
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 46

COSTS –SPECIAL CASES

SECTION 1

Costs Payable by or to Particular Persons

[^{F1}Costs where money is payable by or to a child or protected party

46.4.—(1) This rule applies to any proceedings where a party is a child or protected party and—

- (a) money is ordered or agreed to be paid to, or for the benefit of, that party; or
- (b) money is ordered to be paid by that party or on that party’s behalf.

(“Child” and “protected party” have the same meaning as in rule 21.1(2).)

(2) The general rule is that—

- (a) the court must order a detailed assessment of the costs payable by, or out of money belonging to, any party who is a child or protected party; and
- (b) on an assessment under paragraph (a), the court must also assess any costs payable to that party in the proceedings, unless—
 - (i) the court has issued a default costs certificate in relation to those costs under rule 47.11; or
 - (ii) the costs are payable in proceedings to which [^{F2}Section IV] of Part 45 applies.

(3) The court need not order detailed assessment of costs in the circumstances set out in [^{F3}paragraph (5) or in] Practice Direction 46.

(4) Where—

- (a) a claimant is a child or protected party; and
- (b) a detailed assessment has taken place under paragraph (2)(a),

the only amount payable by the child or protected party is the amount which the court certifies as payable.

[^{F4}(5) Where the costs payable comprise only the success fee claimed by the child’s or protected party’s legal representative under a conditional fee agreement or the balance of any payment under a damages based agreement, the court may direct that—

- (a) the assessment procedure referred to in rule 46.10 and paragraph 6 of Practice Direction 46 shall not apply; and
- (b) such costs be assessed summarily.]

Status: Point in time view as at 01/10/2023.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 46.4. (See end of Document for details)

(This rule applies to a counterclaim by or on behalf of a child or protected party by virtue of rule 20.3.)]

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** Words in rule 46.4(2)(b)(ii) substituted (1.10.2023) by [The Civil Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/572\)](#), rules 1(1), **16(2)** (with rule 2)
- F3** Words in rule 46.4(3) inserted (6.4.2015) by [The Civil Procedure \(Amendment No. 2\) Rules 2015 \(S.I. 2015/670\)](#), rules 2(2), **5(a)**
- F4** Rule 46.4(5) inserted (6.4.2015) by [The Civil Procedure \(Amendment No. 2\) Rules 2015 \(S.I. 2015/670\)](#), rules 2(2), **5(b)**

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 46.4.