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STATUTORY INSTRUMENTS

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**2014 No. 2044**

**The Civil Procedure (Amendment No. 6) Rules 2014**

**Amendments to the Civil Procedure Rules 1998**

**7. In Part 45—**

**(a) in rule 45.19—**

(i) in paragraph (1), for “The court” substitute “Subject to paragraphs (2A) to (2E), the court”; and

(ii) after paragraph (2)(e) insert—

“(2A) In a soft tissue injury claim to which the RTA Protocol applies, the only sums (exclusive of VAT) that are recoverable in respect of the cost of obtaining a fixed cost medical report or medical records are as follows—

(a) obtaining the first report from any expert permitted under 1.1(12) of the RTA Protocol: £180;

(b) obtaining a further report where justified from one of the following disciplines—

(i) Consultant Orthopaedic Surgeon (inclusive of a review of medical records where applicable): £420;

(ii) Consultant in Accident and Emergency Medicine: £360;

(iii) General Practitioner registered with the General Medical Council: £180; or

(iv) Physiotherapist registered with the Health and Care Professions Council: £180;

(c) obtaining medical records: no more than £30 plus the direct cost from the holder of the records, and limited to £80 in total for each set of records required. Where relevant records are required from more than one holder of records, the fixed fee applies to each set of records required;

(d) addendum report on medical records (except by Consultant Orthopaedic Surgeon): £50; and

(e) answer to questions under Part 35: £80.

(2B) Save in exceptional circumstances, no fee may be allowed for the cost of obtaining a report from a medical expert who—

(a) has provided treatment to the claimant;

(b) is associated with any person who has provided treatment; or

(c) proposes or recommends that they or an associate provide treatment.

(2C) The cost of obtaining a further report from an expert not listed in paragraph (2A)(b) is not fixed, but the use of that expert and the cost must be justified.

(2D) Where appropriate, VAT may be recovered in addition to the cost of obtaining a fixed cost medical report or medical records.

(2E) In this rule, ‘associate’, ‘associated with’, ‘fixed cost medical report’ and ‘soft tissue injury claim’ have the same meaning as in paragraph 1.1(1A), (10A) and (16A), respectively, of the RTA Protocol.”;

(b) in rule 45.29F(9), after the words “judgment more advantageous than the”, for “claimant’s” substitute “defendant’s”; and

(c) in rule 45.29I—

(i) in paragraph (1), for “The court” substitute “Subject to paragraphs (2A) to (2E), the court”; and

(ii) after paragraph (2)(h) insert—

“(2A) In a soft tissue injury claim started under the RTA Protocol, the only sums (exclusive of VAT) that are recoverable in respect of the cost of obtaining a fixed cost medical report or medical records are as follows—

(a) obtaining the first report from any expert permitted under 1.1(12) of the RTA Protocol: £180;

(b) obtaining a further report where justified from one of the following disciplines—

(i) Consultant Orthopaedic Surgeon (inclusive of a review of medical records where applicable): £420;

(ii) Consultant in Accident and Emergency Medicine: £360;

(iii) General Practitioner registered with the General Medical Council: £180; or

(iv) Physiotherapist registered with the Health and Care Professions Council: £180;

(c) obtaining medical records: no more than £30 plus the direct cost from the holder of the records, and limited to £80 in total for each set of records required. Where relevant records are required from more than one holder of records, the fixed fee applies to each set of records required;

(d) addendum report on medical records (except by Consultant Orthopaedic Surgeon): £50; and

(e) answer to questions under Part 35: £80.

(2B) Save in exceptional circumstances, no fee may be allowed for the cost of obtaining a report from a medical expert who—

(a) has provided treatment to the claimant;

(b) is associated with any person who has provided treatment; or

(c) proposes or recommends that they or an associate provide treatment.

(2C) The cost of obtaining a further report from an expert not listed in paragraph (2A)(b) is not fixed, but the use of that expert and the cost must be justified.

(2D) Where appropriate, VAT may be recovered in addition to the cost of obtaining a fixed cost medical report or medical records.

(2E) In this rule, ‘associate’, ‘associated with’, ‘fixed cost medical report’ and ‘soft tissue injury claim’ have the same meaning as in paragraph 1.1(1A), (10A) and (16A), respectively, of the RTA Protocol.”.