

COSTS PRACTICE DIRECTION

CONSEQUENTIAL CHANGES IDENTIFIED BY THE CIVIL PROCEDURE RULE COMMITTEE COSTS SUB-COMMITTEE

ISSUED IN CONJUNCTION WITH THE 16TH UPDATE TO THE CIVIL PROCEDURE RULES

29 JUNE 2000

Practice Direction:

2B

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19B

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43-48

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PRACTICE DIRECTION 2B (allocation to levels of the judiciary)

Substitute the following for paragraph 3.1(e) –

- (e) in appeals against costs assessment under Parts 43 to 48, except on an appeal under rule 47.20 against the decision of an authorised court officer.

PRACTICE DIRECTION 6 (Service of documents)

Add new paragraph 8.3:

8.3 Where the court effects service of a claim form, delivers a defence to a claimant or notifies a claimant that the defendant has filed an acknowledgment of service, the court will also serve or deliver a copy of any notice of funding that has been filed provided -

- (a) it was filed at the same time as the claim form, defence or acknowledgment of service, and
- (b) copies were provided for service.

PRACTICE DIRECTION 7 (How to start proceedings – the claim form)

Add new cross-reference after paragraph 3.9:

(The Costs Practice Direction supplementing Parts 43 to 48 contains details of the information required to be filed with a claim form to comply with rule 44.15 (providing information about funding arrangements))

PRACTICE DIRECTION 8 (alternative procedure for claims)

Add new cross-reference after paragraph 2.2:

(The Costs Practice Direction supplementing Parts 43 to 48 contains details of the information required to be filed with a claim form to comply with rule 44.15 (providing information about funding arrangements))

PRACTICE DIRECTION 10 (Acknowledgment of Service)

Add new cross-reference after paragraph 5.5:

(Paragraph 8.3 of the practice direction supplementing Part 6 (Service of documents) makes provision for the service on the claimant of any notice of funding filed with an acknowledgment of service)

PRACTICE DIRECTION 15 (Defence and Reply)

(1) Add new cross-reference after the first cross-reference following paragraph 1.4:

(The Costs Practice Direction supplementing Parts 43 to 48 contains details of the information required to be filed with a defence to comply with rule 44.15 (providing information about funding arrangements))

(2) Add new cross-reference after paragraph 3.4:

(Paragraph 8.3 of the practice direction supplementing Part 6 (Service of documents) makes provision for the service on the claimant of any notice of funding filed with a defence)

PRACTICE DIRECTION 16 (Statements of case)

Add new cross-reference after paragraph 14.3:

(The Costs Practice Direction supplementing Parts 43 to 48 contains details of the information required to be filed with certain statements of case to comply with rule 44.15 (providing information about funding arrangements))

PRACTICE DIRECTION 19B (Group Litigation)

Complete the text at the end of paragraph 16.2 to read:

... accordance with rule 48.6A(5), the costs judge ...

PRACTICE DIRECTION 26 (Case Management)

(1) Replace the text of paragraph 2.1 with the following:

2.1 Form

(1) The allocation questionnaire referred to in Part 26 will be in Form N 150

(2) (a) Attention is drawn to Section 6 of the Costs Practice Direction supplementing Parts 43 to 48, which requires an estimate of costs to be filed and served when an allocation questionnaire is filed by a party to a claim which is outside the limits of the small claims track.

(b) A party will comply with that obligation if the costs estimate he files and serves states the figures for the base costs, incurred and to be incurred, which he expects, if he is successful, to recover from the other party. The estimate should show an itemised breakdown of how it is calculated, showing separately the amounts included for profit costs, disbursements and VAT. It should be substantially in the form illustrated in Precedent H in the schedule to the Costs Practice Direction.

(Paragraph 2.2 of the Costs Practice Direction defines “Base costs”)

(c) Any party who has entered into a funding arrangement need not reveal the amount of any additional liability.

(CPR rule 43.2 defines “funding arrangement” and “additional liability”)

(d) No later than when he files the estimate the solicitor acting for that party must deliver a copy to his client.

(2) In paragraph 7.4 amend the text in brackets at the conclusion of the paragraph to read:

... also paragraph 15.1(3) of the Costs Practice Direction supplementing Parts 43 to 48 under which ...

PRACTICE DIRECTION 28 (The fast track)

In paragraph 6.1(4) amend the text in at the conclusion of the paragraph to read:

... Direction Section 6, which requires ...

PRACTICE DIRECTION 39 (Miscellaneous provisions relating to hearings)

Amend paragraph 1.5(7) to insert at the beginning after “ the determination”:

... of the liability of an LSC funded client under regulations 9 and 10 of the Community Legal Service (Costs) Regulations 2000, or ...

and then continue as at present.

PRACTICE DIRECTION 42 (Change of Solicitor)

Amend paragraph 1.2 to read:

... (6) (where the certificate of a LSC funded client or assisted person is revoked or discharged), where ...

Amend paragraph 2.2 to read:

... 42.2(6):

- (1) the certificate of a LSC funded client or assisted person is revoked or discharged,
- (2) the solicitor who acted for that person ceased to act on the determination of his retainer, and
- (3) the LSC funded client or the assisted ...

Add after paragraph 2.7:

(The Costs Practice Direction supplementing Parts 43 to 48 contains details of the information required to be included when the funding arrangements for the claim change)

PRACTICE DIRECTION 43-48 (Costs Practice Direction)

In paragraph 17.8, insert sub-paragraph (2)

*** 17.8**

- (2) In cases in which an additional liability is claimed, the costs judge or district judge should have regard to the time when and the extent to which the claim has been settled and to the fact that the claim has been settled without the need to commence proceedings.

PRACTICE DIRECTION 49 (Contentious Probate)

In paragraph 8.3 amend the text of the cross-reference after the paragraph to read:

... drawn to paragraph 8.2 of the Costs Practice Direction supplementing Parts 43 to 48).
