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STATUTORY INSTRUMENTS

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**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***

**Default costs certificate**

**47.11.**—(1) Where the receiving party is permitted by rule 47.9 to obtain a default costs certificate, he does so by filing a request in the relevant practice form.

(The costs practice direction deals with the procedure by which the receiving party may obtain a default costs certificate)

(2) A default costs certificate will include an order to pay the costs to which it relates.

**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)