

SCHEDULE 1

Rule 9

PART I

I FIXED COSTS

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Amount of fixed commencement costs in a claim for the recovery of land or a demotion claim	Rule 45.2A
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Costs on entry of judgment in a claim for the recovery of money or goods	Rule 45.4
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PART II

I FIXED COSTS

Scope of this Section

45.1.—(1) This Section sets out the amounts which, unless the court orders otherwise, are to be allowed in respect of solicitors' charges in the cases to which this Section applies.

(2) This Section applies where—

- (a) the only claim is a claim for a specified sum of money where the value of the claim exceeds £25 and—
 - (i) judgment in default is obtained under rule 12.4(1);
 - (ii) judgment on admission is obtained under rule 14.4(3);
 - (iii) judgment on admission on part of the claim is obtained under rule 14.5(6);
 - (iv) summary judgment is given under Part 24;
 - (v) the court has made an order to strike out^(GL) a defence under rule 3.4(2)(a) as disclosing no reasonable grounds for defending the claim; or
 - (vi) rule 45.3 applies;
- (b) the only claim is a claim where the court gave a fixed date for the hearing when it issued the claim and judgment is given for the delivery of goods, and the value of the claim exceeds £25;
- (c) the claim is for the recovery of land, including a possession claim under Part 55, whether or not the claim includes a claim for a sum of money and the defendant gives up possession,

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pays the amount claimed, if any, and the fixed commencement costs stated in the claim form;

- (d) the claim is for the recovery of land, including a possession claim under Part 55, where one of the grounds for possession is arrears of rent, for which the court gave a fixed date for the hearing when it issued the claim and judgment is given for the possession of land (whether or not the order for possession is suspended on terms) and the defendant—
 - (i) has neither delivered a defence, or counterclaim, nor otherwise denied liability; or
 - (ii) has delivered a defence which is limited to specifying his proposals for the payment of arrears of rent;
- (e) the claim is a possession claim under Section II of Part 55 (accelerated possession claims of land let on an assured shorthold tenancy) and a possession order is made where the defendant has neither delivered a defence, or counterclaim, nor otherwise denied liability;
- (f) the claim is a demotion claim under Section III of Part 65 or a demotion claim is made in the same claim form in which a claim for possession is made under Part 55 and that demotion claim is successful; or
- (g) a judgment creditor has taken steps under Parts 70 to 73 to enforce a judgment or order.

(The practice direction supplementing rule 7.9 sets out the types of case where a court will give a fixed date for a hearing when it issues a claim)

- (3) Any appropriate court fee will be allowed in addition to the costs set out in this Section.
- (4) The claim form may include a claim for fixed commencement costs.

Amount of fixed commencement costs in a claim for the recovery of money or goods

45.2.—(1) The amount of fixed commencement costs in a claim to which rule 45.1(2)(a) or (b) applies—

- (a) shall be calculated by reference to Table 1; and
 - (b) the amount claimed, or the value of the goods claimed if specified, in the claim form is to be used for determining the band in Table 1 that applies to the claim.
- (2) The amounts shown in Table 4 are to be allowed in addition, if applicable.

Amount of fixed commencement costs in a claim for the recovery of land or a demotion claim

45.2A.—(1) The amount of fixed commencement costs in a claim to which rule 45.1(2)(c), (d) or (f) applies shall be calculated by reference to Table 2.

- (2) The amounts shown in Table 4 are to be allowed in addition, if applicable.

TABLE 1

FIXED COSTS ON COMMENCEMENT OF A CLAIM FOR THE RECOVERY OF MONEY OR GOODS			
Relevant band	Where the claim form is served by the court or by any method other than personal service by the claimant	Where— <ul style="list-style-type: none"> • the claim form is served personally by the claimant; and • there is only one defendant 	Where there is more than one defendant, for each additional defendant personally served at separate addresses by the claimant
Where—	£50	£60	£15

FIXED COSTS ON COMMENCEMENT OF A CLAIM FOR THE RECOVERY OF MONEY OR GOODS

	<ul style="list-style-type: none"> the value of the claim exceeds £25 but does not exceed £500 			
Where—	£70	£80	£15	
	<ul style="list-style-type: none"> the value of the claim exceeds £500 but does not exceed £1,000 			
Where—	£80	£90	£15	
	<ul style="list-style-type: none"> the value of the claim exceeds £1,000 but does not exceed £5,000; or the only claim is for delivery of goods and no value is specified or stated on the claim form 			
Where—	£100	£110	£15	
	<ul style="list-style-type: none"> the value of the claim exceeds £5,000 			

