
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

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

General Rules about Costs

SECTION 1

General

[^{F1}Where the court makes no order for costs **E+W**

- 44.10.**—(1) Where the court makes an order which does not mention costs—
- (a) subject to paragraphs (2) and (3), the general rule is that no party is entitled—
 - (i) to costs; or
 - (ii) to seek an order under section 194(3) of the 2007 Act, in relation to that order; but
 - (b) this does not affect any entitlement of a party to recover costs out of a fund held by that party as trustee or personal representative, or under any lease, mortgage or other security.
- (2) Where the court makes—
- (a) an order granting permission to appeal;
 - (b) an order granting permission to apply for judicial review; or
 - (c) any other order or direction sought by a party on an application without notice, and its order does not mention costs, it will be deemed to include an order for applicant's costs in the case.
- (3) Any party affected by a deemed order for costs under paragraph (2) may apply at any time to vary the order.
- (4) The court hearing an appeal may, unless it dismisses the appeal, make orders about the costs of the proceedings giving rise to the appeal as well as the costs of the appeal.
- (5) Subject to any order made by the transferring court, where proceedings are transferred from one court to another, the court to which they are transferred may deal with all the costs, including the costs before the transfer.]

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)

Status:

Point in time view as at 01/04/2013.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 44.10.