
STATUTORY INSTRUMENTS

2005 No. 3515

The Civil Procedure (Amendment No.4) Rules 2005

Amendment to the Civil Procedure Rules 1998

10. For rule 44.16, substitute—

“**44.16.**—(1) This rule applies where the Conditional Fee Agreements Regulations 2000 or the Collective Conditional Fee Agreements Regulations 2000 continues to apply to an agreement which provides for a success fee.

(2) Where—

- (a) the court disallows any amount of a legal representative’s percentage increase in summary or detailed assessment proceedings; and
- (b) the legal representative applies for an order that the disallowed amount should continue to be payable by his client,

the court may adjourn the hearing to allow the client to be—

- (i) notified of the order sought; and
- (ii) separately represented.

(Regulation 3(2)(b) of the Conditional Fee Agreements Regulations 2000, which applies to Conditional Fee Agreements entered into before 1st November 2005, provides that a conditional fee agreement which provides for a success fee must state that any amount of a percentage increase disallowed on assessment ceases to be payable unless the court is satisfied that it should continue to be so payable. Regulation 5(2)(b) of the Collective Conditional Fee Agreements Regulations 2000, which applies to Collective Conditional Fee Agreements entered into before 1st November 2005, makes similar provision in relation to collective conditional fee agreements.)”.