

## **PRACTICE DIRECTION – COSTS**

*This practice direction supplements Part 19 of the Court of Protection Rules 2007*

### **PRACTICE DIRECTION A – COSTS IN THE COURT OF PROTECTION**

#### **Modifications to the Civil Procedure Rules 1998**

1. The practice direction supplementing Parts 43 to 48 of the Civil Procedure Rules 1998 (“the CPR Practice Direction”) applies, insofar as those Parts apply to proceedings in the Court of Protection, with such modifications as are appropriate together with the modifications specified in this practice direction.
2. The following paragraphs of the CPR Practice Direction do not apply:  
6.4(1); 8.1 to 8.4; 13.2(1); 13.3; 13.4; 13.7(2); 13.11; 13.13(a); 15 to 17; 23.2A; 24 to 27; 28.1(2); 31; 49A; 50; and 51.
3. In paragraphs 2.5 and 28.1(3) of the CPR Practice Direction, the words “or the parties may agree in writing” are removed.
4. In paragraph 13.5(4) of the CPR Practice Direction, the words “any party against whom an order for payment of those costs is intended to be sought” are replaced with “all parties to the proceedings and any other person that the court may direct.”
5. In paragraph 19.2(1) of the CPR Practice Direction, the words “application form,” are inserted after “includes”.
6. In paragraph 19.2(3)(b) of the CPR Practice Direction, the second and third sentences are removed.
7. In paragraph 19.3(3) of the CPR Practice Direction, the words “of the Court of Protection Rules 2007” are inserted after “Part 6”.
8. In paragraph 21.19A of the CPR Practice Direction, the words “High Court or Country

Court” are removed and replaced with “Court of Protection”.

9. The reference in paragraph 23.2 of the CPR Practice Direction to district registry or county court shall be read, in proceedings to which this Practice Direction applies, as a reference to the registry of the Court of Protection.
10. In paragraph 23.18 of the CPR Practice Direction, the words “CPR Part 52 and CPR rule 47.20” are removed and replaced with “Part 20 of the Court of Protection Rules”.
11. The following paragraphs of the CPR Practice Direction are to be read as if the references in those paragraphs to a district judge were removed –  
20.3(1); 21.19A; 22.1; 28.1(4)(a); 28.1(5); 30.1(3); 30.1(4); 36.3; 37.6(1); 38.1(2);  
and 38.3(2).
12. In paragraph 33.1 of the CPR Practice Direction the words “under rule 2.11” are removed.
13. In paragraph 33.2 of the CPR Practice Direction, the words “for an order under rule 3.1(2)(a)” are removed; and the words “that time” are removed and the following words are substituted: “the time specified by rule 47.7 for commencing the detailed assessment proceedings”.
14. Paragraph 35.1 of the CPR Practice Direction is replaced with the following: “A party may apply to the appropriate officer for an order to shorten or extend the time for service of points of dispute”.
15. In paragraph 37.4 of the CPR Practice Direction, the words “Rules 40.3” to “default costs certificate” are replaced with the words “rule 30 of the Court of Protection Rules 2007, which applies to the service of court orders”.
16. In paragraph 38.1(1) of the CPR Practice Direction, the words “court officer” are replaced with “authorised court officer”.
17. In rule 38.3(1) of the CPR Practice Direction, the following words are removed: “rule

3.1(3) (which enables the court when making an order to make it subject to conditions) and to”.

18. In paragraphs 30.1(4), 36.2, 41.1(1), 42.6, 53.3, 53.7 and 53.8 of the CPR Practice Direction, the words “Part 23 (General Rules about Applications for Court Orders)” are removed and replaced with “Part 10 (Applications within proceedings)”.

19. References in the CPR Practice Direction to “claimant” and “defendant” shall be read, in proceedings to which this Practice Direction applies, to “applicant” and “respondent” respectively.

### **Other provisions**

20. The appropriate venue for detailed assessment of costs proceedings is the Supreme Court Costs Office, Clifford's Inn, Fetter Lane, London EC4A 1DQ.