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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 45**

**FIXED COSTS**

***[<sup>F1</sup>1 FIXED COSTS***

**Textual Amendments**

- F1** Pt. 45 Section 1 substituted (1.4.2005) by [The Civil Procedure \(Amendment No. 4\) Rules 2004 \(S.I. 2004/3419\)](#), rule 1, [Sch. 1 Pt. 2](#)

**Scope of this Section**

**45.1.**—(1) This Section sets out the amounts which, unless the court orders otherwise, are to be allowed in respect of solicitors' charges in the cases to which this Section applies.

(2) This Section applies where—

- (a) the only claim is a claim for a specified sum of money where the value of the claim exceeds £25 and—
  - (i) judgment in default is obtained under rule 12.4(1);
  - (ii) judgment on admission is obtained under rule 14.4(3);
  - (iii) judgment on admission on part of the claim is obtained under rule 14.5(6);
  - (iv) summary judgment is given under Part 24;
  - (v) the court has made an order to strike out<sup>(GL)</sup> a defence under rule 3.4(2)(a) as disclosing no reasonable grounds for defending the claim; or
  - (vi) rule 45.3 applies;
- (b) the only claim is a claim where the court gave a fixed date for the hearing when it issued the claim and judgment is given for the delivery of goods, and the value of the claim exceeds £25;
- (c) the claim is for the recovery of land, including a possession claim under Part 55, whether or not the claim includes a claim for a sum of money and the defendant gives up possession, pays the amount claimed, if any, and the fixed commencement costs stated in the claim form;
- (d) the claim is for the recovery of land, including a possession claim under Part 55, where one of the grounds for possession is arrears of rent, for which the court gave a fixed date for the hearing when it issued the claim and judgment is given for the possession of land (whether or not the order for possession is suspended on terms) and the defendant—
  - (i) has neither delivered a defence, or counterclaim, nor otherwise denied liability; or

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- (ii) has delivered a defence which is limited to specifying his proposals for the payment of arrears of rent;
  - (e) the claim is a possession claim under Section II of Part 55 (accelerated possession claims of land let on an assured shorthold tenancy) and a possession order is made where the defendant has neither delivered a defence, or counterclaim, nor otherwise denied liability;
  - (f) the claim is a demotion claim under Section III of Part 65 or a demotion claim is made in the same claim form in which a claim for possession is made under Part 55 and that demotion claim is successful; or
  - (g) a judgment creditor has taken steps under Parts 70 to 73 to enforce a judgment or order.
- (The practice direction supplementing rule 7.9 sets out the types of case where a court will give a fixed date for a hearing when it issues a claim)
- (3) Any appropriate court fee will be allowed in addition to the costs set out in this Section.
  - (4) The claim form may include a claim for fixed commencement costs.

**Amount of fixed commencement costs in a claim for the recovery of money or goods**

- 45.2.**—(1) The amount of fixed commencement costs in a claim to which rule 45.1(2)(a) or (b) applies—
- (a) shall be calculated by reference to Table 1; and
  - (b) the amount claimed, or the value of the goods claimed if specified, in the claim form is to be used for determining the band in Table 1 that applies to the claim.
- (2) The amounts shown in Table 4 are to be allowed in addition, if applicable.

**Amount of fixed commencement costs in a claim for the recovery of land or a demotion claim**

- 45.2A.**—(1) The amount of fixed commencement costs in a claim to which rule 45.1(2)(c), (d) or (f) applies shall be calculated by reference to Table 2.
- (2) The amounts shown in Table 4 are to be allowed in addition, if applicable.

