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STATUTORY INSTRUMENTS

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**1998 No. 3132**

The Civil Procedure Rules 1998

PART 43

SCOPE OF COST RULES AND DEFINITIONS

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**Scope of this Part**

**43.1** This Part contains definitions and interpretation of certain matters set out in the rules about costs contained in Parts 44 to 48.

(Part 44 contains general rules about costs; Part 45 deals with fixed costs; Part 46 deals with fast track trial costs; Part 47 deals with the detailed assessment of costs and related appeals and Part 48 deals with costs payable in special cases)

**Definitions and application**

**43.2.**—(1) In Parts 44 to 48, unless the context otherwise requires—

- (a) “costs” includes fees, charges, disbursements, expenses, remuneration, reimbursement allowed to a litigant in person under rule 48.6 and any fee or reward charged by a lay representative for acting on behalf of a party in proceedings allocated to the small claims track;
- (b) “costs judge” means a taxing master of the Supreme Court;
- (c) “costs officer” means—
  - (i) a costs judge;
  - (ii) a district judge; and
  - (iii) an authorised court officer;
- (d) “authorised court officer” means any officer of—
  - (i) a county court;
  - (ii) a district registry;
  - (iii) the Principal Registry of the Family Division; or
  - (iv) the Supreme Court Costs Office,

whom the Lord Chancellor has authorised to assess costs.

- (e) “fund” includes any estate or property held for the benefit of any person or class of person and any fund to which a trustee or personal representative is entitled in his capacity as such;
  - (f) “receiving party” means a party entitled to be paid costs;
  - (g) “paying party” means a party liable to pay costs;
  - (h) “assisted person” means an assisted person within the statutory provisions relating to legal aid; and
  - (i) “fixed costs” means the amounts which are to be allowed in respect of solicitors' charges in the circumstances set out in Part 45.
- (2) The costs to which Parts 44 to 48 apply include—
- (a) the following costs where those costs may be assessed by the court—
    - (i) costs of proceedings before an arbitrator or umpire;
    - (ii) costs of proceedings before a tribunal or other statutory body; and
    - (iii) costs payable by a client to his solicitor; and
  - (b) costs which are payable by one party to another party under the terms of a contract, where the court makes an order for an assessment of those costs.

#### **Meaning of summary assessment**

**43.3** “Summary assessment” means the procedure by which the court, when making an order about costs, orders payment of a sum of money instead of fixed costs or “detailed assessment”.

#### **Meaning of detailed assessment**

**43.4** “Detailed assessment” means the procedure by which the amount of costs is decided by a costs officer in accordance with Part 47.