
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 48

COSTS—SPECIAL CASES

***SECTION II—COSTS RELATING TO SOLICITORS
AND OTHER LEGAL REPRESENTATIVES***

Basis of detailed assessment of solicitor and client costs

48.8.—(1) This rule applies to every assessment of a solicitor's bill to his client except—

- (a) a bill which is to be paid out of the [^{F1}Community Legal Service Fund] under the Legal Aid Act 1988 [^{F2}or the Access to Justice Act 1999]; or
- (b) where the solicitor and his client have entered into a conditional fee agreement as defined by section 58 of the Courts and Legal Services Act 1990(1)[^{F3}whenever it was made].

[^{F4}(1A) Section 74(3) of the Solicitors Act 1974 applies unless the solicitor and client have entered into a written agreement which expressly permits payment to the solicitor of an amount of costs greater than that which the client could have recovered from another party to the proceedings.]

(2) [^{F5}Subject to paragraph (1A),] costs are to be assessed on the indemnity basis but are to be presumed—

- (a) to have been reasonably incurred if they were incurred with the express or implied approval of the client;
- (b) to be reasonable in amount if their amount was expressly or impliedly approved by the client;
- (c) to have been unreasonably incurred if—
 - (i) they are of an unusual nature or amount; and
 - (ii) the solicitor did not tell his client that as a result he might not recover all of them from the other party.

Textual Amendments

- F1** Words in rule 48.8(1)(a) substituted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **36(a)(i)** (with rule 39)
- F2** Words in rule 48.8(1)(a) inserted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **36(a)(ii)** (with rule 39)
- F3** Words in rule 48.8(1)(b) inserted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **36(b)** (with rule 39)

Status: Point in time view as at 03/07/2000. This version of this provision has been superseded.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 48.8. (See end of Document for details)

- F4** Rule 48.8(1A) inserted (26.4.1999) by The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, **24(a)**
- F5** Words in rule 48.8(2) inserted (26.4.1999) by The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, **24(b)**

Commencement Information

- I1** Rule 48.8 in force at 26.4.1999, see **Signature**

Status:

Point in time view as at 03/07/2000. 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 48.8.