
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 47

**PROCEDURE FOR DETAILED ASSESSMENT
OF COSTS AND DEFAULT PROVISIONS**

SECTION II

Costs Payable by one Party to another – Commencement of Detailed Assessment Proceedings

[^{F1}Sanction for delay in commencing detailed assessment proceedings

47.8.—(1) Where the receiving party fails to commence detailed assessment proceedings within the period specified—

- (a) in rule 47.7; or
- (b) by any direction of the court,

the paying party may apply for an order requiring the receiving party to commence detailed assessment proceedings within such time as the court may specify.

(2) On an application under paragraph (1), the court may direct that, unless the receiving party commences detailed assessment proceedings within the time specified by the court, all or part of the costs to which the receiving party would otherwise be entitled will be disallowed.

(3) If—

- (a) the paying party has not made an application in accordance with paragraph (1); and
- (b) the receiving party commences the proceedings later than the period specified in rule 47.7,

the court may disallow all or part of the interest otherwise payable to the receiving party under—

- (i) section 17 of the Judgments Act 1838; or
- (ii) section 74 of the County Courts Act 1984,

but will not impose any other sanction except in accordance with rule 44.11 (powers in relation to misconduct).

(4) Where the costs to be assessed in a detailed assessment are payable out of the Community Legal Service Fund, this rule applies as if the receiving party were the solicitor to whom the costs are payable and the paying party were the Legal Services Commission.

[^{F2}(5) Where the costs to be assessed in a detailed assessment are payable by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, this rule applies as if the receiving party were the solicitor to whom the costs are payable and the paying party were the Lord Chancellor.]]

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 47.8. (See end of Document for details)

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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** Rule 47.8(5) inserted (1.4.2013) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Consequential, Transitional and Saving Provisions\) Regulations 2013 \(S.I. 2013/534\)](#), reg. 1, **Sch. para. 2(b)** (with reg. 14(4))

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 47.8.