TABLE 2

FIXED COSTS ON COMMENCEMENT OF A CLAIM FOR THE RECOVERY OF LAND OR A DEMOTION CLAIM

Where the claim form is served by the court or by any method other than personal service by the claimant	Where— <ul style="list-style-type: none"> the claim form is served personally by the claimant; and there is only one defendant 	Where there is more than one defendant, for each additional defendant personally served at separate addresses by the claimant
£69.50	£77.00	£15.00

When defendant only liable for fixed commencement costs

45.3.—(1) Where—

- (a) the only claim is for a specified sum of money; and
- (b) the defendant pays the money claimed within 14 days after service of particulars of claim on him, together with the fixed commencement costs stated in the claim form,

the defendant is not liable for any further costs unless the court orders otherwise.

(2) Where—

- (a) the claimant gives notice of acceptance of a payment into court in satisfaction of the whole claim;
- (b) the only claim is for a specified sum of money; and

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(c) the defendant made the payment into court within 14 days after service of the particulars of claim on him, together with the fixed costs stated in the claim form, the defendant is not liable for any further costs unless the court orders otherwise.

Costs on entry of judgment in a claim for the recovery of money or goods

45.4. Where—

- (a) the claimant has claimed fixed commencement costs under rule 45.2; and
- (b) judgment is entered in a claim to which rule 45.1(2)(a) or (b) applies in the circumstances specified in Table 3, the amount to be included in the judgment for the claimant’s solicitor’s charges is the total of—
 - (i) the fixed commencement costs; and
 - (ii) the relevant amount shown in Table 3.

Costs on entry of judgment in a claim for the recovery of land or a demotion claim

45.4A.—(1) Where—

- (a) the claimant has claimed fixed commencement costs under rule 45.2A; and
- (b) judgment is entered in a claim to which rule 45.1(2)(d) or (f) applies, the amount to be included in the judgment for the claimant’s solicitor’s charges is the total of—
 - (i) the fixed commencement costs; and
 - (ii) the sum of £57.25.

(2) Where an order for possession is made in a claim to which rule 45.1(2)(e) applies, the amount allowed for the claimant’s solicitor’s charges for preparing and filing—

- (a) the claim form;
- (b) the documents that accompany the claim form; and
- (c) the request for possession,

is £79.50.

TABLE 3

FIXED COSTS ON ENTRY OF JUDGMENT IN A CLAIM FOR THE RECOVERY OF MONEY OR GOODS

	Where the amount of the judgment exceeds £25 but does not exceed £5,000	Where the amount of the judgment exceeds £5,000
Where judgment in default of an acknowledgment of service is entered under rule 12.4(1) (entry of judgment by request on claim for money only)	£22	£30
Where judgment in default of a defence is entered under rule 12.4(1) (entry of judgment by request on claim for money only)	£25	£35
Where judgment is entered under rule 14.4 (judgment on	£40	£55

FIXED COSTS ON ENTRY OF JUDGMENT IN A CLAIM FOR THE RECOVERY OF MONEY OR GOODS

admission), or rule 14.5 (judgment on admission of part of claim) and claimant accepts the defendant's proposal as to the manner of payment

Where judgment is entered £55 £70

under rule 14.4 (judgment on admission), or rule 14.5 (judgment on admission of part of claim) and court decides the date or time of payment

Where summary judgment is given £175 £210

under Part 24 or the court strikes out a defence under rule 3.4(2)(a), in either case, on application by a party

Where judgment is given on a £60 £85

claim for delivery of goods under a regulated agreement within the meaning of the Consumer Credit Act 1974 and no other entry in this table applies

Miscellaneous fixed costs

45.5. Table 4 shows the amount to be allowed in respect of solicitor's charges in the circumstances mentioned.

TABLE 4

MISCELLANEOUS FIXED COSTS	
For service by a party of any document required to be served personally including preparing and copying a certificate of service for each individual served	£15.00
Where service by an alternative method is permitted by an order under rule 6.8 for each individual served	£53.25
Where a document is served out of the jurisdiction—	
(a) (a) in Scotland, Northern Ireland, the Isle of Man or the Channel Islands;	£68.25
(b) (b) in any other place	£77.00

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Fixed enforcement costs

45.6. Table 5 shows the amount to be allowed in respect of solicitors' costs in the circumstances mentioned. The amounts shown in Table 4 are to be allowed in addition, if applicable.

