
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 45

FIXED COSTS

[^{F1}SECTION III

[^{F2}The Pre-Action Protocols for Low Value Personal Injury Claims In Road Traffic Accidents and Low Value Personal Injury (Employers' Liability and Public Liability) Claims.]

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)
- F2** Pt. 45 heading substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(3)** (with rule 10)

Scope and interpretation

45.16.—(1) This Section applies to claims that have been or should have been started under Part 8 in accordance with Practice Direction 8B (“the Stage 3 Procedure”).

(2) Where a party has not complied with the [^{F3}relevant Protocol] rule 45.24 will apply.

[^{F4}The “relevant Protocol” means—

- (a) the Pre-Action Protocol for Personal Injury Claims in Road Traffic Accidents (“the RTA Protocol”); or
- (b) the Pre-action Protocol for Low Value Personal Injury Claims (Employers' Liability and Public Liability) Claims (“the EL/PL Protocol”).]

(3) A reference to “Claim Notification Form [^{F5}or Court Proceedings Pack]” is a reference to the form used in the [^{F3}relevant Protocol].

Textual Amendments

- F3** Words in rule 45.16 substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(4)(a)** (with rule 10)
- F4** Words in rule 45.16 substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(4)(b)** (with rule 10)
- F5** Words in rule 45.16(3) inserted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(4)(c)** (with rule 10)

*Status: Point in time view as at 06/04/2015.**Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: SECTION III. (See end of Document for details)***Application of fixed costs, and disbursements****45.17.** The only costs allowed are—

- (a) fixed costs in rule 45.18; and
- (b) disbursements in accordance with rule 45.19 ^[F6];and]

^[F7](c) where applicable, fixed costs in accordance with rule 45.23A or 45.23B.]**Textual Amendments****F6** Word in rule 45.17(b) substituted (31.7.2013) by The Civil Procedure (Amendment No.6) Rules 2013 (S.I. 2013/1695), rules 2, **7(5)(a)** (with rule 10)**F7** Rule 45.17(c) inserted (31.7.2013) by The Civil Procedure (Amendment No.6) Rules 2013 (S.I. 2013/1695), rules 2, **7(5)(b)** (with rule 10)**Amount of fixed costs****45.18.**—(1) Subject to paragraph (4), the amount of fixed costs is set out in ^[F8]Tables 6 and 6A].(2) In ^[F9]Tables 6 and 6A]—

“Type A fixed costs” means the legal representative’s costs;

“Type B fixed costs” means the advocate’s costs; and

“Type C fixed costs” means the costs for the advice on the amount of damages where the claimant is a child.

(3) “Advocate” has the same meaning as in rule 45.37(2)(a).

(4) Subject to rule 45.24(2) the court will not award more or less than the amounts shown in ^[F10]Tables 6 or 6A].

(5) Where the claimant—

(a) lives or works in an area set out in Practice Direction 45; and

(b) instructs a legal representative who ^[F11]practises] in that area,the fixed costs will include, in addition to the costs set out in ^[F12]Tables 6 or 6A], an amount equal to 12.5% of the Stage 1 and 2 and Stage 3 Type A fixed costs.(6) Where appropriate, ^[F13]VAT] may be recovered in addition to the amount of fixed costs and any reference in this Section to fixed costs is a reference to those costs net of any such VAT.**^[F14]TABLE 6**

| Fixed costs in relation to the RTA Protocol | | | |
|---|------|--|------|
| Where the value of the claim for damages is not more than £10,000 | | Where the value of the claim for damages is more than £10,000, but not more than £25,000 | |
| Stage 1 fixed costs | £200 | Stage 1 fixed costs | £200 |
| Stage 2 fixed costs | £300 | Stage 2 fixed costs | £600 |
| Stage 3 - Type A fixed costs | £250 | Stage 3 - Type A fixed costs | £250 |
| - Type B fixed costs | £250 | - Type B fixed costs | £250 |
| - Type C fixed costs | £150 | - Type C fixed costs | £150 |

