assessment **E+W**

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](#)

Status: Point in time view as at 02/06/2003.

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)

Meaning of detailed assessment **E+W**

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 02/06/2003.

Changes to legislation:

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