



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 2

LITIGATION FUNDING AND COSTS

Payments for legal services in civil cases

44 Conditional fee agreements: success fees

- (1) In section 58 of the Courts and Legal Services Act 1990 (conditional fee agreements), in subsection (2)—
 - (a) omit “and” after paragraph (a), and
 - (b) after paragraph (b) insert “and
 - (c) references to a success fee, in relation to a conditional fee agreement, are to the amount of the increase.”
- (2) After subsection (4) of that section insert—
 - “(4A) The additional conditions are applicable to a conditional fee agreement which—
 - (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,

Status: Point in time view as at 06/04/2019.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, Section 44 is up to date with all changes known to be in force on or before 15 April 2024. 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)

- (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.”
- (3) In section 58A of that Act (conditional fee agreements: supplementary), in subsection (5) after “section 58(4)” insert “, (4A) or (4B) ”.
- (4) For subsection (6) of that section substitute—
- “(6) A costs order made in proceedings may not include provision requiring the payment by one party of all or part of a success fee payable by another party under a conditional fee agreement.”
- (5) In section 120(4) of that Act (regulations and orders subject to parliamentary approval) after “58(4),” insert “ (4A) or (4B), ”.
- (6) The amendment made by subsection (4) does not prevent a costs order including provision in relation to a success fee payable by a person (“P”) under a conditional fee agreement entered into before the day on which that subsection comes into force (“the commencement day”) if—
- (a) the agreement was entered into specifically for the purposes of the provision to P of advocacy or litigation services in connection with the matter that is the subject of the proceedings in which the costs order is made, or
 - (b) advocacy or litigation services were provided to P under the agreement in connection with that matter before the commencement day.

Commencement Information

- I1** S. 44 partly in force; s. 44 not in force at Royal Assent, see s. 151(1); s. 44 in force at 19.1.2013 for specified purposes and at 1.4.2013 except in relation to specified proceedings by [S.I. 2013/77](#), [arts. 2\(1\)\(a\), 3\(a\)](#) (with [art. 4](#))
- I2** S. 44 in force at 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 by [S.I. 2016/345](#), [art. 2](#)
- I3** S. 44 in force at 6.4.2019 in relation to publication and privacy proceedings by [S.I. 2018/1287](#), [art. 2](#)

Status:

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