Table 6A

| Fixed costs in relation to the EL/PL Protocol | | | |
|---|------|--|-------|
| Where the value of the claim for damages is not more than £10,000 | | Where the value of the claim for damages is more than £10,000, but not more than £25,000 | |
| Stage 1 fixed costs | £300 | Stage 1 fixed costs | £300 |
| Stage 2 fixed costs | £600 | Stage 2 fixed costs | £1300 |
| Stage 3 - Type A fixed costs | £250 | Stage 3 - Type A fixed costs | £250 |
| - Type B fixed costs | £250 | - Type B fixed costs | £250 |
| - Type C fixed costs | £150 | - Type C fixed costs | £150] |

Textual Amendments

- F8** Words in [rule 45.18\(1\)](#) substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), [rules 2, 7\(6\)\(a\)](#) (with [rule 10](#))
- F9** Words in [rule 45.18\(2\)](#) substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), [rules 2, 7\(6\)\(b\)](#) (with [rule 10](#))
- F10** Words in [rule 45.18\(4\)](#) substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), [rules 2, 7\(6\)\(c\)](#) (with [rule 10](#))
- F11** Word in [rule 45.18\(5\)\(b\)](#) substituted (30.4.2013) by [The Civil Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/789\)](#), [rules 1\(1\), 3\(a\)](#)
- F12** Words in [rule 45.18\(5\)\(b\)](#) substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), [rules 2, 7\(6\)\(d\)](#) (with [rule 10](#))
- F13** Word in [rule 45.18\(6\)](#) substituted (1.10.2013) by [The Civil Procedure \(Amendment No.7\) Rules 2013 \(S.I. 2013/1974\)](#), [rules 2, 20\(b\)](#)
- F14** [Rule 45.18 Tables 6, 6A](#) substituted for [rule 45.18 Table 6](#) (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), [rules 2, 7\(6\)\(e\)](#) (with [rule 10](#))

Disbursements

- 45.19.**—(1) [^{F15}Subject to paragraphs (2A) to (2E), the court]—
- (a) may allow a claim for a disbursement of a type mentioned in [^{F16}paragraphs (2) or (3)]; but
 - (b) will not allow a claim for any other type of disbursement.
- (2) [^{F17}In a claim to which either the RTA Protocol or EL/PL Protocol applies, the disbursements] referred to in paragraph (1) are—
- (a) the cost of obtaining—
 - (i) medical records;
 - [^{F18}(ii) a medical report or reports or non-medical expert reports as provided for in the relevant Protocol;]
 - ^{F19}(iii)
 - ^{F20}(iv)
 - (b) court fees as a result of Part 21 being applicable;
 - (c) court fees payable where proceedings are started as a result of a limitation period that is about to expire;

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- (d) court fees in respect of the Stage 3 Procedure; ^{F21}and]
- (e) any other disbursement that has arisen due to a particular feature of the dispute.

^{F22}(2A) In a soft tissue injury claim to which the RTA Protocol applies, the only sums (exclusive of VAT) that are recoverable in respect of the cost of obtaining a fixed cost medical report or medical records are as follows—

- ^{F23}(a) obtaining the first report from an accredited medical expert selected via the MedCo Portal: £180;]
- (b) obtaining a further report where justified from ^{F24}an expert from] one of the following disciplines—
 - (i) Consultant Orthopaedic Surgeon (inclusive of a review of medical records where applicable): £420;
 - (ii) Consultant in Accident and Emergency Medicine: £360;
 - (iii) General Practitioner registered with the General Medical Council: £180; or
 - (iv) Physiotherapist registered with the Health and Care Professions Council: £180;
- (c) obtaining medical records: no more than £30 plus the direct cost from the holder of the records, and limited to £80 in total for each set of records required. Where relevant records are required from more than one holder of records, the fixed fee applies to each set of records required;
- (d) addendum report on medical records (except by Consultant Orthopaedic Surgeon): £50; and
- (e) answer to questions under Part 35: £80.

(2B) Save in exceptional circumstances, no fee may be allowed for the cost of obtaining ^{F25}a report to which paragraph (2A) applies where the medical expert—]

- (a) has provided treatment to the claimant;
- (b) is associated with any person who has provided treatment; or
- (c) proposes or recommends ^{F26}treatment that they or an associate then provide].

(2C) The cost of obtaining a further report from an expert not listed in paragraph (2A)(b) is not fixed, but the use of that expert and the cost must be justified.

