
STATUTORY INSTRUMENTS

2000 No. 692

The Conditional Fee Agreements Regulations 2000

Requirements for contents of conditional fee agreements providing for success fees

- 3.—(1) A conditional fee agreement which provides for a success fee—
- (a) must briefly specify the reasons for setting the percentage increase at the level stated in the agreement, and
 - (b) must specify how much of the percentage increase, if any, relates to the cost to the legal representative of the postponement of the payment of his fees and expenses.
- (2) If the agreement relates to court proceedings, it must provide that where the percentage increase becomes payable as a result of those proceedings, then—
- (a) if—
 - (i) any fees subject to the increase are assessed, and
 - (ii) the legal representative or the client is required by the court to disclose to the court or any other person the reasons for setting the percentage increase at the level stated in the agreement,he may do so,
 - (b) if—
 - (i) any such fees are assessed, and
 - (ii) any amount in respect of the percentage increase is disallowed on the assessment on the ground that the level at which the increase was set was unreasonable in view of facts which were or should have been known to the legal representative at the time it was set,that amount ceases to be payable under the agreement, unless the court is satisfied that it should continue to be so payable, and
 - (c) if—
 - (i) sub-paragraph (b) does not apply, and
 - (ii) the legal representative agrees with any person liable as a result of the proceedings to pay fees subject to the percentage increase that a lower amount than the amount payable in accordance with the conditional fee agreement is to be paid instead,the amount payable under the conditional fee agreement in respect of those fees shall be reduced accordingly, unless the court is satisfied that the full amount should continue to be payable under it.
- (3) In this regulation “percentage increase” means the percentage by which the amount of the fees which would be payable if the agreement were not a conditional fee agreement is to be increased under the agreement.