
STATUTORY INSTRUMENTS

2003 No. 3344

LEGAL SERVICES, ENGLAND AND WALES

The Conditional Fee Agreements (Miscellaneous Amendments) (No. 2) Regulations 2003

Made - - - - *17th December 2003*
Laid before Parliament *23rd December 2003*
Coming into force - - *2nd February 2004*

The Secretary of State, in exercise of the powers conferred upon the Lord Chancellor by sections 58(3)(c), 58A(3) and 119 of the Courts and Legal Services Act 1990(1) and now vested in him(2), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Conditional Fee Agreements (Miscellaneous Amendments) (No. 2) Regulations 2003 and shall come into force on 2nd February 2004.

Amendments to the Conditional Fee Agreements Regulations 2000

2.—(1) Regulation 3A of the Conditional Fee Agreements Regulations 2000(3) is amended in accordance with this regulation.

(2) In paragraph (1), for “paragraph (5)” substitute “paragraphs (5) and (5A)”.

(3) In paragraph (5)—

(a) at the end of sub-paragraph (c), delete “or”; and

(b) at the end of sub-paragraph (d) insert—

“(e) is an individual who is adjudged bankrupt or enters into an arrangement or a composition with his creditors, or against whom an administration order is made; or

(f) is a company for which a receiver, administrative receiver or liquidator is appointed”.

(1) 1990 c. 41. Sections 58 and 58A were substituted by section 27 of the Access to Justice Act 1999 (c. 22); section 119 is an interpretation provision and is cited for the meaning of “prescribed”.
(2) by virtue of the Secretary of State for Constitutional Affairs Order 2003 (S.I.2003/1887), article 4(1) and Schedule 1, and article 9 and Schedule 2, paragraph 8(1)(c).
(3) S.I. 2000/692, amended by S.I. 2000/2988 and 2003/1240.

(4) After paragraph (5), insert—

“(5A) A conditional fee agreement to which this regulation applies may specify that, in the event of the client dying in the course of the relevant proceedings, his estate will be liable for the legal representative’s fees and expenses, whether or not sums are recovered in respect of those proceedings.”.

(5) In paragraph (6), after the word “client” the second time it appears, insert “or his estate”.

Amendments to the Collective Conditional Fee Agreements Regulations 2000

3.—(1) The Collective Conditional Fee Agreements Regulations 2000(4) are amended in accordance with this regulation.

(2) In regulation 4, in paragraph (2)(a), after the word “client” the second time it appears, insert “or his estate”.

(3) In regulation 5—

(a) in paragraph (4), for “paragraph (6)” substitute “paragraphs (6) and (7)”;

(b) in paragraph (6)—

(i) at the end of sub-paragraph (c), delete “or”; and

(ii) at the end of sub-paragraph (d) insert—

“(e) is an individual who is adjudged bankrupt or enters into an arrangement or a composition with his creditors, or against whom an administration order is made; or

(f) is a company for which a receiver, administrative receiver or liquidator is appointed”;

(c) after paragraph (6), insert—

“(7) A collective conditional fee agreement to which paragraph (4) applies may specify that, in the event of the client dying in the course of the relevant proceedings, his estate will be liable for the legal representative’s fees and expenses, whether or not sums are recovered in respect of those proceedings.”.

Signed by authority of the Secretary of State

17th December 2003

David Lammy
Parliamentary Under Secretary of State,
Department for Constitutional Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Conditional Fee Agreements Regulations 2000 and the Collective Conditional Fee Agreements Regulations 2000 by adding to the list of circumstances in which the client may be liable to pay his legal representative's fees and expenses:

- (a) the death of the client, and
- (b) his going bankrupt or going into liquidation.