
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 19

COSTS

Departing from the general rule

19.5.—(1) The court may depart from rules 19.2 to 19.4 if the circumstances so justify, and in deciding whether departure is justified the court will have regard to all the circumstances including—

- (a) the conduct of the parties;
- (b) whether a party has succeeded on part of that party's case, even if not wholly successful; and
- (c) the role of any public body involved in the proceedings.

(2) The conduct of the parties includes—

- (a) conduct before, as well as during, the proceedings;
- (b) whether it was reasonable for a party to raise, pursue or contest a particular matter;
- (c) the manner in which a party has made or responded to an application or a particular issue;
- (d) whether a party who has succeeded in that party's application or response to an application, in whole or in part, exaggerated any matter contained in the application or response; and
- (e) any failure by a party to comply with a rule, practice direction or court order.

(3) Without prejudice to rules 19.2 to 19.4 and the foregoing provisions of this rule, the court may permit a party to recover their fixed costs in accordance with the relevant practice direction.