(2D) Where appropriate, VAT may be recovered in addition to the cost of obtaining a fixed cost medical report or medical records.]

^{F27}(2E) In this rule, ‘accredited medical expert’, ‘associate’, ‘associated with’, ‘fixed cost medical report’, ‘MedCo’ and ‘soft tissue injury claim’ have the same meaning as in paragraph 1.1(A1), (1A), (10A), (12A), and (16A), respectively, of the RTA Protocol.]

^{F28}(3) In a claim to which the RTA Protocol applies, the disbursements referred to in paragraph (1) are also the cost of—

- (a) an engineer’s report; and
- (b) a search of the records of the—
 - (i) Driver Vehicle Licensing Authority; and
 - (ii) Motor Insurance Database.]

Textual Amendments

- F15** Words in [rule 45.19\(1\)](#) substituted (1.10.2014) by [The Civil Procedure \(Amendment No. 6\) Rules 2014 \(S.I. 2014/2044\)](#), [rules 2, 7\(a\)\(i\)](#) (with [rule 14](#))

- F16** Words in rule 45.19(1)(a) substituted (31.7.2013) by The Civil Procedure (Amendment No.6) Rules 2013 (S.I. 2013/1695), rules 2, **7(7)(a)** (with rule 10)
- F17** Words in rule 45.19(2) substituted (31.7.2013) by The Civil Procedure (Amendment No.6) Rules 2013 (S.I. 2013/1695), rules 2, **7(7)(b)(i)** (with rule 10)
- F18** Rule 45.19(2)(a)(ii) substituted (31.7.2013) by The Civil Procedure (Amendment No.6) Rules 2013 (S.I. 2013/1695), rules 2, **7(7)(b)(ii)(aa)** (with rule 10)
- F19** Rule 45.19(2)(a)(iii) omitted (31.7.2013) by virtue of The Civil Procedure (Amendment No.6) Rules 2013 (S.I. 2013/1695), rules 2, **7(7)(b)(ii)(bb)** (with rule 10)
- F20** Rule 45.19(2)(a)(iv) omitted (31.7.2013) by virtue of The Civil Procedure (Amendment No.6) Rules 2013 (S.I. 2013/1695), rules 2, **7(7)(b)(ii)(bb)** (with rule 10)
- F21** Word in rule 45.19(2)(d) inserted (31.7.2013) by The Civil Procedure (Amendment No.6) Rules 2013 (S.I. 2013/1695), rules 2, **7(7)(b)(iii)** (with rule 10)
- F22** Rules 45.19(2A)-(2E) inserted (1.10.2014) by The Civil Procedure (Amendment No. 6) Rules 2014 (S.I. 2014/2044), rules 2, **7(a)(ii)** (with rule 14)
- F23** Rule 45.19(2A)(a) substituted (6.4.2015) by The Civil Procedure (Amendment No. 8) Rules 2014 (S.I. 2014/3299), rules 2(c), **10(a)(i)(aa)**
- F24** Words in rule 45.19(2A)(b) inserted (6.4.2015) by The Civil Procedure (Amendment No. 8) Rules 2014 (S.I. 2014/3299), rules 2(c), **10(a)(i)(bb)**
- F25** Words in rule 45.19(2B) substituted (6.4.2015) by The Civil Procedure (Amendment No. 8) Rules 2014 (S.I. 2014/3299), rules 2(c), **10(a)(ii)(aa)**
- F26** Words in rule 45.19(2B)(c) substituted (6.4.2015) by The Civil Procedure (Amendment No. 8) Rules 2014 (S.I. 2014/3299), rules 2(c), **10(a)(ii)(bb)**
- F27** Rule 45.19(2E) substituted (6.4.2015) by The Civil Procedure (Amendment No. 8) Rules 2014 (S.I. 2014/3299), rules 2(c), **10(a)(iii)**
- F28** Rule 45.19(3) inserted (31.7.2013) by The Civil Procedure (Amendment No.6) Rules 2013 (S.I. 2013/1695), rules 2, **7(7)(c)** (with rule 10)

Where the claimant obtains judgment for an amount more than the defendant's [^{F29}relevant Protocol] offer

- 45.20.** Where rule [^{F30}36.29](1)(b) or (c) applies, the court will order the defendant to pay—
- (a) where not already paid by the defendant, the Stage 1 and 2 fixed costs;
 - (b) where the claim is determined—
 - (i) on the papers, Stage 3 Type A fixed costs;
 - (ii) at a Stage 3 hearing, Stage 3 Type A and B fixed costs; or
 - (iii) at a Stage 3 hearing and the claimant is a child, Type A, B and C fixed costs; and
 - (c) disbursements allowed in accordance with rule 45.19.

