
STATUTORY INSTRUMENTS

2014 No. 1610

The Criminal Procedure Rules 2014

PART 76

COSTS

SECTION 5: ASSESSMENT OF COSTS

Assessment and re-assessment

- 76.11.**—(1) This rule applies where the court directs an assessment under—
- (a) rule 61.20 (Proceeds of Crime Act 2002 – rules applicable to restraint and receivership proceedings, assessment of costs);
 - (b) rule 76.6 (costs on appeal); or
 - (c) rule 76.7 (costs on an application).
- (2) The assessment must be carried out by the relevant assessing authority, namely—
- (a) the court officer, where the direction was given by a magistrates’ court or by the Crown Court; or
 - (b) the Registrar of Criminal Appeals, where the direction was given by the Court of Appeal.
- (3) The party in whose favour the court made the costs order (‘the applicant’) must—
- (a) apply for an assessment—
 - (i) in writing, in any form required by the assessing authority, and
 - (ii) not more than 3 months after the costs order; and
 - (b) serve the application on—
 - (i) the assessing authority, and
 - (ii) the party against whom the court made the costs order (‘the respondent’).
- (4) The applicant must—
- (a) summarise the work done;
 - (b) specify—
 - (i) each item of work done, giving the date, time taken and amount claimed,
 - (ii) any disbursements or expenses, including the fees of any advocate, and
 - (iii) any circumstances of which the applicant wants the assessing authority to take particular account; and
 - (c) supply—
 - (i) receipts or other evidence of the amount claimed, and
 - (ii) any other information or document for which the assessing authority asks, within such period as that authority may require.

- (5) A respondent who wants to make representations about the amount claimed must—
 - (a) do so in writing; and
 - (b) serve the representations on the assessing authority, and on the applicant, not more than 21 days after service of the application.
- (6) The assessing authority must—
 - (a) if it seems likely to help with the assessment, obtain any other information or document;
 - (b) resolve in favour of the respondent any doubt about what should be allowed; and
 - (c) serve the assessment on the parties.
- (7) Where either party wants the amount allowed re-assessed—
 - (a) that party must—
 - (i) apply to the assessing authority, in writing and in any form required by that authority,
 - (ii) serve the application on the assessing authority, and on the other party, not more than 21 days after service of the assessment,
 - (iii) explain the objections to the assessment,
 - (iv) supply any additional supporting information or document, and
 - (v) ask for a hearing, if that party wants one; and
 - (b) a party who wants to make representations about an application for re-assessment must—
 - (i) do so in writing,
 - (ii) serve the representations on the assessing authority, and on the other party, not more than 21 days after service of the application, and
 - (iii) ask for a hearing, if that party wants one;
 - (c) the assessing authority—
 - (i) must arrange a hearing, in public or in private, if either party asks for one,
 - (ii) subject to that, may re-assess the amount allowed with or without a hearing,
 - (iii) must re-assess the amount allowed on the initial assessment, taking into account the reasons for disagreement with that amount and any other representations,
 - (iv) may maintain, increase or decrease the amount allowed on the assessment,
 - (v) must serve the re-assessment on the parties, and
 - (vi) must serve written reasons on the parties, if not more than 21 days later either party asks for such reasons.
- (8) A time limit under this rule may be extended even after it has expired—
 - (a) by the assessing authority, or
 - (b) by the Senior Costs Judge, if the assessing authority declines to do so.

Appeal to a costs judge

- 76.12.**—(1) This rule applies where—
 - (a) the assessing authority has re-assessed the amount allowed under rule 76.11; and
 - (b) either party wants to appeal against that amount.
- (2) That party must—
 - (a) serve an appeal notice on—
 - (i) the Senior Costs Judge,

- (ii) the other party, and
 - (iii) the assessing authoritynot more than 21 days after service of the written reasons for the re-assessment;
- (b) explain the objections to the re-assessment;
- (c) serve on the Senior Costs Judge with the appeal notice—
 - (i) the applications for assessment and re-assessment,
 - (ii) any other information or document considered by the assessing authority,
 - (iii) the assessing authority’s written reasons for the re-assessment, and
 - (iv) any other information or document for which a costs judge asks, within such period as the judge may require; and
- (d) ask for a hearing, if that party wants one.
- (3) A party who wants to make representations about an appeal must—
 - (a) serve representations in writing on—
 - (i) the Senior Costs Judge, and
 - (ii) the applicantnot more than 21 days after service of the appeal notice; and
 - (b) ask for a hearing, if that party wants one.
- (4) Unless a costs judge otherwise directs, the parties may rely only on—
 - (a) the objections to the amount allowed on the initial assessment; and
 - (b) any other representations and material considered by the assessing authority.
- (5) A costs judge—
 - (a) must arrange a hearing, in public or in private, if either party asks for one;
 - (b) subject to that, may determine an appeal with or without a hearing;
 - (c) may—
 - (i) consult the assessing authority,
 - (ii) consult the court which made the costs order, and
 - (iii) obtain any other information or document;
 - (d) must reconsider the amount allowed by the assessing authority, taking into account the objections to the re-assessment and any other representations;
 - (e) may maintain, increase or decrease the amount allowed on the re-assessment;
 - (f) may provide for the costs incurred by either party to the appeal; and
 - (g) must serve reasons for the decision on—
 - (i) the parties, and
 - (ii) the assessing authority.
- (6) A costs judge may extend a time limit under this rule, even after it has expired.

