
STATUTORY INSTRUMENTS

1994 No. 3046

THE COURT OF PROTECTION RULES 1994

PART XIX

COSTS

Costs generally

87.—(1) All costs incurred in relation to proceedings under these Rules, and not provided for by way of remuneration under rule 45, shall be in the discretion of the court or the Public Trustee and they may order or direct them to be paid by the patient or charged on or paid out of his estate or paid by any other person attending or taking part in the proceedings.

(2) Every order made or direction given under paragraph (1) shall be enforceable in the same manner as an order as to costs made by the High Court.

(3) An order or direction that costs incurred during the lifetime of a patient be paid out of or charged on his estate may be made within six years after his death.

Applications under sections 36(9) and 54 of the Trustee Act 1925

88. The court may make any such order with respect to the costs of an application under section 36(9) or 54 of the Trustee Act 1925 as the High Court could make under section 60 of that Act in relation to any matter mentioned in that section.

Supreme Court costs rules to apply

89. Subject to the provisions of these Rules, Order 62 of the Rules of the Supreme Court 1965(1) shall apply, with such modifications as may be necessary, to costs incurred in relation to proceedings under these Rules as they apply to costs incurred in relation to proceedings in the Chancery Division and may be taxed where required accordingly.

Costs of unnecessary employment of solicitor, etc. not to be allowed

90.—(1) No receiver for a patient, other than the Public Trustee or the Official Solicitor, shall, unless authorised by the court, be entitled at the expense of the patient's estate to employ a solicitor or other professional person to do any work not usually requiring professional assistance.

(2) Where two or more persons having the same interest in relation to the matter to be determined attend any hearing by separate legal representatives, they shall not be allowed more than one set of costs of that hearing unless the court certifies that the circumstances justify separate representation.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Costs of Official Solicitor

91. Any costs incurred by the Official Solicitor in relation to proceedings under these Rules or in carrying out any directions given by the court or the Public Trustee, and not provided for by way of remuneration under rule 45, shall be paid by such person or out of such funds as the court may direct.

Ascertainment of costs not relating to the proceedings

92. Where in proceedings relating to a patient a claim is made against his estate in respect of any costs alleged to have been incurred by him or on his behalf otherwise than in relation to the proceedings, the court or the Public Trustee may refer the claim to a Taxing Master of the Supreme Court so that the amount due to the claimant may be ascertained by him or under his direction.