TABLE 5

FIXED ENFORCEMENT COSTS	
For an application under rule 70.5(4) that an award may be enforced as if payable under a court order, where the amount outstanding under the award:	
exceeds £25 but does not exceed £250	£30.75
exceeds £250 but does not exceed £600	£41.00
exceeds £600 but does not exceed £2,000	£69.50
exceeds £2,000	£75.50
On attendance to question a judgment debtor (or officer of a company or other corporation) who has been ordered to attend court under rule 71.2 where the questioning takes place before a court officer, including attendance by a responsible representative of the solicitor	for each half hour or part, £15.00 (When the questioning takes place before a judge, he may summarily assess any costs allowed.)
On the making of a final third party debt order under rule 72.8(6)(a) or an order for the payment to the judgment creditor of money in court under rule 72.10(1)(b):	
if the amount recovered is less than £150	one-half of the amount recovered
otherwise	£98.50
On the making of a final charging order under rule 73.8(2)(a):	£110 The court may also allow reasonable disbursements in respect of search fees and the registration of the order.
Where a certificate is issued and registered under Schedule 6 to the Civil Jurisdiction and Judgments Act 1982, the costs of registration	£39.00
Where permission is given under RSC Order 45, rule 3 to enforce a judgment or order giving possession of land and costs are allowed on the judgment or order, the amount to be added to the judgment or order for costs—	

FIXED ENFORCEMENT COSTS		
(a)	(a) basic costs	£42.50
(b)	(b) where notice of the proceedings is to be to more than one person, for each additional person	£2.75
	Where a writ of execution as defined in the RSC Order 46, rule 1, is issued against any party	£51.75
	Where a request is filed for the issue of a warrant of execution under CCR Order 26, rule 1, for a sum exceeding £25	£2.25
	Where an application for an attachment of earnings order is made and costs are allowed under CCR Order 27, rule 9 or CCR Order 28, rule 10, for each attendance on the hearing of the application	£8.50

SCHEDULE 2

Rule 16

PART 67

PROCEEDINGS RELATING TO SOLICITORS

Scope and interpretation

67.1.—(1) This Part contains rules about the following types of proceedings relating to solicitors—

- (a) proceedings to obtain an order for a solicitor to deliver a bill or cash account and proceedings in relation to money or papers received by a solicitor (rule 67.2);
- (b) proceedings under Part III of the Solicitors Act 1974(1) relating to the remuneration of solicitors (rule 67.3); and
- (c) proceedings under Schedule 1 to the Solicitors Act 1974(2) arising out of the Law Society’s intervention in a solicitor’s practice (rule 67.4).

(2) In this Part—

“the Act” means the Solicitors Act 1974; and

“LLP” means limited liability partnership.

(Part 48 and Section 56 of the Costs Practice Direction contain provisions about the procedure and basis for the detailed assessment of solicitor and client costs under Part III of the Act)

(The practice direction supplementing Part 52 contains provisions about appeals to the High Court from the Solicitors Disciplinary Tribunal under section 49 of the Act)

(1) 1974 c. 47.

(2) 1974 c. 47. The relevant provisions of Schedule 1 to the Solicitors Act 1974 were amended by the Criminal Justice Act 1982 (c. 48), sections 37, 38 and 46; the Administration of Justice Act 1985 (c. 61), section 8 and paragraph 13 of Schedule 1; and the Postal Service Act 2000 (Consequential Modifications No. 1) Order 2001 (S.I.2001/1149), article 3 and paragraph 39 of Schedule 1.

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Power to order solicitor to deliver cash account etc.

67.2.—(1) Where the relationship of solicitor and client exists or has existed, the orders which the court may make against the solicitor, on the application of the client or his personal representatives, include any of the following—

- (a) to deliver a bill or cash account;
- (b) to pay or deliver up any money or securities;
- (c) to deliver a list of the moneys or securities which the solicitor has in his possession or control on behalf of the applicant;
- (d) to pay into or lodge in court any such money or securities.

