
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 45

FIXED COSTS

SECTION 1

General Provisions

[^{F1}Scope of this Part

45.1.—(1) This Part sets out the amounts to be allowed for costs in the categories of claim to which it applies.

(2) In the categories of claim to which this Part applies, the court has a discretion as to—

- (a) whether costs are payable by one party to another;
- (b) when they are to be paid; and
- (c) whether to make an order in the form contemplated by rule 44.2(6)(a).

(3) Where—

- (a) a claim is one to which Section IV, Section VI, Section VII or Section VIII of this Part applies; and
- (b) the parties agree or the court orders that a party is entitled to costs,

subject to [^{F2}rule 44.5 and to] the application of any rule in those Sections or this Section by which costs are to be allowed, disallowed, increased or reduced, the court may only award costs in an amount that is neither more nor less than the fixed costs allowed by the applicable Section and set out in the relevant table in Practice Direction 45 [^{F3}, unless the paying party and the receiving party have each expressly agreed that this Part should not apply].

(4) Section VI and Section VII of this Part do not apply to a claim or counterclaim which relates, in whole or in part, to a residential property or dwelling and which, in respect of that property, includes a claim or counterclaim for—

- (a) possession;
- (b) disrepair; or
- (c) unlawful eviction,

save where the claim or counterclaim in respect of the residential property or dwelling arises from a boundary dispute.

(5) Where a claim relates in part to a residential property or dwelling and that part of the claim is concluded or discontinued, paragraph (4) shall continue to apply to the remainder of the claim.

(6) Section VI, Section VII and Section VIII of this Part do not apply where a party is a protected party.

(7) In this Part—

- (a) ‘an order for costs’, includes orders for costs deemed to have been made (either against the claimant or in favour of the claimant) as set out in rule 44.9;
- (b) ‘the relevant Protocol’ means—
 - (i) the Pre-Action Protocol for Personal Injury Claims in Road Traffic Accidents (‘the RTA Protocol’); or
 - (ii) the Pre-action Protocol for Low Value Personal Injury Claims (Employers’ Liability and Public Liability) Claims (‘the EL/PL Protocol’); and
- (c) a reference to a table by number alone is a reference to the corresponding table in Practice Direction 45.

(8) [^{F4}Subject to paragraph (9), a] reference in any rule to an amount in a table in Practice Direction 45 is a reference to the amount applicable to a claim on the date that proceedings are issued, regardless of any subsequent amendment.

[^{F5}(9) In respect of any amendment made to Table 12, Table 14 or Table 15 which comes into force on 6th April 2024, the amounts in those Tables as so amended are also applicable to any order for costs made after that date in a claim issued before that date.

(10) This Part does not apply to costs incurred in respect of, or in connection with, inquest proceedings.]]

Textual Amendments

- F1** Pt. 45 substituted (1.10.2023) by [The Civil Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/572\)](#), [rule 1\(1\)](#), [Sch. 3](#) (with [rule 2](#))
- F2** Words in rule 45.1(3) inserted (6.4.2024) by [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), [rules 1\(1\)](#), [9\(2\)\(a\)\(i\)](#)
- F3** Words in rule 45.1(3) inserted (6.4.2024) by [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), [rules 1\(1\)](#), [9\(2\)\(a\)\(ii\)](#)
- F4** Words in rule 45.1(8) substituted (6.4.2024) by [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), [rules 1\(1\)](#), [9\(2\)\(b\)](#)
- F5** Rule 45.1(9)(10) inserted (6.4.2024) by [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), [rules 1\(1\)](#), [9\(2\)\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 45.1.