

2010 No. 621 (L. 3)

**SENIOR COURTS OF ENGLAND AND WALES
COUNTY COURTS, ENGLAND AND WALES**

The Civil Procedure (Amendment) Rules 2010

Made - - - - - *4th March 2010*

Laid before Parliament *8th March 2010*

Coming into force in accordance with rule 1

The Civil Procedure Rule Committee, in exercise of the power conferred by section 2 of the Civil Procedure Act 1997(a) to make rules of court under section 1 of that Act, after consulting in accordance with section 2(6)(a) of that Act, makes the following Rules—

Citation, commencement and interpretation

- 1.—(1) These Rules may be cited as the Civil Procedure (Amendment) Rules 2010.
 - (2) Except as provided in paragraph (3), these Rules come into force on 30th April 2010.
 - (3) Rule 10(b) of these Rules comes into force on 1st April 2010.
2. In these Rules a reference to a Part or rule by number alone means the Part or rule so numbered in the Civil Procedure Rules 1998(b).

Amendments to the Civil Procedure Rules 1998

3. After rule 14.1A insert—

“Admissions made under the RTA Protocol

14.1B.—(1) This rule applies to a pre-action admission made in a case to which the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents (“the RTA Protocol”) applies.

- (2) The defendant may, by giving notice in writing withdraw an admission of causation—
 - (a) before commencement of proceedings—
 - (i) during the initial consideration period (or any extension to that period) as defined in the RTA Protocol; or
 - (ii) at any time if the person to whom the admission was made agrees; or
 - (b) after commencement of proceedings—

(a) 1997 c. 12. Section 2 was amended by the Constitutional Reform Act 2005 (c.4), section 15(1) and Schedule 4, Part 1, paragraphs 261, 263(1) and (2).

(b) S.I. 1998/3132. There are relevant amendments in S.I. 2001/256, 2003/2113, 2004/1306, 2004/3419, 2006/1689, 2006/3435, 2007/2204, 2008/2178 and 2009/2092.

- (i) if all the parties to the proceedings consent; or
- (ii) with the permission of the court.

(3) The defendant may, by giving notice in writing withdraw any other pre-action admission after commencement of proceedings—

- (a) if all the parties to the proceedings consent; or
- (b) with the permission of the court.

(4) An application under rule 14.1B(2)(b)(ii) or (3)(b) to withdraw a pre-action admission must be made in accordance with Part 23.”

4. In rule 21.10(3), after “Section II” insert “or Section VI”.

5. In rule 27.14(2)—

- (a) in sub-paragraph (f), after “;” omit “and”;
- (b) in sub-paragraph (g), for “.” substitute “; and”; and
- (c) after sub-paragraph (g) insert—

“(h) the Stage 1 and, where relevant, the Stage 2 fixed costs in rule 45.29 where—

- (i) the claim was within the scope of the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents (“the RTA Protocol”);
- (ii) the claimant reasonably believed that the claim was valued at more than the small claims track limit in accordance with paragraph 4.1(4) of the RTA Protocol; and
- (iii) the defendant admitted liability under the process set out in the RTA Protocol; but
- (iv) the defendant did not pay those Stage 1 and, where relevant, Stage 2 fixed costs.”.

6. In Part 36—

- (a) in the table of contents—
 - (i) for “Scope of this Part Rule 36.1” substitute—

“Scope of this Part	Rule 36.A1
Section I – Part 36 offers to settle	
Scope of this Section	Rule 36.1”; and

- (ii) after “Deduction of benefits and lump sum payments Rule 36.15” insert—

“Section II – RTA Protocol offers to settle	
Scope of this Section	Rule 36.16
Form and content of an RTA Protocol offer	Rule 36.17
Time when an RTA Protocol offer is made	Rule 36.18
General provisions	Rule 36.19
Restrictions on disclosure of an RTA Protocol offer	Rule 36.20
Costs consequences following judgment	Rule 36.21
Deduction of benefits	Rule 36.22”;

- (b) for rule 36.1(1) and the heading to that rule substitute—

“Scope of this Part

36.A1.—(1) This Part contains rules about—

- (a) offers to settle; and

(b) the consequences where an offer to settle is made in accordance with this Part.

(2) Section I of this Part contains rules about offers to settle other than where Section II applies.

(3) Section II of this Part contains rules about offers to settle where the parties have followed the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents (“the RTA Protocol”) and have started proceedings under Part 8 in accordance with Practice Direction 8B.

