
STATUTORY INSTRUMENTS

2023 No. 712

**The Relevant Licensee Nuclear Company
Administration (England and Wales) Rules 2023**

PART 11

Court Procedure and Practice

CHAPTER 4

Costs and Detailed Assessment

Application and interpretation

116.—(1) This Chapter applies to costs of and in connection with relevant licensee nuclear company administration proceedings.

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

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

Requirement to assess costs by the detailed procedure

117.—(1) Where the costs of any person are payable as an expense out of the assets of the relevant licensee nuclear company, the amount payable must be decided by detailed assessment unless agreed between the nuclear administrator and the person entitled to payment.

(2) In the absence of such agreement, the nuclear 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 relevant licensee nuclear company administration proceedings are allocated.

(4) Where the costs of any person employed by the nuclear administrator in relevant licensee nuclear company administration proceedings are required to be decided by detailed assessment or fixed by order of the court, the nuclear administrator may make payments on account to such person in respect of those costs provided that person undertakes in writing—

(a) to repay as soon as reasonably practicable any money which may, when detailed assessment is made, prove to have been overpaid, and

(b) to pay interest on any such sum as is mentioned in sub-paragraph (a) at the rate specified in section 17 of the Judgments Act 1838 on the date payment was made and for the period beginning with the date of payment and ending with the date of repayment.

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

(1) Parts 44 and 47 were substituted for new Parts 44 and 47 by [S.I. 2013/262](#). Part 44 was amended by [S.I. 2017/95](#) and [2023/105](#). Part 47 was amended by [S.I. 2014/407](#) and [2022/101](#).

Procedure where detailed assessment required

118.—(1) Before making a detailed assessment of the costs of any person employed in relevant licensee nuclear company administration proceedings by the nuclear administrator, the costs officer must require a certificate of employment, which must be endorsed on the bill and authenticated by the nuclear administrator.

(2) The certificate must include the following—

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

(3) Every person whose costs in relevant licensee nuclear company administration proceedings are required to be decided by detailed assessment must, on being required in writing to do so by the nuclear administrator, commence detailed assessment proceedings in accordance with CPR Part 47.

(4) If that person does not commence detailed assessment proceedings within three months of being required to do so under paragraph (3), or within such further time as the court, on application, may permit, the nuclear administrator may deal with the assets of the relevant licensee nuclear company without regard to any claim for costs by that person, whose claim is forfeited by such failure to commence proceedings.

(5) Where in any such case such a claim for costs lies additionally against a nuclear administrator in the nuclear administrator's personal capacity, that claim is also forfeited by such failure to commence proceedings.

Costs paid otherwise than out of the assets of the relevant licensee nuclear company

119. 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 relevant licensee nuclear company, 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 nuclear administrator

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

Application for costs

121.—(1) This rule applies where a party to, or person affected by, relevant licensee nuclear company administration proceedings—

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

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

(3) The nuclear administrator may appear on the 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

122.—(1) An officer of the relevant licensee nuclear company to which the relevant licensee nuclear company administration proceedings relate is not to receive an allowance as a witness in an examination or other proceedings before the court except as directed by the court.

(2) A person making any application in relevant licensee nuclear company administration proceedings is not to receive an allowance as a witness for attending the hearing of the application, but the costs officer may allow that person's expenses of travelling and subsistence.

Final costs certificate

123.—(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 CPR.

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