

PART 43

SCOPE OF COST RULES AND DEFINITIONS

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SCOPE OF THIS PART

- 43.1 | This Part contains definitions and interpretation of certain matters set out in the rules about costs contained in Parts 44 to 48.

(Part 44 contains general rules about costs; Part 45 deals with fixed costs; Part 46 deals with fast track trial costs; Part 47 deals with the detailed assessment of costs and related appeals and Part 48 deals with costs payable in special cases)

DEFINITIONS AND APPLICATION

- 43.2 | (1) In Parts 44 to 48, unless the context otherwise requires –
- (a) ‘costs’ includes fees, charges, disbursements, expenses, remuneration, reimbursement allowed to a litigant in person under rule 48.6 and any fee or reward charged by a lay representative for acting on behalf of a party in proceedings allocated to the small claims track;
 - (b) ‘costs judge’ means a taxing master of the Supreme Court;
 - (c) ‘costs officer’ means –
 - (i) a costs judge;
 - (ii) a district judge; and
 - (iii) an authorised court officer;
 - (d) ‘authorised court officer’ means any officer of –
 - (i) a county court;
 - (ii) a district registry;
 - (iii) the Principal Registry of the Family Division; or

- (iv) the Supreme Court Costs Office,
whom the Lord Chancellor has authorised to assess costs.
 - (e) 'fund' includes any estate or property held for the benefit of any person or class of person and any fund to which a trustee or personal representative is entitled in his capacity as such;
 - (f) 'receiving party' means a party entitled to be paid costs;
 - (g) 'paying party' means a party liable to pay costs;
 - (h) 'assisted person' means an assisted person within the statutory provisions relating to legal aid; and
 - (i) 'fixed costs' means the amounts which are to be allowed in respect of solicitors' charges in the circumstances set out in Part 45.
- (2) The costs to which Parts 44 to 48 apply include –
- (a) the following costs where those costs may be assessed by the court –
 - (i) costs of proceedings before an arbitrator or umpire;
 - (ii) costs of proceedings before a tribunal or other statutory body; and
 - (iii) costs payable by a client to his solicitor; and
 - (b) costs which are payable by one party to another party under the terms of a contract, where the court makes an order for an assessment of those costs.

MEANING OF SUMMARY ASSESSMENT

- 43.3 | 'Summary assessment' means the procedure by which the court, when making an order about costs, orders payment of a sum of money instead of fixed costs or 'detailed assessment'.

MEANING OF DETAILED ASSESSMENT

- 43.4 | 'Detailed assessment' means the procedure by which the amount of costs is decided by a costs officer in accordance with Part 47.