SECTION I

PART 36 OFFERS TO SETTLE

Scope of this Section

36.1.—(1) This Section does not apply to an offer to settle to which Section II of this Part applies.”;

- (c) in rule 36.1(2) for “Part” substitute “Section”;
- (d) in the parenthesis below rule 36.1(2), for “Part” substitute “Section”;
- (e) in rule 36.2(2)(b), after “consequences of” insert “Section I of”;
- (f) in rule 36.3(4), for “in this Part” substitute “in this Section”;
- (g) in the parenthesis below rule 36.14(6), for “Part” substitute “Section”;
- (h) after rule 36.15 insert Section II (RTA Protocol offers to settle) as set out in Schedule 1 to these Rules.

7. In Part 44—

- (a) in rule 44.12A(4A), after “Section II” insert “or Section VI”; and
- (b) after rule 44.12B insert—

“Costs-only application after a claim is started under Part 8 in accordance with Practice Direction 8B

44.12C.—(1) This rule sets out the procedure where—

- (a) the parties to a dispute have reached an agreement on all issues (including which party is to pay the costs) which is made or confirmed in writing; but
- (b) they have failed to agree the amount of those costs; and
- (c) proceedings have been started under Part 8 in accordance with Practice Direction 8B.

(2) Either party may make an application for the court to determine the costs.

(3) Where an application is made under this rule the court will assess the costs in accordance with rule 45.34 or rule 45.37.

(4) Rule 48.3 (amount of costs where costs are payable pursuant to a contract) does not apply to an application under this rule.

(Practice Direction 8B sets out the procedure for a claim where the parties have followed the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents.)”

8. In Part 45—

- (a) at the end of the table of contents insert—

“Section VI – Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents

Scope and interpretation Rule 45.27

Application of fixed costs, disbursements and success fee Rule 45.28

Amount of fixed costs	Rule 45.29
Disbursements	Rule 45.30
Success fee	Rule 45.31
Where the claimant obtains judgment for an amount more than the defendant's RTA Protocol offer	Rule 45.32
Settlement at Stage 2 where the claimant is a child	Rule 45.33
Settlement at Stage 3 where the claimant is a child	Rule 45.34
Where the court orders the claim is not suitable to be determined under the Stage 3 Procedure and the claimant is a child	Rule 45.35
Failure to comply or electing not to continue with the RTA Protocol – costs consequences	Rule 45.36
Where the parties have settled after proceedings have started	Rule 45.37
Where the claimant obtains judgment for an amount equal to or less than the defendant's RTA Protocol offer	Rule 45.38
Adjournment	Rule 45.39
Account of payment of Stage 1 fixed costs	Rule 45.40

(b) for rule 45.7(3) substitute—

“(3) This Section does not apply where—

- (a) the claimant is a litigant in person; or
- (b) Section VI of this Part applies.”;

(c) in rule 45.15(4)—

- (i) in sub-paragraph (b) omit “or”;
- (ii) in sub-paragraph (c) for “.” substitute “; or”; and
- (iii) after sub-paragraph (c) insert—
“(d) to a claim to which Section VI of this Part applies.”; and

(d) after rule 45.26, insert Section VI (Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents) as set out in Schedule 2 to these Rules.

9. In rule 48.5(2)(b)(ii), after “Section II” insert “or Section VI”.

10. In Part 55—

(a) in rule 55.10(2)—

- (i) in sub-paragraph (a) omit “and”;
- (ii) in sub-paragraph (b), for “.” substitute “; and”; and
- (iii) after sub-paragraph (b) insert—

“(c) any registered proprietor (other than the claimant) of a registered charge over the property.”; and

(b) in rule 55.11(3), after “registered social landlord” insert “or a private registered provider of social housing”.

Neuberger of Abbotsbury, M.R.
Martin Moore-Bick, L.J.
Rupert Jackson, L.J.
Launcelot Henderson, J.
Master Barbara Fontaine
HHJ Stephen Stewart Q.C.
District Judge Robert Hill
William Featherby Q.C.

*David di Mambro
Nicholas Bacon
Amanda Stevens
Katy Peters
David Grant
Tim Lett*

I allow these Rules
Signed by authority of the Lord Chancellor

4th March 2010

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

SCHEDULE 1

Rule 6(h)

“SECTION II

RTA PROTOCOL OFFERS TO SETTLE

Scope of this Section

36.16.—(1) Where this Section applies Section I does not apply.

