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STATUTORY INSTRUMENTS

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**2000 No. 900**

**LEGAL SERVICES, ENGLAND AND WALES**

**The Access to Justice Act 1999  
(Transitional Provisions) Order 2000**

*Made* - - - - - *29th March 2000*

*Coming into force* - - - - - *1st April 2000*

The Lord Chancellor, in exercise of the powers conferred upon him by paragraph 1(1) of Schedule 14 to the Access to Justice Act 1999<sup>(1)</sup>, makes the following Order:

**1.** This Order may be cited as the Access to Justice Act 1999 (Transitional Provisions) Order 2000 and shall come into force on 1st April 2000.

(2) In this Order a reference to a section by number alone means the section so numbered in the Access to Justice Act 1999.

**2.—**(1) Section 58A(6) and (7) of the Courts and Legal Services Act 1990<sup>(2)</sup> shall not apply, as regards a party to proceedings, to:

- (a) any proceedings in relation to which that party entered into a conditional fee agreement before 1st April 2000; or
- (b) any proceedings arising out of the same cause of action as any proceedings to which subparagraph (a) refers.

(2) The coming into force of section 27 (Conditional fee agreements) shall not affect the validity of any conditional fee agreement entered into before 1st April 2000, and any such agreement shall continue to have effect after that date as if section 27 had not come into force.

(3) In paragraphs 1(a) and (2) “conditional fee agreement” has the same meaning as in section 58 of the Courts and Legal Services Act 1990 as that section stands immediately before the coming into force of section 27 of the Access to Justice Act 1999.

**3.** Section 29 (Recovery of insurance premiums by way of costs) shall not apply, as regards a party to proceedings, to:

- (a) any proceedings in relation to which that party took out an insurance policy of the sort referred to in section 29 before 1st April 2000; or
- (b) any proceedings arising out of the same cause of action as any proceedings to which subparagraph (a) refers.

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<sup>(1)</sup> 1999 c. 22.

<sup>(2)</sup> 1990 c. 41; section 58A is inserted by section 27 of the Access to Justice Act 1999, which comes into force on 1st April 2000, and also replaces section 58.

4. Section 30 (Recovery where body undertakes to meet costs liabilities) shall not apply, as regards a party to proceedings, to:

- (a) any proceedings in relation to which that party gave an undertaking before 1st April 2000 which, if it had been given after that date, would have been an undertaking to which section 30(1) applied; or
- (b) any proceedings arising out of the same cause of action as any proceedings to which subparagraph (a) refers.

29th March 2000

*Irvine of Lairg, C.*

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order contains transitional provisions relating to the coming into force, on 1st April 2000, of sections 27, 29 and 30 of the Access to Justice Act 1999.

It provides that paragraphs (6) and (7) of section 58A of the Courts and Legal Services Act 1990 (which are inserted by section 27 of the 1999 Act and relate to the recovery), under a costs order, of fees under a conditional fee agreement), and sections 29 (Recovery of insurance premiums by way of costs) and 30 (Recovery where body undertakes to meet costs liabilities), do not apply to, respectively, conditional fee agreements, insurance policies or a body's undertaking to meet costs liabilities, where there is a conditional fee agreement, insurance policy or undertaking in force before 1st April 2000 in respect of the same proceedings, or proceedings arising out of the same cause of action. The Order also contains a saving provision in respect of conditional fee agreements entered into before 1st April 2000.