Textual Amendments

- F29** Words in rule 45.20 heading substituted (31.7.2013) by The Civil Procedure (Amendment No.6) Rules 2013 (S.I. 2013/1695), rules 2, **7(8)** (with rule 10)
- F30** Word in rule 45.20 substituted (6.4.2015) by The Civil Procedure (Amendment No. 8) Rules 2014 (S.I. 2014/3299), rules 2(c), **10(b)** (with rule 18)

Settlement at Stage 2 where the claimant is a child

- 45.21.**—(1) This rule applies where—
- (a) the claimant is a child;

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- (b) there is a settlement at Stage 2 of the [^{F31}relevant Protocol]; and
 - (c) an application is made to the court to approve the settlement.
- (2) Where the court approves the settlement at a settlement hearing it will order the defendant to pay—
- (a) the Stage 1 and 2 fixed costs;
 - (b) the Stage 3 Type A, B and C fixed costs; and
 - (c) disbursements allowed in accordance with rule 45.19.
- (3) Where the court does not approve the settlement at a settlement hearing it will order the defendant to pay the Stage 1 and 2 fixed costs.
- (4) Paragraphs (5) and (6) apply where the court does not approve the settlement at the first settlement hearing but does approve the settlement at a second settlement hearing.
- (5) At the second settlement hearing the court will order the defendant to pay—
- (a) the Stage 3 Type A and C fixed costs for the first settlement hearing;
 - (b) disbursements allowed in accordance with rule 45.19; and
 - (c) the Stage 3 Type B fixed costs for one of the hearings.
- (6) The court in its discretion may also order—
- (a) the defendant to pay an additional amount of either or both the Stage 3—
 - (i) Type A fixed costs;
 - (ii) Type B fixed costs; or
 - (b) [^{F32}the] claimant to pay an amount equivalent to either or both the Stage 3—
 - (i) Type A fixed costs;
 - (ii) Type B fixed costs.

Textual Amendments

F31 Words in rule 45.21(1)(b) substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, [7\(9\)\(a\)](#) (with rule 10)

F32 Word in rule 45.21(6)(b) substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, [7\(9\)\(b\)](#) (with rule 10)

Settlement at Stage 3 where the claimant is a child

- 45.22.**—(1) This rule applies where—
- (a) the claimant is a child;
 - (b) there is a settlement after proceedings are started under the Stage 3 Procedure;
 - (c) the settlement is more than the defendant's [^{F33}relevant Protocol] offer; and
 - (d) an application is made to the court to approve the settlement.
- (2) Where the court approves the settlement at the settlement hearing it will order the defendant to pay—
- (a) the Stage 1 and 2 fixed costs;
 - (b) the Stage 3 Type A, B and C fixed costs; and
 - (c) disbursements allowed in accordance with rule 45.19.

(3) Where the court does not approve the settlement at the settlement hearing it will order the defendant to pay the Stage 1 and 2 fixed costs.

(4) Paragraphs (5) and (6) apply where the court does not approve the settlement at the first settlement hearing but does approve the settlement at the Stage 3 hearing.

(5) At the Stage 3 hearing the court will order the defendant to pay—

- (a) the Stage 3 Type A and C fixed costs for the settlement hearing;
- (b) disbursements allowed in accordance with rule 45.19; and
- (c) the Stage 3 Type B fixed costs for one of the hearings.

(6) The court in its discretion may also order—

- (a) the defendant to pay an additional amount of either or both the Stage 3—
 - (i) Type A fixed costs;
 - (ii) Type B fixed costs; or
- (b) the claimant to pay an amount equivalent to either or both of the Stage 3—
 - (i) Type A fixed costs;
 - (ii) Type B fixed costs.

