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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 45**

**FIXED COSTS**

*SECTION 1*

*General Provisions*

**[<sup>F1</sup>Counterclaims**

**45.7.**—(1) Subject to paragraphs (2) and (3), if in any case to which Section VI or Section VII of this Part applies—

- (a) the defendant brings a counterclaim; and
- (b) the court makes an order for costs,

rules 45.5, 45.6, 45.9, 45.10, 45.11, 45.12, 45.13, 45.43, 45.45, 45.46, 45.49 and 49.50 shall apply as if the counterclaim were a claim.

(2) No costs are allowable under this rule where the only remedy sought by the counterclaimant is also a defence to the claim.

(3) Where in a claim to which the RTA Protocol applies, there is a counterclaim which does not include a claim for personal injuries, any order for costs shall be for a sum equivalent to one half of the applicable Type A and Type B costs in Table 10.]

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**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)

**Status:**

Point in time view as at 01/10/2023.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 45.7.