
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 46 E+W

FAST TRACK TRIAL COSTS

Power to award more or less than the amount of fast track trial costs E+W

46.3.—(1) This rule sets out when a court may award—

- (a) an additional amount to the amount of fast track trial costs shown in the table in rule 46.2(1); and
- (b) less than those amounts.

(2) If—

- (a) in addition to the advocate, a party’s legal representative attends the trial;
- (b) the court considers that it was necessary for a legal representative to attend to assist the advocate; and
- (c) the court awards fast track trial costs to that party,

the court may award an additional [^{F1}£345] in respect of the legal representative’s attendance at the trial.

(Legal representative is defined in rule 2.3)

[^{F2}(2A) The court may in addition award a sum representing an additional liability.

(The requirements to provide information about a funding arrangement where a party wishes to recover any additional liability under a funding arrangement are set out in the costs practice direction)

(“Additional liability” is defined in rule 43.2)]

(3) If the court considers that it is necessary to direct a separate trial of an issue then the court may award an additional amount in respect of the separate trial but that amount is limited in accordance with paragraph (4) of this rule.

(4) The additional amount the court may award under paragraph 3 must not exceed two-thirds of the amount payable for that claim, subject to a minimum award of [^{F3}£485.]

(5) Where the party to whom fast track trial costs are to be awarded is a litigant in person, the court will award—

- (a) if the litigant in person can prove financial loss, two thirds of the amount that would otherwise be awarded; or
- (b) if the litigant in person fails to prove financial loss, an amount in respect of the time spent reasonably doing the work at the rate specified in the costs practice direction.

(6) Where a defendant has made a counterclaim against the claimant and—

- (a) the claimant has succeeded on his claim; and
- (b) the defendant has succeeded on his counterclaim,

Status: Point in time view as at 01/10/2007. This version of this provision has been superseded.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 46.3. (See end of Document for details)*

the court will quantify the amount of the award of fast track trial costs to which—

(i) but for the counterclaim, the claimant would be entitled for succeeding on his claim; and

(ii) but for the claim, the defendant would be entitled for succeeding on his counterclaim,

and make one award of the difference, if any, to the party entitled to the higher award of costs.

(7) Where the court considers that the party to whom fast track trial costs are to be awarded has behaved unreasonably or improperly during the trial, it may award that party an amount less than would otherwise be payable for that claim, as it considers appropriate.

(8) Where the court considers that the party who is to pay the fast track trial costs has behaved improperly during the trial the court may award such additional amount to the other party as it considers appropriate.

Textual Amendments

F1 Sum in rule 46.3(2) substituted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), [rules 1, 14\(c\)](#) (with [rule 22](#))

F2 Rule 46.3(2A) and words inserted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), [rules 1, 21](#) (with [rule 39](#))

F3 Sum in rule 46.3(4) substituted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), [rules 1, 14\(d\)](#) (with [rule 22](#))

Commencement Information

I1 [Rule 46.3](#) in force at 26.4.1999, see [Signature](#)

Status:

Point in time view as at 01/10/2007. 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 46.3.