

This draft Statutory Instrument supersedes the draft of the same title which was laid before Parliament on 9th March 2010 and published on 12th March 2010. It is being issued free of charge to all known recipients of that draft Statutory Instrument.

Draft Order laid before Parliament under section 120(4) of the Courts and Legal Services Act 1990, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No.

LEGAL SERVICES

The Conditional Fee Agreements (Amendment) Order 2010

Made - - - -

Coming into force in accordance with article 1

This Order is made in exercise of the powers conferred by sections 58(4)(a) and (c) and 120(3) of the Courts and Legal Services Act 1990(1).

The Lord Chancellor has consulted the designated judges, the General Council of the Bar, the Law Society and such other bodies as he considered appropriate in accordance with section 58A(5) of that Act.

A draft of this Order has been approved by a resolution of each House of Parliament pursuant to section 120(4) of that Act.

Accordingly the Lord Chancellor makes the following Order.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Conditional Fee Agreements (Amendment) Order 2010 and comes into force on the day after the day on which it is made.

(2) In this Order “the 2000 Order” means the Conditional Fee Agreements Order 2000(2).

Amendment of the 2000 Order

2.—(1) The 2000 Order is amended as follows.

(2) In article 4 at the end insert “except as provided for in article 5”.

(3) After article 4 insert—

(1) 1990 c. 41.

(2) S.I. 2000/823.

“5. In relation to publication proceedings (within the meaning of rule 44.12B of the Civil Procedure Rules 1998(3)), the percentage specified for the purposes of section 58(4)(c) of the Act is 10%.”

3. The amendment made by article 2 applies only in relation to an agreement entered into after this Order comes into force.

Signed by authority of the Lord Chancellor

Date

Name
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

Under sections 58 and 58A of the Courts and Legal Services Act 1990 (c. 41), all proceedings may be the subject of an enforceable conditional fee agreement except specified family proceedings and criminal proceedings (other than those under section 82 of the Environmental Protection Act 1990 (c. 43)). The Conditional Fee Agreements Order 2000 (S.I. 2000/823) specifies the proceedings to which a conditional fee agreement must relate if it is to provide for a success fee, and the maximum amount of such a fee. This Order, made under section 58(4) of the Courts and Legal Services Act 1990, amends the Conditional Fee Agreements Order 2000 to set a maximum success fee percentage of 10% for all conditional fee agreements in relation to some publication proceedings providing for such fees. Article 3 provides that the provisions of this Order only apply to an agreement entered into after this Order comes into force.

An impact assessment has been prepared for this Order and can be requested by writing to the Ministry of Justice Private Funding Branch at: privatefundingbranch@justice.gsi.gov.uk.