

PRACTICE DIRECTION 19A – COSTS

This practice direction supplements Part 19 of the Court of Protection Rules 2017

Modifications to the Civil Procedure Rules 1998

1. The practice directions which supplement Parts 44 to 48 of the Civil Procedure Rules 1998 (“CPR Practice Directions 44 to 48”) apply, 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.

Provisions which do not apply

2. The following provisions of CPR Practice Directions 44 to 48 do not apply—
- (a) in CPR Practice Direction 44: paragraphs 3.1 – 3.7, 4.1, 7.1 – 7.3, 9.2(a), 9.3, 9.4, 9.9, 9.10 and 12.1 – 12.7;
 - (b) the whole of CPR Practice Direction 45;
 - (c) in CPR Practice Direction 46: paragraphs 1.1 – 2.1, 7.1 – 9.12 and 10.1-10.2;
 - (d) in CPR Practice Direction 47: paragraphs 4.1 – 4.3;
 - (e) in CPR Practice Direction 48: paragraphs 2.1 – 4.2.

Modifications of provisions which do apply

3. In paragraph 9.5(4) of CPR Practice Direction 44, 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.”
4. In paragraphs 5.4 and 5.9 of CPR Practice Direction 46 and paragraphs 3.3, 9.2, 13.7, 13.8(3), 15, 16.6, 17.4 and 18.8 of CPR Practice Direction 47, the words “Part 23” are removed and replaced with “Part 10 (Applications within proceedings)”.
5. In paragraph 1.2 of CPR Practice Direction 47, the words “or the parties may agree in writing” are removed.
6. Paragraphs 1.3, 1.4, 3.2, 3.3, 10.5(a), 11.1, 11.3, 16.11(a), 20.4 and 20.6 of CPR Practice Direction 47 are to be read as if the references in those paragraphs to a district judge were removed.
7. In paragraph 6.1 of CPR Practice Direction 47, the words “(rule 2.11)” and “(rule 3.1(2)(a))” are omitted.
8. Paragraph 8.1 of CPR Practice Direction 47 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”.
9. In paragraph 10.3 of CPR Practice Direction 47, the words “Rules 40.3” to “default costs certificate” are replaced with the words “rule 6.2 of the Court of Protection Rules 2017, which applies to the service of court orders”.

10. In paragraph 11.1 of CPR Practice Direction 47, the words “A court officer” are replaced with “An authorised court officer”.
11. In rule 11.3 of CPR Practice Direction 47, 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”.
12. References in CPR Practice Directions 44 to 48 to “claimant” and “defendant” shall be read, in proceedings to which this Practice Direction applies, as references to “applicant” and “respondent” respectively.

Other provisions

13. The Senior Courts Costs Office Guide of October 2013 gives practical information and guidance on dealing with costs, and contains, in Section 23 of the Guide, provision relating specifically to Court of Protection cases. Regard should accordingly be had to Section 23 and to those matters of good practice, guidance and procedure referred to in the Guide as are directly applicable to costs arising under Court of Protection Rules.
14. Section 23.1(a) of the Guide shall be read as if a reference to the Court of Protection Rules 2017 were substituted for the reference to the Court of Protection Rules 2007, and a reference to Practice Direction 19B read as a reference to the amended Practice Direction 19B supporting Part 19 of the Court of Protection Rules 2017.
15. The appropriate venue for detailed assessment of costs proceedings is the Senior Court Costs Office, Thomas More Building, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44454 (Strand)). Details of how to contact the Senior Courts Costs Office are provided in Section 1 (Introduction) of the Senior Courts Costs Office Guide of October 2013.