
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 44

General Rules about Costs

SECTION 1

General

[^{F1}Interpretation and application

44.1.—(1) In Parts 44 to 47, unless the context otherwise requires—

“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 Costs Office,

whom the Lord Chancellor has authorised to assess costs;

“conditional fee agreement” means an agreement enforceable under section 58 of the Courts and Legal Services Act 1990 ;

“costs” includes fees, charges, disbursements, expenses, remuneration, reimbursement allowed to a litigant in person under rule 46.5 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;

“costs judge” means a taxing master of the Senior Courts;

“Costs Office” means the Senior Courts Costs Office;

“costs officer” means—

- (i) a costs judge;
- (ii) a district judge; or
- (iii) an authorised court officer;

“detailed assessment” means the procedure by which the amount of costs is decided by a costs officer in accordance with Part 47;

“the Director (legal aid)” means the person designated as the Director of Legal Aid Casework pursuant to section 4 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, or a person entitled to exercise the functions of the Director;

“fixed costs” means costs the amounts of which are fixed by these rules whether or not the court has a discretion to allow some other or no amount, and include—

Status: Point in time view as at 01/04/2013. This version of this provision has been superseded.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 44.1. (See end of Document for details)*

- (i) the amounts which are to be allowed in respect of legal representatives' charges in the circumstances set out in Section I of Part 45;
- (ii) fixed recoverable costs calculated in accordance with rule 45.11;
- (iii) the additional costs allowed by rule 45.18;
- (iv) fixed costs determined under rule 45.21;
- (v) costs fixed by rules 45.37 and 45.38;

“free of charge” has the same meaning as in section 194(10) of the 2007 Act;

“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 that capacity;

“HMRC” means HM Revenue and Customs;

“legal aid” means civil legal services made available under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;

“paying party” means a party liable to pay costs;

“the prescribed charity” has the same meaning as in section 194(8) of the 2007 Act;

“pro bono representation” means legal representation provided free of charge;

“receiving party” means a party entitled to be paid costs;

“summary assessment” means the procedure whereby costs are assessed by the judge who has heard the case or application;

“VAT” means Value Added Tax;

“the 2007 Act” means the Legal Services Act 2007 .

(“Legal representative” has the meaning given in rule 2.3).

(2) The costs to which Parts 44 to 47 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 their legal representative; 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.

(3) Where advocacy or litigation services are provided to a client under a conditional fee agreement, costs are recoverable under Parts 44 to 47 notwithstanding that the client is liable to pay the legal representative's fees and expenses only to the extent that sums are recovered in respect of the proceedings, whether by way of costs or otherwise.]

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](#))

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Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 44.1.