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STATUTORY INSTRUMENTS

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**1998 No. 3132**

The Civil Procedure Rules 1998

PART 48

COSTS—SPECIAL CASES

***SECTION 1—COSTS PAYABLE BY OR TO PARTICULAR PERSONS***

**Limitations on court's power to award costs in favour of trustee or personal representative**

**48.4.**—(1) This rule applies where—

- (a) a person is or has been a party to any proceedings in the capacity of trustee or personal representative; and
- (b) rule 48.3 does not apply.

[<sup>F1</sup>(2) The general rule is that he is entitled to be paid the costs of those proceedings, insofar as they are not recovered from or paid by any other person, out of the relevant trust fund or estate.

(3) Where he is entitled to be paid any of those costs out of the fund or estate, those costs will be assessed on the indemnity basis.]

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**Textual Amendments**

- F1** Rule 48.4(2)(3) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), [27](#)

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**Modifications etc. (not altering text)**

- C1** [Pt. 48](#) applied in part (with modifications) (1.10.2007) by [The Court of Protection Rules 2007 \(S.I. 2007/1744\)](#), rules 1, [160](#)

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**Commencement Information**

- I1** [Rule 48.4](#) in force at 26.4.1999, see [Signature](#)

**Status:**

Point in time view as at 31/08/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 48.4.