**TABLE 1**

<b>FIXED COSTS ON COMMENCEMENT OF A CLAIM FOR THE RECOVERY OF MONEY OR GOODS</b>			
Relevant band	Where the claim form is served by the court or by any method other than personal service by the claimant	Where— <ul style="list-style-type: none"> <li>• the claim form is served personally by the claimant; and</li> <li>• there is only one defendant</li> </ul>	Where there is more than one defendant, for each additional defendant personally served at separate addresses by the claimant
Where— <ul style="list-style-type: none"> <li>• the value of the claim exceeds £25 but does not exceed £500</li> </ul>	£50	£60	£15
Where—	£70	£80	£15

**FIXED COSTS ON COMMENCEMENT OF A CLAIM FOR THE RECOVERY OF MONEY OR GOODS**

<ul style="list-style-type: none"> <li>• the value of the claim exceeds £500 but does not exceed £1,000</li> </ul>	£80	£90	£15
<p>Where—</p> <ul style="list-style-type: none"> <li>• the value of the claim exceeds £1,000 but does not exceed £5,000; or</li> <li>• the only claim is for delivery of goods and no value is specified or stated on the claim form</li> </ul>	£100	£110	£15
<p>Where—</p> <ul style="list-style-type: none"> <li>• the value of the claim exceeds £5,000</li> </ul>			

**TABLE 2**

**FIXED COSTS ON COMMENCEMENT OF A CLAIM FOR THE RECOVERY OF LAND OR A DEMOTION CLAIM**

<p>Where the claim form is served by the court or by any method other than personal service by the claimant</p>	<p>Where—</p> <ul style="list-style-type: none"> <li>• the claim form is served personally by the claimant; and</li> <li>• there is only one defendant</li> </ul>	<p>Where there is more than one defendant, for each additional defendant personally served at separate addresses by the claimant</p>
£69.50	£77.00	£15.00

**When defendant only liable for fixed commencement costs**

**45.3.—(1)** Where—

- (a) the only claim is for a specified sum of money; and
- (b) the defendant pays the money claimed within 14 days after service of particulars of claim on him, together with the fixed commencement costs stated in the claim form,

the defendant is not liable for any further costs unless the court orders otherwise.

<sup>F2</sup>(2) .....

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### Textual Amendments

- F2** Rule 45.3(2) omitted (6.4.2007) by virtue of [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **11**

### Costs on entry of judgment in a claim for the recovery of money or goods

#### 45.4 Where—

- (a) the claimant has claimed fixed commencement costs under rule 45.2; and
- (b) judgment is entered in a claim to which rule 45.1(2)(a) or (b) applies in the circumstances specified in Table 3, the amount to be included in the judgment for the claimant’s solicitor’s charges is the total of—
  - (i) the fixed commencement costs; and
  - (ii) the relevant amount shown in Table 3.

### Costs on entry of judgment in a claim for the recovery of land or a demotion claim

#### 45.4A.—(1) Where—

- (a) the claimant has claimed fixed commencement costs under rule 45.2A; and
- (b) judgment is entered in a claim to which rule 45.1(2)(d) or (f) applies, the amount to be included in the judgment for the claimant’s solicitor’s charges is the total of—
  - (i) the fixed commencement costs; and
  - (ii) the sum of £57.25.

(2) Where an order for possession is made in a claim to which rule 45.1(2)(e) applies, the amount allowed for the claimant’s solicitor’s charges for preparing and filing—

- (a) the claim form;
- (b) the documents that accompany the claim form; and
- (c) the request for possession,

is £79.50.

**TABLE 3**

### **FIXED COSTS ON ENTRY OF JUDGMENT IN A CLAIM FOR THE RECOVERY OF MONEY OR GOODS**

	<b>Where the amount of the judgment exceeds £25 but does not exceed £5,000</b>	<b>Where the amount of the judgment exceeds £5,000</b>
Where judgment in default of an acknowledgment of service is entered under rule 12.4(1) (entry of judgment by request on claim for money only)	£22	£30
Where judgment in default of a defence is entered under rule 12.4(1) (entry of judgment by	£25	£35

**FIXED COSTS ON ENTRY OF JUDGMENT IN A CLAIM FOR THE RECOVERY OF MONEY OR GOODS**

request on claim for money only)

