

DIRECTIONS RELATING TO PART 46

FAST TRACK TRIAL COSTS**SECTION 26 SCOPE OF PART 46: RULE 46.1**

- 26.1** Part 46 applies to the costs of an advocate for preparing for and appearing at the trial of a claim in the fast track.
- 26.2** It applies only where, at the date of the trial, the claim is allocated to the fast track. It does not apply in any other case, irrespective of the final value of the claim.
- 26.3** In particular it does not apply to:
- (a) the hearing of a claim which is allocated to the small claims track with the consent of the parties given under rule 26.7(3); or
 - (b) a disposal hearing at which the amount to be paid under a judgment or order is decided by the court (see paragraph 12.8 of the Practice Direction which supplements Part 26 (Case Management – Preliminary Stage)).

Cases which settle before trial

- 26.4** Attention is drawn to rule 44.10 (limitation on amount court may award where a claim allocated to the fast track settles before trial).

SECTION 27 POWER TO AWARD MORE OR LESS THAN THE AMOUNT OF FAST TRACK TRIAL COSTS: RULE 46.3

- 27.1** Rule 44.15 (providing information about funding arrangements) sets out the requirement to provide information about funding arrangements to the court and other parties. Section 19 of this Practice Direction sets out the information to be provided and when this is to be done.
- 27.2** Section 11, of this Practice Direction explains how the court will approach the question of what sum to allow in respect of additional liability.
- 27.3** The court has the power, when considering whether a percentage increase is reasonable, to allow different percentages for different items of costs or for different periods during which costs were incurred.

