



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART II

LEGAL SERVICES

Miscellaneous

[^{F1}58 Conditional fee agreements.

- (1) A conditional fee agreement which satisfies all of the conditions applicable to it by virtue of this section shall not be unenforceable by reason only of its being a conditional fee agreement; but (subject to subsection (5)) any other conditional fee agreement shall be unenforceable.
- (2) For the purposes of this section and section 58A—
 - (a) a conditional fee agreement is an agreement with a person providing advocacy or litigation services which provides for his fees and expenses, or any part of them, to be payable only in specified circumstances; [^{F2}and]
 - (b) a conditional fee agreement provides for a success fee if it provides for the amount of any fees to which it applies to be increased, in specified circumstances, above the amount which would be payable if it were not payable only in specified circumstances [^{F3}and
 - (c) references to a success fee, in relation to a conditional fee agreement, are to the amount of the increase.]
- (3) The following conditions are applicable to every conditional fee agreement—
 - (a) it must be in writing;
 - (b) it must not relate to proceedings which cannot be the subject of an enforceable conditional fee agreement; and
 - (c) it must comply with such requirements (if any) as may be prescribed by the [^{F4}Lord Chancellor].
- (4) The following further conditions are applicable to a conditional fee agreement which provides for a success fee—

Status: Point in time view as at 06/04/2019.

Changes to legislation: Courts and Legal Services Act 1990, Section 58 is up to date with all changes known to be in force on or before 26 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) it must relate to proceedings of a description specified by order made by the ^{F4}Lord Chancellor];
 - (b) it must state the percentage by which the amount of the fees which would be payable if it were not a conditional fee agreement is to be increased; and
 - (c) that percentage must not exceed the percentage specified in relation to the description of proceedings to which the agreement relates by order made by the ^{F4}Lord Chancellor].
- [The additional conditions are applicable to a conditional fee agreement which—
- ^{F5}(4A) (a) provides for a success fee, and
- (b) relates to proceedings of a description specified by order made by the Lord Chancellor for the purposes of this subsection.
- (4B) The additional conditions are that—
- (a) the agreement must provide that the success fee is subject to a maximum limit,
 - (b) the maximum limit must be expressed as a percentage of the descriptions of damages awarded in the proceedings that are specified in the agreement,
 - (c) that percentage must not exceed the percentage specified by order made by the Lord Chancellor in relation to the proceedings or calculated in a manner so specified, and
 - (d) those descriptions of damages may only include descriptions of damages specified by order made by the Lord Chancellor in relation to the proceedings.]

(5) If a conditional fee agreement is an agreement to which section 57 of the ^{M1}Solicitors Act 1974 (non-contentious business agreements between solicitor and client) applies, subsection (1) shall not make it unenforceable.]

Textual Amendments

- F1** Ss. 58, 58A substituted (1.4.2000) for s. 58 by 1999 c. 22, s. 27(1) (with Sch. 14 para. 7(2)); S.I. 2000/774, art. 2(b) (with arts. 3-5)
- F2** Word in s. 58(2) omitted (19.1.2013 for specified purposes, 1.4.2013 except in relation to specified proceedings, 6.4.2016 in so far as not already in force except in relation to proceedings relating to a claim for damages in respect of diffuse mesothelioma and publication and privacy proceedings, 6.4.2019 in relation to publication and privacy proceedings) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 44(1)(a), 151(1) (with s. 48); S.I. 2013/77, arts. 2(1)(a), 3(a) (with art. 4); S.I. 2016/345, art. 2; S.I. 2018/1287, art. 2
- F3** S. 58(2)(c) and word inserted (19.1.2013 for specified purposes, 1.4.2013 except in relation to specified proceedings, 6.4.2016 in so far as not already in force except in relation to proceedings relating to a claim for damages in respect of diffuse mesothelioma and publication and privacy proceedings, 6.4.2019 in relation to publication and privacy proceedings) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 44(1)(b), 151(1) (with s. 48); S.I. 2013/77, arts. 2(1)(a), 3(a) (with art. 4); S.I. 2016/345, art. 2; S.I. 2018/1287, art. 2
- F4** Words in s. 58 substituted (12.1.2006) by The Transfer of Functions (Lord Chancellor and Secretary of State) Order 2005 (S.I. 2005/3429), art. 8, Sch. para. 2
- F5** S. 58(4A)(4B) inserted (19.1.2013 for specified purposes, 1.4.2013 except in relation to specified proceedings, 6.4.2016 in so far as not already in force except in relation to proceedings relating to a claim for damages in respect of diffuse mesothelioma and publication and privacy proceedings, 6.4.2019 in relation to publication and privacy proceedings) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 44(2), 151(1) (with s. 48); S.I. 2013/77, arts. 2(1)(a), 3(a) (with art. 4); S.I. 2016/345, art. 2; S.I. 2018/1287, art. 2

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Modifications etc. (not altering text)

- C1** S. 58: transfer of functions (12.1.2006) by [The Transfer of Functions \(Lord Chancellor and Secretary of State\) Order 2005 \(S.I. 2005/3429\)](#), **art. 3** (with arts. 4, 5)
- C2** S. 58(3)(c) extended (27.9.1999) by [1999 c. 22](#), ss. 105, 108(3), **Sch. 14 Pt. III para. 11** (with [Sch. 14 para. 7\(2\)](#))
- C3** S. 58(4) extended (27.9.1999) by [1999 c.22](#), ss. 105, 108(3), **Sch. 14 Pt. III para. 10** (with [Sch. 14 para. 7\(2\)](#))

Marginal Citations

- M1** [1974 c.47](#).

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