[Note. The Criminal Costs Practice Direction sets out a form for use in connection with this rule.]

Appeal to a High Court judge

- 76.13.**—(1) This rule applies where—
- (a) a costs judge has determined an appeal under rule 76.12; and

- (b) either party wants to appeal against the amount allowed.
- (2) A party who wants to appeal—
 - (a) may do so only if a costs judge certifies that a point of principle of general importance was involved in the decision on the review; and
 - (b) must apply in writing for such a certificate and serve the application on—
 - (i) the costs judge,
 - (ii) the other party
 not more than 21 days after service of the decision on the review.
- (3) That party must—
 - (a) appeal to a judge of the High Court attached to the Queen’s Bench Division as if it were an appeal from the decision of a master under Part 52 of the Civil Procedure Rules 1998(1); and
 - (b) serve the appeal not more than 21 days after service of the costs judge’s certificate under paragraph (2).
- (4) A High Court judge—
 - (a) may extend a time limit under this rule even after it has expired;
 - (b) has the same powers and duties as a costs judge under rule 76.12; and
 - (c) may hear the appeal with one or more assessors.

[Note. See also section 70 of the Senior Courts Act 1981(2).]

Application for an extension of time under Section 5

- 76.14.** A party who wants an extension of time under rule 76.11, 76.12 or 76.13 must—
- (a) apply in writing;
 - (b) explain the delay; and
 - (c) attach the application, representations or appeal for which the extension of time is needed.

Glossary

This glossary is a guide to the meaning of certain legal expressions as used in these rules.

Expression	Meaning
<i>account monitoring order</i>	<i>an order requiring certain types of financial institution to provide certain information held by them relating to a customer for the purposes of an investigation;</i>
<i>action plan order</i>	<i>a type of community sentence requiring a child or young person to comply with a three month plan relating to his actions and whereabouts and to comply with the directions of a responsible officer (e.g. probation officer);</i>

(1) S.I. 1998/3132.

(2) 1981 c. 54. The Act’s title was amended by section 59(5) of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

Expression	Meaning
<i>admissible evidence</i>	<i>evidence allowed in proceedings (not all evidence introduced by the parties may be allowable in court);</i>
<i>adduce</i>	<i>to introduce (in evidence);</i>
<i>adjourn</i>	<i>to suspend or delay the hearing of a case;</i>
<i>affidavit</i>	<i>a written, sworn statement of evidence;</i>
<i>affirmation</i>	<i>a non-religious alternative to the oath sworn by someone about to give evidence in court or swearing a statement;</i>
<i>appellant</i>	<i>person who is appealing against a decision of the court;</i>
<i>arraign</i>	<i>to put charges to the defendant in open court in the Crown Court;</i>
<i>arraignment</i>	<i>the formal process of putting charges to the defendant in the Crown Court which consists of three parts: (1) calling him to the bar by name, (2) putting the charges to him by reading from the indictment and (3) asking him whether he pleads guilty or not guilty;</i>
<i>authorities</i>	<i>judicial decisions or opinions of authors of repute used as grounds of statements of law;</i>
<i>bill of indictment</i>	<i>a written accusation of a crime against one or more persons – a criminal trial in the Crown Court cannot start without a valid indictment;</i>
<i>case stated</i>	<i>an appeal to the High Court against the decision of a magistrates court on the basis that the decision was wrong in law or in excess of the magistrates' jurisdiction;</i>
<i>in chambers</i>	<i>non-trial hearing in private;</i>
<i>committal</i>	<i>sending someone to a court (usually from a magistrates' court to the Crown court) or to prison;</i>
<i>committal for sentence</i>	<i>procedure whereby a person convicted in a magistrates' court is sent to the Crown Court for sentencing when the sentencing powers of the magistrates' court are not considered sufficient;</i>
<i>compellable witness</i>	<i>a witness who can be forced to give evidence against an accused (not all witnesses are compellable);</i>
<i>compensation order</i>	<i>an order that a convicted person must pay compensation for loss or damage caused by the convicted person;</i>

