
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 28

COSTS

Costs in financial remedy proceedings

- 28.3.**—(1) This rule applies in relation to financial remedy proceedings.
- (2) Rule 44.3(1), (4) and (5) of the CPR do not apply to financial remedy proceedings.
- (3) Rule 44.3(6) to (9) of the CPR apply to an order made under this rule as they apply to an order made under rule 44.3 of the CPR.
- (4) In this rule –
- (a) “costs” has the same meaning as in rule 43.2(1)(a) of the CPR; and
 - (b) “financial remedy proceedings” means proceedings for—
 - (i) a financial order except an order for maintenance pending suit, an order for maintenance pending outcome of proceedings, an interim periodical payments order or any other form of interim order for the purposes of rule 9.7(1)(a), (b), (c) and (e);
 - (ii) an order under Part 3 of the 1984 Act;
 - (iii) an order under Schedule 7 to the 2004 Act;
 - (iv) an order under section 10(2) of the 1973 Act⁽¹⁾;
 - (v) an order under section 48(2) of the 2004 Act.
- (5) Subject to paragraph (6), the general rule in financial remedy proceedings is that the court will not make an order requiring one party to pay the costs of another party.
- (6) The court may make an order requiring one party to pay the costs of another party at any stage of the proceedings where it considers it appropriate to do so because of the conduct of a party in relation to the proceedings (whether before or during them).
- (7) In deciding what order (if any) to make under paragraph (6), the court must have regard to—
- (a) any failure by a party to comply with these rules, any order of the court or any practice direction which the court considers relevant;
 - (b) any open offer to settle made by a party;
 - (c) whether it was reasonable for a party to raise, pursue or contest a particular allegation or issue;
 - (d) the manner in which a party has pursued or responded to the application or a particular allegation or issue;
 - (e) any other aspect of a party’s conduct in relation to proceedings which the court considers relevant; and

⁽¹⁾ Section 10(2) has been prospectively repealed by section 66(3) of and Schedule 10 to the Family Law Act 1996.

- (f) the financial effect on the parties of any costs order.
- (8) No offer to settle which is not an open offer to settle is admissible at any stage of the proceedings, except as provided by rule 9.17.