
STATUTORY INSTRUMENTS

2000 No. 1317

The Civil Procedure (Amendment No. 3) Rules 2000

Amendments to Civil Procedure Rules 1998

12. In rule 43.2, in paragraph (1)—

- (a) in sub-paragraph (a), after “rule 48.6”, insert “, any additional liability incurred under a funding arrangement”;
- (b) at the end of sub-paragraph (h), omit “and”;
- (c) sub-paragraph (i) stands as sub-paragraph (j);
- (d) after sub-paragraph (h), insert—

“(i) “LSC funded client” means an individual who receives services funded by the Legal Services Commission as part of the Community Legal Service within the meaning of Part I of the Access to Justice Act 1999;”;

(c) after sub-paragraph (j), insert—

“(k) “funding arrangement” means an arrangement where a person has—

- (i) entered into a conditional fee agreement which provides for a success fee within the meaning of section 58(2) of the Courts and Legal Services Act 1990⁽¹⁾;
- (ii) taken out an insurance policy to which section 29 of the Access to Justice Act 1999 (recovery of insurance premiums by way of costs) applies; or
- (iii) made an agreement with a membership organisation to meet his legal costs;
- (l) “percentage increase” means the percentage by which the amount of a legal representative’s fee can be increased in accordance with a conditional fee agreement which provides for a success fee;
- (m) “insurance premium” means a sum of money paid or payable for insurance against the risk of incurring a costs liability in the proceedings, taken out after the event that is the subject matter of the claim;
- (n) “membership organisation” means a body prescribed for the purposes of section 30 of the Access to Justice Act 1999 (recovery where body undertakes to meet costs liabilities); and
- (o) “additional liability” means the percentage increase, the insurance premium, or the additional amount in respect of provision made by a membership organisation, as the case may be.

(The Conditional Fee Agreements Regulations 2000⁽²⁾ and the Access to Justice (Membership Organisations) Regulations 2000⁽³⁾ contain further provisions about conditional fee agreements and arrangements to meet costs liabilities respectively”).

⁽¹⁾ 1990 c. 41. Section 58 was substituted by section 27 of the Access to Justice Act 1999 with effect from 1st April 2000 (the Access to Justice Act 1999 (Commencement No. 3, Transitional Provisions and Savings) Order 2000, S.I.2000/774 and the Access to Justice Act 1999 (Transitional Provisions) Order 2000, S.I. 2000/900).

⁽²⁾ S.I. 2000/692.

⁽³⁾ S.I. 2000/693.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
