

## SCHEDULE 2

### PART II

#### II ROAD TRAFFIC ACCIDENTS—FIXED RECOVERABLE COSTS IN COSTS-ONLY PROCEEDINGS

##### Scope and interpretation

**45.7.**—(1) This Section sets out the costs which are to be allowed in costs-only proceedings in cases to which this Section applies.

(Costs-only proceedings are issued using the procedure set out in rule 44.12A)

(2) This Section applies where—

- (a) the dispute arises from a road traffic accident;
- (b) the agreed damages include damages in respect of personal injury, damage to property, or both;
- (c) the total value of the agreed damages does not exceed £10,000; and
- (d) if a claim had been issued for the amount of the agreed damages, the small claims track would not have been the normal track for that claim.

(3) This Section does not apply where the claimant is a litigant in person.

(Rule 2.3 defines “personal injuries” as including any disease and any impairment of a person’s physical or mental condition)

(Rule 26.6 provides for when the small claims track is the normal track)

(4) In this Section—

- (a) “road traffic accident” means an accident resulting in bodily injury to any person or damage to property caused by, or arising out of, the use of a motor vehicle on a road or other public place in England and Wales;
- (b) “motor vehicle” means a mechanically propelled vehicle intended for use on roads; and
- (c) “road” means any highway and any other road to which the public has access and includes bridges over which a road passes.