
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 45

COSTS

ASSESSMENT OF COSTS

Assessment and re-assessment

- 45.11.**—(1) This rule applies where the court directs an assessment under—
- (a) rule 33.48 (Confiscation and related proceedings – restraint and receivership proceedings: rules that apply generally – assessment of costs);
 - (b) rule 45.6 (Costs on appeal); or
 - (c) rule 45.7 (Costs on an application).
- (2) The assessment must be carried out by the relevant assessing authority, namely—
- (a) the Lord Chancellor, where the direction was given by a magistrates’ court or by the Crown Court; or
 - (b) the Registrar, where the direction was given by the Court of Appeal.
- (3) The party in whose favour the court made the costs order (‘the applicant’) must—
- (a) apply for an assessment—
 - (i) in writing, in any form required by the assessing authority, and
 - (ii) not more than 3 months after the costs order; and
 - (b) serve the application on—
 - (i) the assessing authority, and
 - (ii) the party against whom the court made the costs order (‘the respondent’).
- (4) The applicant must—
- (a) summarise the work done;
 - (b) specify—
 - (i) each item of work done, giving the date, time taken and amount claimed,
 - (ii) any disbursements or expenses, including the fees of any advocate, and
 - (iii) any circumstances of which the applicant wants the assessing authority to take particular account; and
 - (c) supply—
 - (i) receipts or other evidence of the amount claimed, and
 - (ii) any other information or document for which the assessing authority asks, within such period as that authority may require.

- (5) A respondent who wants to make representations about the amount claimed must—
 - (a) do so in writing; and
 - (b) serve the representations on the assessing authority, and on the applicant, not more than 15 business days after service of the application.
- (6) The assessing authority must—
 - (a) if it seems likely to help with the assessment, obtain any other information or document;
 - (b) resolve in favour of the respondent any doubt about what should be allowed; and
 - (c) serve the assessment on the parties.
- (7) Where either party wants the amount allowed to be re-assessed—
 - (a) that party must—
 - (i) apply to the assessing authority, in writing and in any form required by that authority,
 - (ii) serve the application on the assessing authority, and on the other party, not more than 15 business days after service of the assessment,
 - (iii) explain the objections to the assessment,
 - (iv) supply any additional supporting information or document, and
 - (v) ask for a hearing, if that party wants one;
 - (b) a party who wants to make representations about an application for re-assessment must—
 - (i) do so in writing,
 - (ii) serve the representations on the assessing authority, and on the other party, not more than 15 business days after service of the application, and
 - (iii) ask for a hearing, if that party wants one; and
 - (c) the assessing authority—
 - (i) must arrange a hearing, in public or in private, if either party asks for one,
 - (ii) subject to that, may re-assess the amount allowed with or without a hearing,
 - (iii) must re-assess the amount allowed on the initial assessment, taking into account the reasons for disagreement with that amount and any other representations,
 - (iv) may maintain, increase or decrease the amount allowed on the assessment,
 - (v) must serve the re-assessment on the parties, and
 - (vi) must serve reasons on the parties, if not more than 15 business days later either party asks for such reasons.
- (8) A time limit under this rule may be extended even after it has expired—
 - (a) by the assessing authority, or
 - (b) by the Senior Costs Judge, if the assessing authority declines to do so.