(2) This Section applies to an offer to settle where the parties have followed the RTA Protocol and started proceedings under Part 8 in accordance with Practice Direction 8B (“the Stage 3 Procedure”).

(3) A reference to the “Court Proceeding Pack Form” is a reference to the form used in the RTA Protocol.

(4) Nothing in this Section prevents a party making an offer to settle in whatever way that party chooses, but if the offer is not made in accordance with this Section, it will not have any costs consequences.

Form and content of an RTA Protocol offer

36.17.—(1) An offer to settle which is made in accordance with this rule is called an RTA Protocol offer.

(2) An RTA Protocol offer must—

- (a) be set out in the Court Proceedings Pack (Part B) Form; and
- (b) contain the final total amount of the offer from both parties.

Time when an RTA Protocol offer is made

36.18. The RTA Protocol offer is deemed to be made on the first business day after the Court Proceedings Pack (Part A and Part B) Form is sent to the defendant.

General provisions

36.19. An RTA Protocol offer—

- (a) is treated as exclusive of all interest; and

- (b) has the consequences set out in this Section only in relation to the fixed costs of the Stage 3 Procedure as provided for in rule 45.29, and not in relation to the costs of any appeal from the final decision of those proceedings.

Restrictions on disclosure of an RTA Protocol offer

36.20.—(1) The amount of the RTA Protocol offer must not be communicated to the court until the claim is determined.

- (2) Any other offer to settle must not be communicated to the court at all.
- (3) Once the claim is determined, the court will examine the RTA Protocol offer.

Costs consequences following judgment

36.21.—(1) This rule applies where, on the determination by the court, the claimant obtains judgment against the defendant for an amount of damages that is—

- (a) less than or equal to the amount of the defendant’s RTA Protocol offer;
 - (b) more than the defendant’s RTA Protocol offer but less than the claimant’s RTA Protocol offer; or
 - (c) equal to or more than the claimant’s RTA Protocol offer.
- (2) Where paragraph (1)(a) applies, the court will order the claimant to pay—
- (a) the fixed costs in rule 45.38; and
 - (b) interest on those fixed costs from the first business day after the deemed date of the RTA Protocol offer under rule 36.18.
- (3) Where paragraph (1)(b) applies, the court will order the defendant to pay the fixed costs in rule 45.32.
- (4) Where paragraph (1)(c) applies, the court will order the defendant to pay—
- (a) interest on the whole of the damages awarded at a rate not exceeding 10% above base rate for some or all of the period starting with the date specified in rule 36.18;
 - (b) the fixed costs in rule 45.32; and
 - (c) interest on those costs at a rate not exceeding 10% above base rate.

Deduction of benefits

36.22. For the purposes of rule 36.21(1)(a) the amount of the judgment is less than the RTA Protocol offer where the judgment is less than that offer once deductible amounts identified in the judgment are deducted.

(‘Deductible amount’ is defined in rule 36.15(1)(d).)’

SCHEDULE 2

Rule 8(d)

“SECTION VI

PRE-ACTION PROTOCOL FOR LOW VALUE PERSONAL INJURY CLAIMS IN ROAD TRAFFIC ACCIDENTS

Scope and interpretation

45.27.—(1) This Section applies to claims that have been or should have been started under Part 8 in accordance with Practice Direction 8B (“the Stage 3 Procedure”).

- (2) Where a party has not complied with the RTA Protocol rule 45.36 will apply.

(3) “RTA Protocol” means the Pre-Action Protocol for Personal Injury Claims in Road Traffic Accidents.

(4) A reference to “Claim Notification Form” is a reference to the form used in the RTA Protocol.

Application of fixed costs, disbursements and success fee

45.28. The only costs allowed are—

- (a) fixed costs in rule 45.29;
- (b) disbursements in accordance with rule 45.30; and
- (c) a success fee in accordance with rule 45.31.

Amount of fixed costs

45.29.—(1) Subject to paragraph (4), the amount of fixed costs is set out in Table 1.

(2) In Table 1—

- (a) “Type A fixed costs” means the legal representative’s costs;
- (b) “Type B fixed costs” means the advocate’s costs; and
- (c) “Type C fixed costs” means the costs for the advice on the amount of damages where the claimant is a child.

(3) Advocate has the same meaning as in rule 46.1(2)(a).

(4) Subject to rule 45.36(2) the court will not award more or less than the amounts shown in Table 1.

