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STATUTORY INSTRUMENTS

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**2017 No. 1035**

**The Court of Protection Rules 2017**

**PART 19**

**COSTS**

**Rules about costs in the Civil Procedure Rules to apply**

**19.6.**—(1) Subject to the provisions of these Rules, Parts 44, 46 and 47 of the Civil Procedure Rules 1998<sup>(1)</sup> (“the 1998 Rules”) apply with the modifications in this rule and such other modifications as may be appropriate, to costs incurred in relation to proceedings under these Rules as they apply to costs incurred in relation to proceedings in the High Court.

(2) Rules 3.12 to 3.18 of the 1998 Rules and Practice Direction 3E supporting those Rules do not apply in relation to proceedings under these Rules.

(3) The provisions of Part 47 of the 1998 Rules apply with the modifications in this rule and such other modifications as may be appropriate, to a detailed assessment of the remuneration of a deputy under these Rules as they apply to a detailed assessment of costs in proceedings to which the 1998 Rules apply.

(4) Where the definitions in Part 44 (referred to in Parts 44, 46 and 47) of the 1998 Rules are different from the definitions in rule 19.1 of these Rules, the latter definitions prevail.

(5) Rules 44.2(1) to (5), 44.4(3)(h), 44.5, 44.6, 44.9 and 44.13 to 44.18 of the 1998 Rules do not apply.

(6) For rule 46.1(1) of the 1998 Rules there is substituted—

“(1) This paragraph applies where a person applies for an order for specific disclosure before the commencement of proceedings.”.

(7) Rules 46.2, 46.5 and 46.10 to 46.19 of the 1998 Rules do not apply.

(8) In rule 47.3(1)(c) of the 1998 Rules, the words “unless the costs are being assessed under rule 46.4 (costs where money is payable to a child or protected party)” are omitted.

(9) In rule 47.3(2) of the 1998 Rules, the words “or a District Judge” are omitted.

(10) Rule 47.4(3) and (4) of the 1998 Rules do not apply.

(11) Rules 47.9(4), 47.10 and 47.11 of the 1998 Rules do not apply where the costs are to be paid by P or charged to P’s estate.

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(1) [S.I. 1998/3132](#). Parts 43 to 48 were replaced with amended provisions by [S.I. 2013/262](#), rules 15 and 16 and the Schedule.