
STATUTORY INSTRUMENTS

2013 No. 3208

The Postal Administration Rules 2013

PART 11

COURT PROCEDURE AND PRACTICE

CHAPTER 5

Costs and Detailed Assessment

Application of Chapter 5

116.—(1) This Chapter applies in relation to costs in connection with postal administration proceedings under the Rules.

(2) In this Chapter a reference to costs includes charges and expenses.

Requirement to assess costs by the detailed procedure

117.—(1) Where the costs of any person are payable as an expense out of the assets of the company, the amount payable must be decided by detailed assessment unless agreed between the postal administrator and the person entitled to payment.

(2) In the absence of such agreement as is mentioned in paragraph (1) of this Rule, the postal administrator may serve notice requiring that person to commence detailed assessment proceedings in accordance with CPR Part 47 (procedure for detailed assessment of costs and default provisions).

(3) Where the costs of any person employed by a postal administrator in postal administration proceedings are required to be decided by detailed assessment or fixed by order of the court, the postal administrator may make payments on account to such person in respect of those costs provided that person undertakes in writing—

- (a) to repay as soon as reasonably practicable any money which may, when detailed assessment is made, prove to have been overpaid; and
- (b) to pay interest on any such sum as is mentioned in sub-paragraph (a) at the rate specified in section 17 of the Judgments Act 1838 on the date payment was made and for the period beginning with the date of payment and ending with the date of repayment.

(4) In any proceedings before the court, the court may order costs to be decided by detailed assessment.

Procedure where detailed assessment required

118.—(1) Before making a detailed assessment of the costs of any person employed in postal administration proceedings by the postal administrator, the costs officer shall require a certificate of employment, which shall be endorsed on the bill and authenticated by the postal administrator.

(2) The certificate shall include—

- (a) the name and address of the person employed,

- (b) details of the functions to be carried out under the employment, and
- (c) a note of any special terms of remuneration which have been agreed.

(3) Every person whose costs in postal administration proceedings are required to be decided by detailed assessment shall, on being required in writing to do so by the postal administrator, commence detailed assessment proceedings in accordance with CPR Part 47 (procedure for detailed assessment of costs and default provisions).

(4) If that person does not commence detailed assessment proceedings within 3 months of the requirement under paragraph (3) of this Rule, or within such further time as the court, on application, may permit, the postal administrator may deal with the assets of the company without regard to any claim by that person, whose claim is forfeited by such failure to commence proceedings.

(5) Where in any such case such a claim lies additionally against a postal administrator in their personal capacity, that claim is also forfeited by such failure to commence proceedings.

(6) Where costs have been incurred in postal administration proceedings in the High Court and those proceedings are subsequently transferred to a county court, all costs of those proceedings directed by the court or otherwise required to be assessed may nevertheless, on the application of the person who incurred the costs, be ordered to be decided by detailed assessment in the High Court.

Costs paid otherwise than out of the assets of the company

119. Where the amount of costs is decided by detailed assessment under an order of the court directing that those costs are to be paid otherwise than out of the assets of the company, the costs officer shall note on the final costs certificate by whom, or the manner in which, the costs are to be paid.

Award of costs against postal administrator

120. Without prejudice to any provision of the 1986 Act or the Rules by virtue of which the postal administrator is not in any event to be liable for costs and expenses, where a postal administrator is made a party to any proceedings on the application of another party to the proceedings, the postal administrator shall not be personally liable for costs unless the court otherwise directs.

Applications for costs

121.—(1) This Rule applies where a party to, or person affected by, any proceedings under the Rules—

- (a) applies to the court for an order allowing their costs, or part of them, incidental to the proceedings; and
- (b) that application is not made at the time of the proceedings.

(2) The person concerned shall serve a sealed copy of their application on the postal administrator.

(3) The postal administrator may appear on any such application.

(4) No costs of or incidental to the application shall be allowed to the applicant unless the court is satisfied that the application could not have been made at the time of the proceedings.

Costs and expenses of witnesses

122.—(1) Except as directed by the court, no allowance as a witness in any examination or other proceedings before the court shall be made to an officer of the company to which the proceedings relate.

(2) A person making any application in postal administration proceedings shall not be regarded as a witness on the hearing of the application, but the costs officer may allow their expenses of travelling and subsistence.

Final costs certificate

123.—(1) A final costs certificate of the costs officer is final and conclusive as to all matters which have not been objected to in the manner provided for under the rules of the court.

(2) Where it is proved to the satisfaction of a costs officer that a final costs certificate has been lost or destroyed, they may issue a duplicate.