
STATUTORY INSTRUMENTS

2007 No. 3141

The PPP Administration Order Rules 2007

PROSPECTIVE

PART 6
COURT PROCEDURE AND PRACTICE
CHAPTER 5
COSTS AND DETAILED ASSESSMENT

Application of the Civil Procedure Rules

58. Subject to provision to inconsistent effect made as follows in this Chapter, CPR Part 43 (scope of costs rules and definitions), Part 44 (general rules about costs), Part 45 (fixed costs), Part 47 (procedure for detailed assessment of costs and default provisions) and Part 48 (costs - special cases) shall apply to PPP administration proceedings with any necessary modifications.

Commencement Information

II Rule 58 in force at 30.11.2007, see [rule 1](#)

Requirement to assess costs by the detailed procedure

59.—(1) The amount of any costs, charges or expenses of any person which are payable out of the assets of the PPP company shall be decided by detailed assessment unless the special PPP administrator and the person entitled to payment agree to the contrary.

(2) In the absence of such agreement, the special PPP administrator may serve notice in writing requiring the person entitled to payment to commence detailed assessment proceedings in accordance with CPR Part 47 (procedure for detailed assessment of costs and default provisions) in the court to which the PPP administration proceedings are allocated.

(3) In any proceedings before the court, including proceedings on a petition, the court may order costs to be decided by detailed assessment.

(4) Nothing in this rule prevents the special PPP administrator from making payments on account to any person on the basis of an undertaking by that person to repay immediately any money which may, when detailed assessment is made, prove to have been overpaid, with interest at the rate specified in section 17 of the Judgments Act 1838(1) on the date payment was made and for the period from the date of payment to that of repayment.

(1) 1838 c. 110 (1 & 2 Vict.). Section 17 was amended by S.I. 1993/564, article 2 and 1998/2940, article 3 and by other enactments which are not relevant to these Rules.

Commencement Information

I2 Rule 59 in force at 30.11.2007, see [rule 1](#)

Procedure where detailed assessment required

60.—(1) Before making a detailed assessment of the costs of any person employed in PPP administration proceedings by a special PPP administrator, the costs officer shall require a certificate of employment, which shall be endorsed on the bill and signed by the special PPP administrator.

(2) The certificate shall include—

- (a) the name and address of the person employed;
- (b) details of the functions to be carried out under the employment; and
- (c) a note of any special terms of remuneration which have been agreed.

(3) Every person whose costs in PPP administration proceedings are required to be decided by detailed assessment shall, on being required in writing to do so by the special PPP administrator, commence detailed assessment proceedings in accordance with CPR Part 47 (procedure for detailed assessment of costs and default provisions).

(4) If that person does not commence detailed assessment proceedings within 3 months of the requirement under paragraph (3), or within such further time as the court, on application, may permit, the special PPP administrator may deal with the assets of the PPP company without regard to any claim by that person, whose claim is forfeited by such failure to commence proceedings.

(5) Where in any such case such a claim lies additionally against a special PPP administrator in his personal capacity, that claim is also forfeited by such failure to commence proceedings.

Commencement Information

I3 Rule 60 in force at 30.11.2007, see [rule 1](#)

Costs paid otherwise than out of the assets of the PPP company

61. Where the amount of costs is decided by detailed assessment under an order of the court directing that the costs are to be paid otherwise than out of the assets of the PPP company, the costs officer shall note on the final costs certificate by whom, or the manner in which, the costs are to be paid.

Commencement Information

I4 Rule 61 in force at 30.11.2007, see [rule 1](#)

Award of costs against special PPP administrator

62. Without prejudice to any provision of the 1986 Act, the 1999 Act, the Insolvency Rules or these Rules by virtue of which the special PPP administrator is not in any event to be liable for costs and expenses, where a special PPP administrator is made a party to any proceedings on the application of another party to the proceedings, he shall not be personally liable for costs unless the court otherwise directs.

Commencement Information

I5 Rule 62 in force at 30.11.2007, see [rule 1](#)

Applications for costs

63.—(1) This rule applies where a party to, or person affected by, any PPP administration proceedings—

- (a) applies to the court for an order allowing his costs, or part of them, incidental to the proceedings, and
- (b) that application is not made at the time of the proceedings.

(2) The person concerned shall serve a sealed copy of his application on the special PPP administrator.

(3) The special PPP administrator may appear on the application.

(4) No costs of or incidental to the application shall be allowed to the applicant unless the court is satisfied that the application could not have been made at the time of the proceedings.

Commencement Information

I6 Rule 63 in force at 30.11.2007, see [rule 1](#)

Costs and expenses of witnesses

64.—(1) Except as directed by the court, no allowance as a witness in any examination or other proceedings before the court shall be made to an officer of the PPP company to which the PPP administration proceedings relate.

(2) A person presenting a petition in PPP administration proceedings shall not be regarded as a witness on the hearing of the petition, but the costs officer may allow his expenses of travelling and subsistence.

Commencement Information

I7 Rule 64 in force at 30.11.2007, see [rule 1](#)

Final costs certificate

65.—(1) A final costs certificate of the costs officer is final and conclusive as to all matters which have not been objected to in the manner provided for under the rules of the court.

(2) Where it is proved to the satisfaction of a costs officer that a costs certificate has been lost or destroyed, he may issue a duplicate.

Commencement Information

I8 Rule 65 in force at 30.11.2007, see [rule 1](#)

Status:

This version of this chapter contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The PPP Administration Order Rules 2007, CHAPTER 5.