Expression	Meaning
<i>complainant</i>	<i>a person who makes a formal complaint. In relation to an offence of rape or other sexual offences the complainant is the person against whom the offence is alleged to have been committed;</i>
<i>conditional discharge</i>	<i>an order which does not impose any immediate punishment on a person convicted of an offence, subject to the condition that he does not commit an offence in a specified period;</i>
<i>confiscation order</i>	<i>an order that private property be taken into possession by the state;</i>
<i>Convention right</i>	<i>a right under the European Convention on Human Rights;</i>
<i>costs</i>	<i>the expenses involved in a court case, including the fees of the solicitors and barristers and of the court;</i>
<i>counsel</i>	<i>a barrister;</i>
<i>cross examination</i>	<i>questioning of a witness by a party other than the party who called the witness;</i>
<i>custody time limit</i>	<i>the maximum period, as set down in statute, for which a person may be kept in custody before being brought to trial – these maximum periods may only be extended by an order of the judge;</i>
<i>customer information order</i>	<i>an order requiring a financial institution to provide certain information held by them relating to a customer for the purposes of an investigation into the proceeds of crime;</i>
<i>declaration of incompatibility</i>	<i>a declaration by a court that a piece of UK legislation is incompatible with the provisions of the European Convention on Human Rights;</i>
<i>deferred sentence</i>	<i>a sentence which is determined after a delay to allow the court to assess any change in the person's conduct or circumstances after his or her conviction;</i>
<i>deposition</i>	<i>written record of a witness' written evidence;</i>
<i>distress warrant</i>	<i>court order giving the power to seize goods from a debtor to pay his debts;</i>
<i>exhibit</i>	<i>a document or thing presented as evidence in court;</i>
<i>forfeiture by peaceable re-entry</i>	<i>the re-possession by a landlord of premises occupied by tenants;</i>

Expression	Meaning
<i>guardianship order</i>	<i>an order appointing someone to take charge of a child's affairs and property;</i>
<i>hearsay evidence</i>	<i>oral or written statements made by someone who is not a witness in the case but which the court is asked to accept as proving what they say. This expression is defined further by rule 34.1 for the purposes of Part 34, and by rule 57.1 for the purposes of Parts 57 - 61;</i>
<i>hospital order</i>	<i>an order that an offender be admitted to and detained in a specified hospital;</i>
<i>indictment</i>	<i>the document containing the formal charges against a defendant – a trial in the Crown Court cannot start without this;</i>
<i>informant</i>	<i>someone who lays an information;</i>
<i>information</i>	<i>statement by which a magistrate is informed of the offence for which a summons or warrant is required – the procedure by which this statement is brought to the magistrates' attention is known as laying an information;</i>
<i>intermediary</i>	<i>a person who asks a witness (particularly a child) questions posed by the cross-examining legal representative;</i>
<i>justice of the peace</i>	<i>a magistrate, either a lay justice, or a District Judge (Magistrates' Courts);</i>
<i>justices' clerk</i>	<i>post in the magistrates' court of person who has various powers and duties in a magistrates' court, including giving advice to the magistrates on law and procedure;</i>
<i>leave of the court</i>	<i>permission granted by the court;</i>
<i>leave to appeal</i>	<i>permission granted to appeal the decision of a court;</i>
<i>letter of request</i>	<i>letter issued to a foreign court asking a judge to take the evidence of some person within that court's jurisdiction;</i>
<i>to levy distress</i>	<i>to seize property from a debtor or a wrongdoer;</i>
<i>local justice area</i>	<i>an area established for the purposes of the administration of magistrates' courts;</i>
<i>mandatory order</i>	<i>order from the Divisional Court of the Queen's Bench Division ordering a body (such as a magistrates' court) to do something (such as rehear a case);</i>
<i>nominated court</i>	<i>a court nominated to take evidence pursuant to a request by a foreign court;</i>