(7) Where the settlement is not approved at the Stage 3 hearing the court will order the defendant to pay the Stage 3 Type A fixed costs.

Textual Amendments

F33 Words in [rule 45.22\(1\)\(c\)](#) substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), [rules 2, 7\(10\)](#) (with [rule 10](#))

Where the court orders that the claim is not suitable to be determined under the Stage 3 Procedure and the claimant is a child

45.23. Where—

- (a) the claimant is a child; and
- (b) at a settlement hearing or the Stage 3 hearing the court orders that the claim is not suitable to be determined under the Stage 3 Procedure,

the court will order the defendant to pay—

- (i) the Stage 1 and 2 fixed costs; and
- (ii) the Stage 3 Type A, B and C fixed costs.

^{F34}Settlement before proceedings are issued under Stage 3

45.23A. Where—

- (a) there is a settlement after the Court Proceedings Pack has been sent to the defendant but before proceedings are issued under Stage 3; and
- (b) the settlement is more than the defendant's relevant Protocol offer,

the fixed costs will include an additional amount equivalent to the Stage 3 Type A fixed costs.

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Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: SECTION III. (See end of Document for details)

Textual Amendments

F34 Rules 45.23A, 45.23B inserted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), [rules 2, 7\(11\)](#) (with [rule 10](#))

Additional advice on the value of the claim

45.23B. Where—

- (a) the value of the claim for damages is more than £10,000;
- (b) an additional advice has been obtained from a specialist solicitor or from counsel;
- (c) that advice is reasonably required to value the claim,

the fixed costs may include an additional amount equivalent to the Stage 3 Type C fixed costs.]

Textual Amendments

F34 Rules 45.23A, 45.23B inserted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), [rules 2, 7\(11\)](#) (with [rule 10](#))

Failure to comply or electing not to continue with the [F35 relevant Protocol] – costs consequences

45.24.—(1) This rule applies where the claimant—

- (a) does not comply with the process set out in the [F36 relevant Protocol]; or
- (b) elects not to continue with that process,

and starts proceedings under Part 7.

(2) [F37 Subject to paragraph (2A), where a judgment is given] in favour of the claimant but—

- (a) the court determines that the defendant did not proceed with the process set out in the [F38 relevant Protocol] because the claimant provided insufficient information on the Claim Notification Form;
- (b) the court considers that the claimant acted unreasonably—
 - (i) by discontinuing the process set out in the [F38 relevant Protocol] and starting proceedings under Part 7;
 - (ii) by valuing the claim at more than [F39 £25,000], so that the claimant did not need to comply with the [F38 relevant Protocol]; or
 - (iii) except for paragraph (2)(a), in any other way that caused the process in the [F38 relevant Protocol] to be discontinued; or
- (c) the claimant did not comply with the [F38 relevant Protocol] at all despite the claim falling within the scope of the RTA Protocol,

the court may order the defendant to pay no more than the fixed costs in rule 45.18 together with the disbursements allowed in accordance with rule 45.19.

[F40(2A) Where a judgment is given in favour of the claimant but the claimant did not comply with the process in paragraph 6.3A(2) of the RTA Protocol, the court may not order the defendant to pay the claimant's costs and disbursements save in exceptional circumstances.]

(3) Where the claimant starts proceedings under paragraph [F41 7.28] of the RTA Protocol [F42 or paragraph 7.26 of the EL/PL Protocol] and the court orders the defendant to make an interim payment of no more than the interim payment made under paragraph 7.14(2) or (3) of [F43 the RTA Protocol or paragraph 7.17(2) or (3) of the EL/PL Protocol] the court will, on the final determination of the proceedings, order the defendant to pay no more than—

- (a) the Stage 1 and 2 fixed costs; and
- (b) the disbursements allowed in accordance with rule 45.19.

