
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 [F1protected party]

48.5.—(1) This rule applies to any proceedings where a party is a child or [F2protected 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 him or on his behalf.

(“Child” and “[F2protected party]” [F3have 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 [F4, or out of money belonging to,] any party who is a child or [F2protected party]^{F5}...; and

[F6(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 [F2protected party]; and
- (b) a detailed assessment has taken place under paragraph (2)(a),

the only amount payable by the child or [F2protected party]^{F7}... is the amount which the court certifies as payable.

(This rule applies to a counterclaim by or on behalf of child or [F2protected party] by virtue of rule 20.3)

Textual Amendments

- F1** Words in rule 48.5 heading substituted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **16(b)**

Status: Point in time view as at 05/04/2010. This version of this provision has been superseded.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)

- F2** Words in rule 48.5 substituted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **16(c)**
- F3** Words in rule 48.5(1) substituted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **16(d)**
- F4** 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)**
- F5** 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)**
- F6** 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**
- F7** 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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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 48.5 in force at 26.4.1999, see [Signature](#)

Status:

Point in time view as at 05/04/2010. 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.