

PRACTICE DIRECTION 51E

COUNTY COURT PROVISIONAL ASSESSMENT PILOT SCHEME

- 1** This Practice Direction is made under rule 51.2. It provides for a pilot scheme (the County Court Provisional Assessment Pilot Scheme) to –
 - (1)** operate from the 1 October 2010 to 30 September 2011;
 - (2)** operate in the Leeds, York and Scarborough County Courts;
 - (3)** apply to detailed assessment proceedings –
 - (a)** which are commenced on or after 1 October 2010; and
 - (b)** in which the base costs claimed are £25,000 or less.
- 2** Under this pilot scheme CPR Part 47 will apply with modifications. The following provisions of Part 47 and the Costs Practice Direction will continue to apply –
 - (1)** rules 47.1, 47.2, 47.4 to 47.13, 47.14 (except paragraphs (6) and (7)), 47.15, 47.16, 47.18 and 47.19; and
 - (2)** sections 28, 29, 31 to 39, 40 (with the exception of paragraphs 40.5 to 40.7, 40.9, 40.11 and 40.16), 41, 42, 45 and 46 of the Costs Practice Direction.
- 3** In cases falling within the scope of this pilot scheme, when the receiving party files the request for a detailed assessment hearing, that party must not only file the request in Form N258 together with the documents set out at paragraph 40.2 of the Costs Practice Direction but must also file with them an additional copy of the bill and a statement of the costs claimed in respect of the detailed assessment drawn on the assumption that (unless any of the following paragraphs apply) no party will subsequently request an oral hearing following a provisional assessment.
- 4** On receipt of the request for detailed assessment and the supporting papers, the court will within 6 weeks undertake a provisional assessment based on the information contained in the bill and supporting papers and the contentions set out in the points of dispute and any reply. No party will be permitted to attend the provisional assessment.
- 5** If, having commenced a provisional assessment, the court takes the view that the matter is unsuitable for a provisional assessment, the court will direct that the matter must be listed for hearing and thereafter the pilot scheme will cease to apply to it.
- 6** If the court completes a provisional assessment, it will send a copy of the bill as provisionally assessed to each party with a notice stating that either party may request the court to list the matter for full argument on any aspect of the provisional assessment within 21 days of receipt of the notice.
- 7** Unless paragraph 9 applies, either party may, within 21 days of receipt of the notice and provisionally assessed bill, request the court by letter to list the matter for an oral hearing. On receipt of a request for an oral hearing the court will fix a date for the hearing and give at least 14 days notice of the time and place of the detailed assessment hearing to all parties who are entitled to be heard.
- 8** Unless the court otherwise orders the costs of and incidental to an oral hearing convened under paragraph 7 above, shall be awarded as follows.
 - (1)** Costs may be awarded to a paying party if the amount allowed is reduced to a sum which is 80% or less than the sum which had been provisionally assessed (excluding costs of the

provisional assessment), or if the oral hearing was requested by a receiving party only and the amount allowed is not increased to a sum which is 120% or more than the sum which had been provisionally assessed (excluding costs of the provisional assessment).

- (2) Costs may be awarded to a receiving party, if the amount allowed is increased to a sum which is 120% or more than the sum which had been provisionally assessed (excluding costs of the provisional assessment), or if the oral hearing was requested by a paying party only and the amount allowed is not reduced to a sum which is 80% or less than the sum which had been provisionally assessed (excluding costs of the provisional assessment).
 - (3) Where requests for an oral hearing are made by a receiving party and also by a paying party no order for the costs of and incidental to the oral hearing will be made if the amount allowed is greater than 80% but less than 120% of the sum which had been provisionally assessed (excluding costs of the provisional assessment).
- 9 If a party wishes to be heard only as to the amount provisionally assessed in respect of the receiving party's costs of the provisional assessment, the court will invite each side to make written submissions and the amount of the costs of the provisional assessment will be finally determined without a hearing.