(5) Where the claimant—

- (a) lives or works in an area set out in the Costs Practice Direction; and
- (b) instructs a legal representative who practices in that area,

the fixed costs will include, in addition to the costs set out in Table 1, an amount equal to 12.5% of the Stage 1 and 2 and Stage 3 Type A fixed costs.

(6) Where appropriate, value added tax (VAT) may be recovered in addition to the amount of fixed costs and any reference in this Section to fixed costs is a reference to those costs net of any such VAT.

Table 1 – fixed costs in relation to the RTA Protocol

Stage 1 fixed costs	£400
Stage 2 fixed costs	£800
Stage 3—	
Type A fixed costs	£250
Type B fixed costs	£250
Type C fixed costs	£150

Disbursements

45.30.—(1) The court—

- (a) may allow a claim for a disbursement of a type mentioned in paragraph (2); but
- (b) must not allow a claim for any other type of disbursement.

(2) The disbursements referred to in paragraph (1) are—

- (a) the cost of obtaining—
 - (i) medical records;
 - (ii) a medical report or reports as provided for in the RTA Protocol;

- (iii) an engineer's report;
- (iv) a search of the records of the—
 - (aa) Driver Vehicle Licensing Authority;
 - (bb) Motor Insurance Database;
- (b) the amount of the insurance premium or, where a membership organisation undertakes to meet liabilities incurred to pay the costs of other parties to proceedings, a sum not exceeding such additional amount of costs as would be allowed under section 30 of the Access to Justice Act 1999(a) in respect of provision made against the risk of having to meet such liabilities;
- (c) court fees as a result of Part 21 being applicable;
- (d) court fees payable where proceedings are started as a result of a limitation period that is about to expire;
- (e) court fees in respect of the Stage 3 Procedure;
- (f) any other disbursement that has arisen due to a particular feature of the dispute.
 - (insurance premium is defined in rule 43.2(1)(m).)
 - (membership organisation is defined in rule 43.2(1)(n).)

Success fee

45.31.—(1) A party who has entered into a funding arrangement of a type specified in rule 43.2(1)(k)(i) in respect of any element of the fixed costs in rule 45.29 may recover a success fee on that element of the fixed costs.

(2) A reference to a success fee in this Section is a reference to a success fee in accordance with paragraph (1).

(3) Where the court—

- (a) determines the claim at a Stage 3 hearing or on the papers; and
- (b) awards an amount of damages that is more than the defendant's RTA Protocol offer,

the amount of the claimant's success fee is—

- (i) 12.5% of the Stage 1 and 2 fixed costs; and
- (ii) 100% of the relevant Stage 3 fixed costs.

(RTA Protocol offer is defined in rule 36.17.)

(4) Where the court—

- (a) determines the claim at a Stage 3 hearing or on the papers; and
- (b) awards an amount of damages that is equal to or less than the defendant's RTA Protocol offer,

the amount of the defendant's success fee is 100% of the relevant Stage 3 fixed costs.

(5) Where the claimant is a child and the court—

- (a) does not approve a settlement at a settlement hearing;
- (b) determines the claim at a Stage 3 hearing; and
- (c) awards an amount of damages that is more than the amount of the settlement considered by the court at the first settlement hearing;

the amount of the claimant's success fee is—

- (i) 12.5% of the Stage 1 and 2 fixed costs;

(ii) 100% of the relevant Stage 3 fixed costs.

(6) Where paragraphs (3) to (5) do not apply the success fee is—

- (a) 12.5% of Stage 1 and 2 fixed costs; and
- (b) 12.5% of the relevant Stage 3 fixed costs.

(7) The amount of the success fee set out in paragraphs (3) to (6) will be calculated without regard to any additional amount which may be included in the fixed costs by virtue of rule 45.29(5).

Where the claimant obtains judgment for an amount more than the defendant's RTA Protocol offer

45.32.—(1) Where rule 36.21(1)(b) or (c) applies, the court will order the defendant to pay—

- (a) where not already paid by the defendant, the Stage 1 and 2 fixed costs;
- (b) where the claim is determined —
 - (i) on the papers, Stage 3 Type A fixed costs;
 - (ii) at a Stage 3 hearing, Stage 3 Type A and B fixed costs; or
 - (iii) at a Stage 3 hearing and the claimant is a child, Type A, B and C fixed costs;
- (c) disbursements allowed in accordance with rule 45.30; and
- (d) a success fee in accordance with rule 45.31(3).

Settlement at Stage 2 where the claimant is a child

45.33.—(1) This rule applies where—

- (a) the claimant is a child;
- (b) there is a settlement at Stage 2 of the RTA Protocol; and
- (c) an application is made to the court to approve the settlement.