Textual Amendments

- F35** Words in rule 45.24 heading substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(12)(a)** (with rule 10)
- F36** Words in rule 45.24(1)(a) substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(12)(b)** (with rule 10)
- F37** Words in rule 45.24(2) substituted (6.4.2015) by [The Civil Procedure \(Amendment No. 8\) Rules 2014 \(S.I. 2014/3299\)](#), rules 2(c), **10(c)(i)**
- F38** Words in rule 45.24(2) substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(12)(c)(i)** (with rule 10)
- F39** Sum in rule 45.24(2) substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(12)(c)(ii)** (with rule 10)
- F40** Rule 45.24(2A) inserted (6.4.2015) by [The Civil Procedure \(Amendment No. 8\) Rules 2014 \(S.I. 2014/3299\)](#), rules 2(c), **10(c)(ii)**
- F41** Word in rule 45.24(3) substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(12)(d)(i)** (with rule 10)
- F42** Words in rule 45.24(3) inserted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(12)(d)(ii)** (with rule 10)
- F43** Words in rule 45.24(3) substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(12)(d)(iii)** (with rule 10)

Where the parties have settled after proceedings have started

45.25.—(1) This rule applies where an application is made under rule 45.29 (costs-only application after a claim is started under Part 8 in accordance with Practice Direction 8B).

(2) Where the settlement is more than the defendant's [F44 relevant Protocol] offer the court will order the defendant to pay—

- (a) the Stage 1 and 2 fixed costs where not already paid by the defendant;
- (b) the Stage 3 Type A fixed costs; and
- (c) disbursements allowed in accordance with rule 45.19.

(3) Where the settlement is less than or equal to the defendant's [F44 relevant Protocol] offer the court will order the defendant to pay—

- (a) the Stage 1 and 2 fixed costs where not already paid by the defendant; and
 - (b) disbursements allowed in accordance with rule 45.19.
- (4) The court may, in its discretion, order either party to pay the costs of the application.

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Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: SECTION III. (See end of Document for details)

Textual Amendments

- F44** Words in rule 45.25 substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(13)** (with rule 10)

Where the claimant obtains judgment for an amount equal to or less than the defendant's [^{F45}relevant Protocol]

- 45.26.** Where rule [^{F46}36.29](1)(a) applies, the court will order the claimant to pay—
- (a) where the claim is determined—
 - (i) on the papers, Stage 3 Type A fixed costs; or
 - (ii) at a hearing, Stage 3 Type A and B fixed costs;
 - (b) any Stage 3 disbursements allowed in accordance with rule 45.19.

Textual Amendments

- F45** Words in rule 45.26 heading substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(14)** (with rule 10)
- F46** Word in rule 45.26 substituted (6.4.2015) by [The Civil Procedure \(Amendment No. 8\) Rules 2014 \(S.I. 2014/3299\)](#), rules 2(c), **10(d)** (with rule 18)

Adjournment

- 45.27.** Where the court adjourns a settlement hearing or a Stage 3 hearing it may, in its discretion, order a party to pay—
- (a) an additional amount of the Stage 3 Type B fixed costs; and
 - (b) any court fee for that adjournment.

Account of payment of Stage 1 [^{F47} and Stage 2] fixed costs

45.28. Where a claim no longer continues under the [^{F48}relevant Protocol] the court will, when making any order as to costs including an order for fixed recoverable costs under Section II [^{F49}or Section IIIA] of this Part, take into account the Stage 1 [^{F50}and Stage 2] fixed costs that have been paid by the defendant.

Textual Amendments

- F47** Words in rule 45.28 heading inserted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(15)(a)** (with rule 10)
- F48** Words in rule 45.28 substituted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(15)(b)** (with rule 10)
- F49** Words in rule 45.28 inserted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(15)(c)** (with rule 10)
- F50** Words in rule 45.28 inserted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, **7(15)(d)** (with rule 10)

Costs-only application after a claim is started under Part 8 in accordance with Practice Direction 8B

45.29.—(1) This rule sets out the procedure where—

- (a) the parties to a dispute have reached an agreement on all issues (including which party is to pay the costs) which is made or confirmed in writing; but
 - (b) they have failed to agree the amount of those costs; and
 - (c) proceedings have been started under Part 8 in accordance with Practice Direction 8B.
- (2) Either party may make an application for the court to determine the costs.
- (3) Where an application is made under this rule the court will assess the costs in accordance with rule 45.22 or rule 45.25.
- (4) Rule 44.5 (amount of costs where costs are payable pursuant to a contract) does not apply to an application under this rule.]

Status:

Point in time view as at 06/04/2015.

Changes to legislation:

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