Where judgment is entered under rule 14.4 (judgment on admission), or rule 14.5 (judgment on admission of part of claim) and claimant accepts the defendant's proposal as to the manner of payment	£40	£55
Where judgment is entered under rule 14.4 (judgment on admission), or rule 14.5 (judgment on admission of part of claim) and court decides the date or time of payment	£55	£70
Where summary judgment is given under Part 24 or the court strikes out a defence under rule 3.4(2)(a), in either case, on application by a party	£175	£210
Where judgment is given on a claim for delivery of goods under a regulated agreement within the meaning of the Consumer Credit Act 1974 and no other entry in this table applies	£60	£85

**Miscellaneous fixed costs**

**45.5** Table 4 shows the amount to be allowed in respect of solicitor's charges in the circumstances mentioned.

**TABLE 4****MISCELLANEOUS FIXED COSTS**

For service by a party of any document required to be served personally including preparing and copying a certificate of service for each individual served	£15.00
Where service by an alternative method is permitted by an order under rule 6.8 for each individual served	£53.25
Where a document is served out of the jurisdiction—	

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#### MISCELLANEOUS FIXED COSTS

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(a)	(a) in Scotland, Northern Ireland, the Isle of Man or the Channel Islands;	£68.25
(b)	(b) in any other place	£77.00

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#### Fixed enforcement costs

**45.6** Table 5 shows the amount to be allowed in respect of solicitors' costs in the circumstances mentioned. The amounts shown in Table 4 are to be allowed in addition, if applicable.

**TABLE 5**

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#### FIXED ENFORCEMENT COSTS

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For an application under rule 70.5(4) that an award may be enforced as if payable under a court order, where the amount outstanding under the award:

exceeds £25 but does not exceed £250	£30.75
exceeds £250 but does not exceed £600	£41.00
exceeds £600 but does not exceed £2,000	£69.50
exceeds £2,000	£75.50

On attendance to question a judgment debtor (or officer of a company or other corporation) who has been ordered to attend court under rule 71.2 where the questioning takes place before a court officer, including attendance by a responsible representative of the solicitor

for each half hour or part, £15.00

(When the questioning takes place before a judge, he may summarily assess any costs allowed.)

On the making of a final third party debt order under rule 72.8(6)(a) or an order for the payment to the judgment creditor of money in court under rule 72.10(1)(b):

if the amount recovered is less than £150	one-half of the amount recovered
otherwise	£98.50

On the making of a final charging order under rule 73.8(2)(a):

£110

The court may also allow reasonable disbursements in respect of search fees and the registration of the order.

**FIXED ENFORCEMENT COSTS**

Where a certificate is issued and registered under Schedule 6 to the Civil Jurisdiction and Judgments Act 1982, the costs of registration £39.00

Where permission is given under RSC Order 45, rule 3 to enforce a judgment or order giving possession of land and costs are allowed on the judgment or order, the amount to be added to the judgment or order for costs–

- |     |                                                                                                  |        |
|-----|--------------------------------------------------------------------------------------------------|--------|
| (a) | (a) basic costs                                                                                  | £42.50 |
| (b) | (b) where notice of the proceedings is to be to more than one person, for each additional person | £2.75  |

Where a writ of execution as defined in the RSC Order 46, rule 1, is issued against any party £51.75

Where a request is filed for the issue of a warrant of execution under CCR Order 26, rule 1, for a sum exceeding £25 £2.25

Where an application for an attachment of earnings order is made and costs are allowed under CCR Order 27, rule 9 or CCR Order 28, rule 10, for each attendance on the hearing of the application £8.50]

**Modifications etc. (not altering text)**

- C1** [Rule 45.6](#) applied (with modifications) (30.12.2005) by [The Family Procedure \(Adoption\) Rules 2005 \(S.I. 2005/2795\)](#), **rule 5(3)**

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