



• BARRISTERS • ARBITRATORS • MEDIATORS •

**Tel: 0845 083 3000**

**QuantumCosts**  
LAW COSTS DRAFTSMEN & CONSULTANTS

Quantum Costs Ltd,  
8 Warwick Court,  
Gray's Inn,  
London,  
WC1R 5DJ

DX: 470 London, Chancery Lane  
Tel - 020 7430 0150 | Fax - 020 7404 6062  
enquiries@quantumcosts.co.uk



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**- NOTE TO ADVOCATES -**

**- 45<sup>TH</sup> UPDATE TO CIVIL PROCEDURE RULES -**

**- EFFECTIVE FROM 1<sup>ST</sup> OCTOBER 2007 -**

FROM THE 1<sup>ST</sup> OCTOBER 2007, Part 46 is amended to increase the amount of costs which the court may award as the costs of an advocate for preparing for and appearing at the trial of a claim in the fast track for trials commencing on, or after 1st October 2007.

The amendments (reproduced below) increase the amounts set out in the table under CPR 46.2(1) from £350 to £485, £500 to £690, and £750 to £1,035. The amounts recoverable under CPR 46.3(2) and CPR 46.3(4) increase from £250 to £345 and £350 to £485 respectively.

PROPOSED CPR 46 AMENDMENTS - 45<sup>TH</sup> UPDATE TO CIVIL PROCEDURE RULES

- 46.2 (1) The following table shows the amount of fast track trial costs which the court may award (whether by summary or detailed assessment).

<b><i>Value of the claim</i></b>	<b><i>Amount of fast track trial costs which the court may award</i></b>
<u>No more than £3,000</u>	<u>£485</u>
More than £3,000 but not more than £10,000	<u>£690</u>
More than £10,000	<u>£1,035</u>



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- 46.3 (1) This rule sets out when a court may award –
- (a) an additional amount to the amount of fast track trial costs shown in the table in rule 46.2(1); and
  - (b) less than those amounts.
- (2) If –
- (a) in addition to the advocate, a party's legal representative attends the trial;
  - (b) the court considers that it was necessary for a legal representative to attend to assist the advocate; and
  - (c) the court awards fast track trial costs to that party,

the court may award an additional £345 in respect of the legal representative's attendance at the trial.

(Legal representative is defined in rule 2.3)

- (2A) The court may in addition award a sum representing an additional liability.

(The requirements to provide information about a funding arrangement where a party wishes to recover any additional liability under a funding arrangement are set out in the costs practice direction)

('Additional liability' is defined in rule 43.2)

- (3) If the court considers that it is necessary to direct a separate trial of an issue then the court may award an additional amount in respect of the separate trial but that amount is limited in accordance with paragraph (4) of this rule.
- (4) The additional amount the court may award under paragraph 3 must not exceed two-thirds of the amount payable for that claim, subject to a minimum award of £485.