
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 45

FIXED COSTS

[^{F2}SECTION IIIA

Claims Which No Longer Continue Under the RTA or EL/PL Pre-Action Protocols [^{F1}and Claims to which the Pre-Action Protocol for Resolution of Package Travel Claims Applies] – Fixed Recoverable Costs

[^{F1}]^{F2}**Counterclaims under the RTA Protocol**

45.29G.—(1) If in any case to which this Section applies—

- (a) the defendant brings a counterclaim which includes a claim for personal injuries to which the RTA Protocol applies;
- (b) the counterclaim succeeds; and
- (c) the court makes an order for the costs of the counterclaim,

rules 45.29B, 45.29C, 45.29I, 45.29J, 45.29K and 45.29L shall apply.

(2) Where a successful counterclaim does not include a claim for personal injuries—

- (a) the order for costs of the counterclaim shall be for a sum equivalent to one half of the applicable Type A and Type B costs in Table 6;
- (b) where the defendant—
 - (i) lives, works, or carries on business in an area set out in Practice Direction 45; and
 - (ii) instructs a legal representative who practises in that area,

the costs will include, in addition to the costs allowable under paragraph (a), an amount equal to 12.5% of those costs;

- (c) if an order for costs is made pursuant to this rule, the defendant is entitled to disbursements in accordance with rule 45.29I; and
- (d) where appropriate, VAT may be recovered in addition to the amount of any costs allowable under this rule.]]

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 Section 3A inserted (31.7.2013) by [The Civil Procedure \(Amendment No.6\) Rules 2013 \(S.I. 2013/1695\)](#), rules 2, 7(16), [Sch.](#) (with rule 10)

Status:

Point in time view as at 07/05/2018.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 45.29G.