
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 47

PROCEDURE FOR DETAILED ASSESSMENT
OF COSTS AND DEFAULT PROVISIONS

***SECTION III—COSTS PAYABLE BY ONE
PARTY TO ANOTHER—DEFAULT PROVISIONS***

Setting aside default costs certificate

47.12.—(1) The court must set aside a default costs certificate if the receiving party was not entitled to it.

(2) In any other case, the court may set aside or vary a default costs certificate if it appears to the court that there is some good reason why the detailed assessment proceedings should continue.

(3) Where—

- (a) the receiving party has purported to serve the notice of commencement on the paying party;
- (b) a default costs certificate has been issued; and
- (c) the receiving party subsequently discovers that the notice of commencement did not reach the paying party at least 21 days before the default costs certificate was issued,

the receiving party must—

- (i) file a request for the default costs certificate to be set aside; or
- (ii) apply to the court for directions.

(4) Where paragraph (3) applies, the receiving party may take no further step in

- (a) the detailed assessment proceedings; or
- (b) the enforcement of the default costs certificate,

until the certificate has been set aside or the court has given directions.

(The costs practice direction contains further details about the procedure for setting aside a default costs certificate and the matters which the court must take into account)