

PART 45

FIXED COSTS

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SCOPE OF THIS PART

45.1

- (1) This Part sets out the amounts which, unless the court orders otherwise, are to be allowed in respect of solicitors' charges in the cases to which this Part applies.

(The definitions contained in Part 43 are relevant to this Part)

- (2) This Part applies where –

- (a) the only claim is a claim for a specified sum of money and –
 - (i) judgment in default is obtained under rule 12.4(1);
 - (ii) judgment on admission is obtained under rule 14.4(3);
 - (iii) judgment on admission on part of the claim is obtained under rule 14.5(6);
 - (iv) summary judgment is given under Part 24;
 - (v) the court has made an order to strike out ^(GL) a defence under rule 3.4(2)(a) as disclosing no reasonable grounds for defending the claim; or
 - (vi) rule 45.3 applies; or
- (b) the only claim is a claim where the court gave a fixed date for the hearing when it issued the claim and judgment is given for the delivery of goods,

and in either case the value of the claim exceeds £25.

(The practice direction supplementing rule 7.9 sets out the types of case where a court may give a fixed date for a hearing when it issues a claim)

- (3) The rules in this Part do not apply to the extent that regulations under the Legal Aid Act 1988⁽⁶⁹⁾ determine the amount of costs payable to legal representatives.
- (4) Any appropriate court fee will be allowed in addition to the costs set out in this Part.

AMOUNT OF FIXED COMMENCEMENT COSTS

- 45.2
- (1) The claim form may include a claim for fixed commencement costs.
 - (2) The amount of fixed commencement costs which the claim form may include shall be calculated by reference to the following table (Table 1).
 - (3) Additional costs may also be claimed in the circumstances specified in Table 3.
 - (4) The amount claimed, or the value of the goods claimed if specified, in the claim form is to be used for determining the band in the table that applies to the claim.

TABLE 1

FIXED COSTS ON COMMENCEMENT OF A CLAIM			
Relevant band	Where the claim form is served by the court or by any method other than personal service by the claimant	Where <ul style="list-style-type: none"> the claim form is served personally by the claimant; and there is only one defendant 	Where there is more than one defendant, for each additional defendant personally served at separate addresses by the claimant
Where – <ul style="list-style-type: none"> the value of the claim exceeds £25 but does not exceed £500 	£50	£60	£15
Where – <ul style="list-style-type: none"> the value of the claim exceeds £500 but does not exceed £1,000 	£70	£80	£15

(69) 1988 c.34.

Where – • the value of the claim exceeds £1,000 but does not exceed £5,000; or • the only claim is for delivery of goods and no value is specified or stated on the claim form	£80	£90	£15
Where – • the value of the claim exceeds £5,000	£100	£110	£15

WHEN DEFENDANT ONLY LIABLE FOR FIXED COMMENCEMENT COSTS

45.3

(1) Where –

- (a) the only claim is for a specified sum of money; and
- (b) the defendant pays the money claimed within 14 days after service of particulars of claim on him, together with the fixed commencement costs stated in the claim form,

the defendant is not liable for any further costs unless the court orders otherwise.

(2) Where –

- (a) the claimant gives notice of acceptance of a payment into court in satisfaction of the whole claim;
- (b) the only claim is for a specified sum of money; and
- (c) the defendant made the payment into court within 14 days after service of the particulars of claim on him, together with the fixed costs stated in the claim form,

the defendant is not liable for any further costs unless the court orders otherwise.

COSTS ON ENTRY OF JUDGMENT

45.4

Where –

- (a) the claimant has claimed fixed commencement costs under rule 45.2; and
- (b) judgment is entered in the circumstances specified in the table in this rule (Table 2),

the amount to be included in the judgment in respect of the claimant's solicitor's charges is the aggregate of –

- (i) the fixed commencement costs; and
- (ii) the relevant amount shown in Table 2.

TABLE 2

FIXED COSTS ON ENTRY OF JUDGMENT		
	Where the amount of the judgment exceeds £25 but does not exceed £5,000	Where the amount of the judgment exceeds £5,000
Where judgment in default of an acknowledgment of service is entered under rule 12.4(1) (entry of judgment by request on claim for money only)	£22	£30
Where judgment in default of a defence is entered under rule 12.4(1) (entry of judgment by request on claim for money only)	£25	£35
Where judgment is entered under rule 14.4 (judgment on admission), or rule 14.5 (judgment on admission of part of claim) and claimant accepts the defendant's proposal as to the manner of payment	£40	£55
Where judgment is entered under rule 14.4 (judgment on admission), or rule 14.5 (judgment on admission on part of claim) and court decides the date or times of payment	£55	£70
Where summary judgment is given under Part 24 or the court strikes out a defence under rule 3.4(2)(a), in either case, on application by a party	£175	£210
Where judgment is given on a claim for delivery of goods under a regulated agreement within the meaning of the Consumer Credit Act 1974 ⁽⁷⁰⁾ and no other entry in this table applies	£60	£85

(70) 1974 c.39.

MISCELLANEOUS FIXED COSTS

45.5 | The table in this rule (Table 3) shows the amount to be allowed in respect of solicitor's charges in the circumstances mentioned.

TABLE 3

MISCELLANEOUS FIXED COSTS	
For service by a party of any document required to be served personally including preparing and copying a certificate of service for each individual served	£15
Where service by an alternative method is permitted by an order under rule 6.8 for each individual served	£25
Where a document is served out of the jurisdiction –	
(a) in Scotland, Northern Ireland, the Isle of Man or the Channel Islands;	£65
(b) in any other place	£75

(Other rules which provide for situations where fixed costs may be allowed can be found in Schedule 1 in RSC Order 62 and in Schedule 2 in CCR Order 38, Appendix B)