Expression	Meaning
<i>offence triable either way</i>	<i>an offence which may be tried either in the magistrates' court or in the Crown Court;</i>
<i>in open court</i>	<i>in a courtroom which is open to the public;</i>
<i>order restricting discharge</i>	<i>an order restricting the discharge from hospital of patients who have been sent there for psychiatric treatment;</i>
<i>parenting order</i>	<i>an order which can be made in certain circumstances where a child has been convicted of an offence which may require parents of the offender to comply with certain requirements including attendance of counselling or guidance sessions;</i>
<i>party</i>	<i>a person or organisation directly involved in a criminal case, either as prosecutor or defendant</i>
<i>prefer, preferment</i>	<i>to bring or lay a charge or indictment;</i>
<i>preparatory hearing</i>	<i>a hearing forming part of the trial sometimes used in long and complex cases to settle various issues without requiring the jury to attend;</i>
<i>realisable property</i>	<i>property which can be sold for money.</i>
<i>receiver</i>	<i>a person appointed with certain powers in respect of the property and affairs of a person who has obtained such property in the course of criminal conduct and who has been convicted of an offence – there are various types or receiver (management receiver, director's receiver, enforcement receiver);</i>
<i>receivership order</i>	<i>an order that a person's assets be put into the hands of an official with certain powers and duties to deal with that property;</i>
<i>recognizance</i>	<i>formal undertaking to pay the crown a specified sum if an accused fails to surrender to custody;</i>
<i>register</i>	<i>the formal records kept by a magistrates' court;</i>
<i>to remand</i>	<i>to send a person away when a case is adjourned until another date – the person may be remanded on bail (when he can leave, subject to conditions) or in custody;</i>
<i>reparation order</i>	<i>an order made against a child or young person who has been convicted of an offence, requiring him or her to make specific reparations to the victim or to the community at large;</i>

Expression	Meaning
<i>representation order</i>	<i>an order authorising payment of legal aid for a defendant;</i>
<i>requisition</i>	<i>a document issued under section 29 of the Criminal Justice Act 2003, requiring a person to appear before a magistrates' court to answer a written charge;</i>
<i>respondent</i>	<i>the other party (to the appellant) in a case which is the subject of an appeal;</i>
<i>restraint order</i>	<i>an order prohibiting a person from dealing with any realisable property held by him;</i>
<i>seal</i>	<i>a formal mark which the court puts on a document to indicate that the document has been issued by the court;</i>
<i>security</i>	<i>money deposited to ensure that the defendant attends court;</i>
<i>sending for trial</i>	<i>procedure whereby indictable offences are transferred to the Crown Court without the need for a committal hearing in the magistrates' court;</i>
<i>skeleton argument</i>	<i>a document prepared by a party or their legal representative, setting out the basis of the party's argument, including any arguments based on law – the court may require such documents to be served on the court and on the other party prior to a trial;</i>
<i>special measures</i>	<i>measures which can be put in place to provide protection and/or anonymity to a witness (e.g. a screen separating witness from the accused);</i>
<i>statutory declaration</i>	<i>a declaration made before a Commissioner for Oaths in a prescribed form;</i>
<i>to stay</i>	<i>to halt proceedings, apart from taking any steps allowed by the Rules or the terms of the stay - proceedings may be continued if a stay is lifted;</i>
<i>summons</i>	<i>a document signed by a magistrate after an information is laid before a him which sets out the basis of the accusation against the accused and the time and place when he must appear;</i>
<i>surety</i>	<i>a person who guarantees that a defendant will attend court;</i>
<i>suspended sentence</i>	<i>sentence which takes effect only if the offender commits another offence punishable</i>

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Expression	Meaning
	<i>with imprisonment within the specified period;</i>
<i>supervision order</i>	<i>an order placing a person who has been given a suspended sentence under the supervision of a local officer;</i>
<i>tainted acquittal</i>	<i>an acquittal affected by interference with a witness or a juror;</i>
<i>taxing authority</i>	<i>a body which assesses costs;</i>
<i>territorial authority</i>	<i>the UK authority which has power to do certain things in connection with co-operation with other countries and international organisations in relation to the collection of or hearing of evidence etc;</i>
<i>transfer direction (mental health)</i>	<i>a direction that a person who is serving a sentence of imprisonment who is suffering from a mental disorder be transferred to a hospital and be detained there for treatment;</i>
<i>warrant of arrest</i>	<i>court order to arrest a person;</i>
<i>warrant of commitment</i>	<i>court order sending someone to prison;</i>
<i>warrant of detention</i>	<i>a court order authorising someone's detention;</i>
<i>wasted costs order</i>	<i>an order that a barrister or solicitor is not to be paid fees that they would normally be paid;</i>
<i>witness</i>	<i>a person who gives evidence, either by way of a written statement or orally in court;</i>
<i>witness summons</i>	<i>a document served on a witness requiring him or her to attend court to give evidence;</i>
<i>written charge</i>	<i>a document, issued by a public prosecutor under section 29 of the Criminal Justice Act 2003, which institutes criminal proceedings by charging a person with an offence;</i>
<i>youth court</i>	<i>magistrates' courts exercising jurisdiction over offences committed by, and other matters related to, children and young persons.</i>
