
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 19

COSTS

Interpretation

19.1.—(1) In this Part—

“authorised court officer” means any officer of the Senior Courts Costs Office whom the Lord Chancellor has authorised to assess costs;

“costs” include fees, charges, disbursements, expenses, remuneration and any reimbursement allowed to a litigant in person;

“costs judge” means a taxing Master of the Senior Courts;

“costs officer” means a costs judge or an authorised court officer;

“detailed assessment” means the procedure by which the amount of costs or remuneration is decided by a costs officer in accordance with Part 47 of the Civil Procedure Rules 1998 (which are applied to proceedings under these Rules, with modifications, by rule 19.6);

“fixed costs” are to be construed in accordance with the relevant practice direction;

“fund” includes any estate or property held for the benefit of any person or class of persons, and any fund to which a trustee or personal representative is entitled in that capacity;

“paying party” means a party liable to pay costs;

“pro bono representation” means representation provided free of charge;

“receiving party” means a party entitled to be paid costs;

“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.

(2) The costs to which rules in this Part apply include—

(a) where the costs may be assessed by the court, costs payable by a client to his or her legal representative; 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.

(3) Where advocacy or litigation services are provided to a client under a conditional fee agreement, costs are recoverable under this Part notwithstanding that the client is liable to pay his or her legal representative’s fees and expenses only to the extent that sums are recovered in respect of the proceedings, whether by way of costs or otherwise.

(4) In paragraph (3), the reference to a conditional fee agreement means an agreement enforceable under section 58 of the Courts and Legal Services Act 1990⁽¹⁾.

⁽¹⁾ 1990 c. 41. Section 58 was substituted by section 27(1) of the Access to Justice Act 1999 (c. 22).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
