
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 45 E+W]

FIXED COSTS

[^{F1}SECTION IV

Scale Costs For Claims In [^{F2}The Intellectual Property Enterprise Court]

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** Words in Pt. 45 Section 4 heading substituted (1.10.2013) by [The Civil Procedure \(Amendment No.7\) Rules 2013 \(S.I. 2013/1974\)](#), rules 2, **20(c)**

Scope and interpretation E+W

45.30.—(1) Subject to paragraph (2), this Section applies to proceedings in [^{F3}the Intellectual Property Enterprise Court].

(2) This Section does not apply where—

- (a) the court considers that a party has behaved in a manner which amounts to an abuse of the court's process; or
- (b) the claim concerns the infringement or revocation of a patent or registered design [^{F4}or registered trade mark] the validity of which has been certified by a court [^{F5}or by the Comptroller-General of Patents, Designs and Trade Marks] in earlier proceedings.

(3) The court will make a summary assessment of the costs of the party in whose favour any order for costs is made. Rules 44.2(8), 44.7(b) and Part 47 do not apply to this Section.

(4) “Scale costs” means the costs set out in Table A and Table B of the Practice Direction supplementing this Part.

Textual Amendments

- F3** Words in [rule 45.30\(1\)](#) substituted (1.10.2013) by [The Civil Procedure \(Amendment No.7\) Rules 2013 \(S.I. 2013/1974\)](#), rules 2, **20(f)(i)**
- F4** Words in [rule 45.30\(2\)\(b\)](#) inserted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **19**
- F5** Words in [rule 45.30\(2\)\(b\)](#) inserted (1.10.2013) by [The Civil Procedure \(Amendment No.7\) Rules 2013 \(S.I. 2013/1974\)](#), rules 2, **20(f)(ii)**

Status: Point in time view as at 31/01/2019.

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

Amount of scale costs **E+W**

45.31.—(1) Subject to rule 45.32, the court will not order a party to pay total costs of more than—

- (a) £50,000 on the final determination of a claim in relation to liability; and
- (b) £25,000 on an inquiry as to damages or account of profits.

(2) The amounts in paragraph (1) apply after the court has applied the provision on set off in accordance with rule 44.12(a).

(3) The maximum amount of scale costs that the court will award for each stage of the claim is set out in Practice Direction 45.

(4) The amount of the scale costs awarded by the court in accordance with paragraph (3) will depend on the nature and complexity of the claim.

[^{F6}(4A) Subject to assessment where appropriate, the following may be recovered in addition to the amount of the scale costs set out in Practice Direction 45 – Fixed Costs—

- (a) court fees;
- (b) costs relating to the enforcement of any court order; and
- (c) wasted costs.]

(5) Where appropriate, [^{F7}VAT] may be recovered in addition to the amount of the scale costs and any reference in this Section to scale costs is a reference to those costs net of any such VAT.

Textual Amendments

F6 Rule 45.31(4A) inserted (1.10.2013) by [The Civil Procedure \(Amendment No.7\) Rules 2013](#) (S.I. 2013/1974), rules 2, **20(g)(i)**

F7 Word in rule 45.31(5) substituted (1.10.2013) by [The Civil Procedure \(Amendment No.7\) Rules 2013](#) (S.I. 2013/1974), rules 2, **20(g)(ii)**

Summary assessment of the costs of an application where a party has behaved unreasonably **E+W**

45.32. Costs awarded to a party under rule 63.26(2) are in addition to the total costs that may be awarded to that party under rule 45.31.]

Status:

Point in time view as at 31/01/2019.

Changes to legislation:

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