

Coming into force 22 April 2014 subject to the approval of the Lord Chancellor and Parliament

Draft

Amended Rule 3.12

3.12 (1) This Section and Practice Direction 3E apply to all Part 7 multi-track cases except -

- (a) where the claim is commenced on or after 22 April 2014 and the amount of money claimed as stated on the claim form is £10 million or more; or
- (b) where the claim is commenced on or after 22 April 2014 and is for a monetary claim which is not quantified or not fully quantified or is for a non-monetary claim and in any such case the claim form contains a statement that the claim is valued at £10 million or more; or
- (c) where the proceedings are the subject of fixed costs or scale costs or where the court otherwise orders.

(1A) This Section and Practice Direction 3E will apply to any other proceedings (including applications) where the court so orders.

(2) The purpose of costs management is that the court should manage both the steps to be taken and the costs to be incurred by the parties to any proceedings so as to further the overriding objective.

Amended Rule 3.15

3.15 (1) In addition to exercising its other powers, the court may manage the costs to be incurred by any party in any proceedings.

(2) The court may at any time make a 'costs management order'. Where costs budgets have been filed and exchanged the court will make a costs management order unless it is satisfied that the litigation can be conducted justly and at proportionate cost in accordance with the overriding objective without such an order being made. By a costs management order the court will –

- (a) record the extent to which the budgets are agreed between the parties;
- (b) in respect of budgets or parts of budgets which are not agreed, record the court's approval after making appropriate revisions.

(3) If a costs management order has been made, the court will thereafter control the parties' budgets in respect of recoverable costs.

Transitional provisions

Rule 3.12(1) shall continue to have effect as if it had not been amended by these Rules in respect of any proceedings to which that rule applied and which were commenced before the date on which these Rules come into force.