

## STATUTORY INSTRUMENTS

# 1998 No. 3132

## The Civil Procedure Rules 1998

### PART 48

#### COSTS—SPECIAL CASES

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

##### **Costs where money is payable by or to a child or patient**

**48.5.**—(1) This rule applies to any proceedings where a party is a child or patient 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 him or on his behalf.

(“Child” and “patient” are defined in rule 2.3)

(2) The general rule is that—

- (a) the court must order a detailed assessment of the costs payable by <sup>F1</sup>, or out of money belonging to,] any party who is a child or patient <sup>F2</sup>...; and

<sup>F3</sup>(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 Section II of Part 45 applies.]

(3) The court need not order detailed assessment of costs in the circumstances set out in the costs practice direction.

(4) Where—

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

the only amount payable by the child or patient <sup>F4</sup>... is the amount which the court certifies as payable.

(This rule applies to a counterclaim by or on behalf of child or patient by virtue of rule 20.3)

##### **Textual Amendments**

- F1** Words in rule 48.5(2)(a) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **41(a)**
- F2** Words in rule 48.5(2)(a) omitted (1.10.2005) by virtue of [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **41(b)**
- F3** Rule 48.5(2)(b) substituted (1.4.2005) by [The Civil Procedure \(Amendment No. 4\) Rules 2004 \(S.I. 2004/3419\)](#), rules 1, **14**

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**Status:** Point in time view as at 01/10/2005. This version of this provision has been superseded.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 48.5. (See end of Document for details)

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**F4** Words in rule 48.5(4) omitted (1.10.2005) by virtue of The Civil Procedure (Amendment No.3) Rules 2005 (S.I. 2005/2292), rules 1(c), **41(c)**

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**Commencement Information**

**I1** Rule 48.5 in force at 26.4.1999, see **Signature**

**Status:**

Point in time view as at 01/10/2005. 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 48.5.