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STATUTORY INSTRUMENTS

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**2018 No. 719**

**The Housing Administration (England and Wales) Rules 2018**

**PART 4**

**COURT PROCEDURE AND PRACTICE**

**CHAPTER 5**

**Costs**

**Application of Chapter and interpretation**

**4.29.**—(1) This Chapter applies to the costs of and in connection with housing administration proceedings.

(2) In this Chapter “costs” includes charges and expenses.

(3) CPR Parts 44(1) and 47(2) (which relate to costs) apply to such costs.

**Requirement to assess costs by the detailed procedure**

**4.30.**—(1) Where the costs of any person are payable as an expense out of the insolvent estate, the amount payable must be decided by detailed assessment unless agreed between the housing administrator and the person entitled to payment.

(2) In the absence of agreement, the housing administrator may serve notice requiring the person entitled to payment to commence detailed assessment proceedings in accordance with CPR Part 47.

(3) Detailed assessment proceedings must be commenced in the court to which the housing administration proceedings are allocated.

(4) In any proceedings before the court, the court may order costs to be decided by detailed assessment.

**Procedure where detailed assessment is required**

**4.31.**—(1) A person whose costs in housing administration proceedings are required to be decided by detailed assessment must, on being required in writing to do so by the housing administrator, commence detailed assessment proceedings in accordance with CPR Part 47.

(2) If that person does not commence such proceedings within 3 months of being required to do so under paragraph 4.30(2), or within such further time as the court, on application, may permit, the housing administrator may deal with the administration without regard to any claim for costs by that person, whose claim is forfeited by such failure to commence proceedings.

(3) Where in any such case such a claim for costs lies additionally against a housing administrator in their personal capacity, that claim is also forfeited by such failure to commence proceedings.

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(1) Part 44 is substituted for a new Part 44 by [S.I. 2013/262](#).

(2) Part 47 is substituted for a new Part 47 by [S.I. 2013/262](#).

(4) Where costs have been incurred in housing administration proceedings in the High Court and those proceedings are subsequently transferred to the county court, all costs of those proceedings directed by the court or otherwise required to be assessed may nevertheless, on the application of the person who incurred the costs, be ordered to be decided by detailed assessment in the High Court.

#### **Costs paid otherwise than out of the assets of the registered provider**

**4.32.** Where the amount of costs is decided by detailed assessment under an order of the court directing that those costs are to be paid otherwise than out of the assets of the registered provider, the costs officer must note on the final costs certificate by whom, or the manner in which, the costs are to be paid.

#### **Award of costs against the housing administrator**

**4.33.** Without prejudice to any provision of the Act by virtue of which the housing administrator is not in any event to be liable for costs and expenses, where a housing administrator is made a party to any proceedings on the application of another party to the proceedings, the housing administrator is not to be personally liable for the costs unless the court otherwise directs.

#### **Applications for costs**

**4.34.—(1)** This rule applies where a party to, or a person affected by, housing administration proceedings applies to the court for an order allowing their costs, or part of them, of or incidental to the proceedings, and that application is not made at that time of the proceedings.

(2) The applicant must serve a sealed copy of the application on the housing administrator.

(3) The housing administrator may appear on any such application.

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

#### **Costs and expenses of witnesses**

**4.35.—(1)** Except as directed by the court no allowance as a witness in any examination or other proceedings before the court may be made to a relevant officer of the registered provider to which the proceedings relate.

(2) A person making any application in housing administration proceedings is not to be regarded as a witness on the hearing of the application, but a costs officer may allow their expenses of travelling and subsistence.

#### **Final costs certificate**

**4.36.—(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 demonstrated to the satisfaction of a costs officer that a final costs certificate has been lost or destroyed, the costs officer may issue a duplicate.