

STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 44 **E+W**

General Rules about Costs

[^{F1}SECTION II

Qualified One-Way Costs Shifting

Textual Amendments

F1 Pts. 44-48 substituted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, 16, [Sch.](#) (with [rule 22](#))

Qualified one-way costs shifting: scope and interpretation **E+W**

44.13.—(1) This Section applies to proceedings which include a claim for damages—

- (a) for personal injuries;
- (b) under the Fatal Accidents Act 1976; or
- (c) which arises out of death or personal injury and survives for the benefit of an estate by virtue of section 1(1) of the Law Reform (Miscellaneous Provisions) Act 1934,

but does not apply to applications pursuant to section 33 of the Senior Courts Act 1981 or section 52 of the County Courts Act 1984 (applications for pre-action disclosure), or where rule 44.17 applies.

(2) In this Section, “claimant” means a person bringing a claim to which this Section applies or an estate on behalf of which such a claim is brought, and includes a person making a counterclaim or an additional claim.

Effect of qualified one-way costs shifting **E+W**

44.14.—(1) Subject to rules 44.15 and 44.16, orders for costs made against a claimant may be enforced without the permission of the court but only to the extent that the aggregate amount in money terms of such orders does not exceed the aggregate amount in money terms of any orders for [^{F2}, or agreements to pay or settle a claim for, damages, costs] and interest made in favour of the claimant.

[^{F3}(2) For the purposes of this Section, orders for costs includes orders for costs deemed to have been made (either against the claimant or in favour of the claimant) as set out in rule 44.9.]

[^{F4}(3)] Orders for costs made against a claimant may only be enforced after the proceedings have been concluded and the costs have been assessed or agreed.

[^{F5}(4) Where enforcement is permitted against any order for costs made in favour of the claimant, rule 44.12 applies.]

[^{F6}(5)] An order for costs which is enforced only to the extent permitted by paragraph (1) shall not be treated as an unsatisfied or outstanding judgment for the purposes of any court record.

Textual Amendments

- F2** Words in rule 44.14(1) substituted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), [rules 1\(1\), 24\(a\)](#) (with [rule 1\(3\)](#))
- F3** Rule 44.14(2) inserted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), [rules 1\(1\), 24\(b\)](#) (with [rule 1\(3\)](#))
- F4** Rule 44.14(2) renumbered as rule 44.14(3) (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), [rules 1\(1\), 24\(c\)](#) (with [rule 1\(3\)](#))
- F5** Rule 44.14(4) inserted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), [rules 1\(1\), 24\(d\)](#) (with [rule 1\(3\)](#))
- F6** Rule 44.14(3) renumbered as rule 44.14(5) (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), [rules 1\(1\), 24\(e\)](#) (with [rule 1\(3\)](#))

Exceptions to qualified one-way costs shifting where permission not required **E+W**

44.15. Orders for costs made against the claimant may be enforced to the full extent of such orders without the permission of the court where the proceedings have been struck out on the grounds that—

- (a) the claimant has disclosed no reasonable grounds for bringing the proceedings;
- (b) the proceedings are an abuse of the court’s process; or
- (c) the conduct of—
 - (i) the claimant; or
 - (ii) a person acting on the claimant’s behalf and with the claimant’s knowledge of such conduct,

is likely to obstruct the just disposal of the proceedings.

Exceptions to qualified one-way costs shifting where permission required **E+W**

44.16.—(1) Orders for costs made against the claimant may be enforced to the full extent of such orders with the permission of the court where the claim is found on the balance of probabilities to be fundamentally dishonest.

(2) Orders for costs made against the claimant may be enforced up to the full extent of such orders with the permission of the court, and to the extent that it considers just, where—

- (a) the proceedings include a claim which is made for the financial benefit of a person other than the claimant or a dependant within the meaning of section 1(3) of the Fatal Accidents Act 1976 (other than a claim in respect of the gratuitous provision of care, earnings paid by an employer or medical expenses); or
- (b) a claim is made for the benefit of the claimant other than a claim to which this Section applies.

(3) Where paragraph (2)(a) applies, the court may, subject to rule 46.2, make an order for costs against a person, other than the claimant, for whose financial benefit the whole or part of the claim was made.

Transitional provision **E+W**

44.17. This Section does not apply to proceedings where the claimant has entered into a pre-commencement funding arrangement (as defined in rule 48.2).]

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross
Heading: SECTION II.