(2) An application for an order under this rule must be made—

- (a) by Part 8 claim form; or
- (b) if the application is made in existing proceedings, by application notice in accordance with Part 23.

(3) If the solicitor alleges that he has a claim for costs against the applicant, the court may make an order for—

- (a) the detailed assessment and payment of those costs; and
- (b) securing the payment of the costs, or protecting any solicitor's lien.

Proceedings under Part III of the Act

67.3.—(1) A claim for an order under Part III of the Act for the assessment of costs payable to a solicitor by his client—

- (a) which—
 - (i) relates to contentious business done in a county court; and
 - (ii) is within the financial limit of the county court's jurisdiction specified in section 69(3) of the Act⁽³⁾,may be made in that county court;
- (b) in every other case, must be made in the High Court.

(Rule 30.2 makes provision for any county court to transfer the proceedings to another county court for detailed assessment of costs)

(Provisions about the venue for detailed assessment proceedings are contained in rule 47.4, Section 31 of the Costs Practice Direction and the Costs Pilot Scheme Practice Direction supplementing Part 47)

(2) A claim for an order under Part III of the Act must be made—

- (a) by Part 8 claim form; or
- (b) if the claim is made in existing proceedings, by application notice in accordance with Part 23.

(A model form of claim form is annexed to the Costs Practice Direction)

(3) A claim in the High Court under Part III of the Act may be determined by—

- (a) a High Court judge;
 - (b) a Master, a costs judge or a district judge of the Principal Registry of the Family Division;
- or

(3) The limit in section 69(3) of the Act was amended by the High Court and County Courts Jurisdiction Order 1991 (S.I. 1991/724), article 2(7) and (8) and Part I of the Schedule.

- (c) a district judge, if the costs are for—
 - (i) contentious business done in proceedings in the district registry of which he is the district judge;
 - (ii) contentious business done in proceedings in a county court within the district of that district registry; or
 - (iii) non-contentious business.

Proceedings under Schedule 1 to the Act

67.4.—(1) Proceedings in the High Court under Schedule 1 to the Act must be brought—

- (a) in the Chancery Division; and
- (b) by Part 8 claim form, unless paragraph (4) below applies.

(2) The heading of the claim form must state that the claim relates to a solicitor and is made under Schedule 1 to the Act.

(3) Where proceedings are brought under paragraph 6(4) or 9(8) of Schedule 1 to the Act, the court will give directions and fix a date for the hearing immediately upon issuing the claim form.

(4) If the court has made an order under Schedule 1 to the Act, any subsequent application for an order under that Schedule which has the same parties may be made by a Part 23 application in the same proceedings.

(5) The table below sets out who must be made a defendant to each type of application under Schedule 1.

Defendants to applications under Schedule 1 to the Act

<i>Paragraph of Schedule 1 under which the application is made</i>	<i>Defendant to application</i>
Paragraph 5	if the application relates to money held on behalf of an individual solicitor, the solicitor if the application relates to money held on behalf of a firm, every partner in the firm if the application relates to money held on behalf of a LLP or other corporation, the LLP or other corporation
Paragraph 6(4) or 9(8)	the Law Society
Paragraph 8, 9(4), 9(5) or 9(6)	the person against whom the Law Society is seeking an order
Paragraph 9(10)	the person from whom the Law Society took possession of the documents which it wishes to dispose of or destroy
Paragraph 10	if the application relates to postal packets addressed to an individual solicitor, the solicitor if the application relates to postal packets addressed to a firm, every partner in the firm

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<i>Paragraph of Schedule 1 under which the application is made</i>	<i>Defendant to application</i>
Paragraph 11	if the application relates to postal packets addressed to a LLP or other corporation, the LLP or other corporation the trustee whom the Law Society is seeking to replace and, if he is a co-trustee, the other trustees of the trust

(6) At any time after the Law Society has issued an application for an order under paragraph 5 of Schedule 1 to the Act, the court may, on an application by the Society—

- (a) make an interim order under that paragraph to have effect until the hearing of the application; and
- (b) order the defendant, if he objects to the order being continued at the hearing, to file and serve written evidence showing cause why the order should not be continued.