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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 VIII—APPEAL AGAINST DECISIONS  
IN DETAILED ASSESSMENT PROCEEDINGS***

**Right to appeal**

**47.20.**—(1) Any party to detailed assessment proceedings may appeal against any decision of the court in those proceedings, subject to the requirements of rule 47.21.

(2) For the purposes of this Section, an assisted person is not a party to the detailed assessment proceedings.

**Preliminary requirements for bringing an appeal**

**47.21.**—(1) A party may not appeal against a decision in detailed assessment proceedings until he has—

- (a) sought written reasons for the decision in accordance with rule 47.23; and
- (b) obtained the court's permission where necessary in accordance with rule 47.24,

unless the court orders otherwise.

(2) Where a party has complied with the requirements under paragraph (1) he may file a notice of appeal in accordance with rule 47.25.

**Court to hear appeal**

**47.22.**—(1) Where an appeal is made against a decision of an authorised court officer the appeal is—

- (a) if the detailed assessment proceedings were in the High Court, to a costs judge or a district judge of that court; or
- (b) if they were in a county court, to a district judge.

(2) Where an appeal is made to a costs judge or a district judge against a decision of an authorised court officer, a further appeal lies—

- (a) if the detailed assessment proceedings were in the High Court, to a judge of that court; or
- (b) if they were in a county court, to a circuit judge.

(3) Where an appeal against a decision of a costs judge or a district judge hearing the detailed assessment is made the appeal lies—

- (a) if the detailed assessment proceedings were in the High Court, to a judge of that court; or
- (b) if they were in a county court, to a circuit judge.

#### **Duty to seek reasons**

**47.23.**—(1) A party may seek reasons for a decision in detailed assessment proceedings by filing a request with the court that gave the decision.

(2) Where the party seeking reasons is the receiving party, he must file his request for reasons when he files the completed bill of costs.

(Rule 47.16 deals with completed bills of costs)

(3) Where the party seeking reasons is the paying party, he must file his request for reasons within 7 days after the end of the detailed assessment hearing.

#### **Obtaining the court's permission to appeal**

**47.24.**—(1) Permission is not required to appeal against—

- (a) a decision of an authorised court officer; or
- (b) a decision of a costs judge or a district judge to impose a sanction on a legal representative under—
  - (i) rule 44.14 (powers in relation to misconduct); or
  - (ii) rule 48.7 (wasted costs order).

(2) Subject to paragraph (1)(b), permission is required to appeal against a decision of a costs judge or a district judge.

(3) Permission to appeal may be given by—

- (a) the costs judge or district judge who made the decision in question; or
- (b) a High Court judge or a circuit judge, as the case may be.

(4) A party may seek permission to appeal—

- (a) within 14 days after receiving written reasons under rule 47.23; or
- (b) if the court directs that reasons do not need to be obtained, within 7 days after the decision in question.

#### **Appeal procedure**

**47.25.**—(1) A party who has a right to appeal may do so by filing a notice of appeal.

(2) Where the appeal is against a decision of an authorised court officer, he must file the notice—

- (a) within 14 days after service of the court officer's reasons on him; or
- (b) if the court has directed that reasons need not be obtained, within 7 days after the date of the decision appealed against.

(3) Where the appeal is against a decision of a costs judge or a district judge, he must file the notice within 14 days after the date of the court's decision to give permission to appeal.

(4) On receipt of a notice of appeal, the court will—

- (a) serve a copy of the notice on the other parties to the detailed assessment proceedings; and
- (b) give notice of the appeal hearing to those parties.

### **Powers of the court on appeal**

**47.26.**—(1) On an appeal from an authorised court officer the court will—

- (a) rehear the proceedings which gave rise to the decision appealed against; and
- (b) make any order and give such directions as it considers appropriate.

(2) On an appeal from a costs judge or district judge, if the court is satisfied that the appeal should be allowed, it may make any order and give such directions as it considers appropriate.

(3) If on an appeal the court exercises the power to appoint assessors conferred—

- (a) by section 70 of the Supreme Court Act 1981(1); or
- (b) by section 63 of the County Courts Act 1984(2),

it must appoint at least two assessors.

(Rule 35.15 contains further provisions about the appointment of assessors)

(4) One assessor must be a district judge or costs judge and one must be a practising barrister or solicitor.

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(1) 1981 c. 54.

(2) 1984 c. 28. Section 63 was amended by S.I. 1998/2940.