(2) Where the court approves the settlement at a settlement hearing it will order the defendant to pay—

- (a) the Stage 1 and 2 fixed costs;
- (b) the Stage 3 Type A, B and C fixed costs;
- (c) disbursements allowed in accordance with rule 45.30; and
- (d) a success fee in accordance with rule 45.31(6).

(3) Where the court does not approve the settlement at a settlement hearing it will order the defendant to pay the Stage 1 and 2 fixed costs.

(4) Paragraphs (5) and (6) apply where the court does not approve the settlement at the first settlement hearing but does approve the settlement at a second settlement hearing.

(5) At the second settlement hearing the court will order the defendant to pay—

- (a) the Stage 3 Type A and C fixed costs for the first settlement hearing;
- (b) disbursements allowed in accordance with rule 45.30;
- (c) the Stage 3 Type B fixed costs for one of the hearings; and
- (d) a success fee in accordance with rule 45.31(6) on the Stage 1 and 2 fixed costs and the Stage 3 Type A, B and C fixed costs.

(6) The court in its discretion may also order—

- (a) the defendant to pay—
 - (i) an additional amount of either or both the Stage 3—
 - (aa) Type A fixed costs;

- (bb) Type B fixed costs; and
- (ii) a success fee in accordance with rule 45.31(6) on the additional Stage 3 fixed costs in sub-paragraph (a)(i); or
- (b) the claimant to pay an amount equivalent to either or both the Stage 3—
 - (i) Type A fixed costs;
 - (ii) Type B fixed costs.

Settlement at Stage 3 where the claimant is a child

45.34.—(1) This rule applies where—

- (a) the claimant is a child;
- (b) there is a settlement after proceedings are started under the Stage 3 Procedure;
- (c) the settlement is more than the defendant’s RTA Protocol offer; and
- (d) an application is made to the court to approve the settlement.

(2) Where the court approves the settlement at the settlement hearing it will order the defendant to pay—

- (a) the Stage 1 and 2 fixed costs;
- (b) the Stage 3 Type A, B and C fixed costs;
- (c) disbursements allowed in accordance with rule 45.30; and
- (d) a success fee in accordance with rule 45.31(6).

(3) Where the court does not approve the settlement at the settlement hearing it will order the defendant to pay the Stage 1 and 2 fixed costs.

(4) Paragraphs (5) and (6) apply where the court does not approve the settlement at the first settlement hearing but does approve the settlement at the Stage 3 hearing.

(5) At the Stage 3 hearing the court will order the defendant to pay—

- (a) the Stage 3 Type A and C fixed costs for the settlement hearing;
- (b) disbursements allowed in accordance with rule 45.30;
- (c) the Stage 3 Type B fixed costs for one of the hearings; and
- (d) a success fee in accordance with rule 45.31(6) on the Stage 1 and 2 fixed costs and the Stage 3 Type A, B and C fixed costs.

(6) The court in its discretion may also order—

- (a) the defendant to pay—
 - (i) an additional amount of either or both the Stage 3—
 - (aa) Type A fixed costs;
 - (bb) Type B fixed costs; and
 - (ii) a success fee in accordance with rule 45.31(6) on the additional Stage 3 fixed costs in sub-paragraph (a)(i); or
- (b) the claimant to pay an amount equivalent to either or both of the Stage 3—
 - (i) Type A fixed costs;
 - (ii) Type B fixed costs.

(7) Where the settlement is not approved at the Stage 3 hearing the court will order the defendant to pay the Stage 3 Type A fixed costs.

Where the court orders the claim is not suitable to be determined under the Stage 3 Procedure and the claimant is a child

45.35. Where—

- (a) the claimant is a child; and
- (b) at a settlement hearing or the Stage 3 hearing the court orders that the claim is not suitable to be determined under the Stage 3 Procedure,

the court will order the defendant to pay—

- (i) the Stage 1 and 2 fixed costs; and
- (ii) the Stage 3 Type A, B and C fixed costs.

Failure to comply or electing not to continue with the RTA Protocol – costs consequences

45.36.—(1) This rule applies where the claimant—

- (a) does not comply with the process set out in the RTA Protocol; or
- (b) elects not to continue with that process,

and starts proceedings under Part 7.

(2) Where a judgment is given in favour of the claimant but—

- (a) the court determines that the defendant did not proceed with the process set out in the RTA Protocol because the claimant provided insufficient information on the Claim Notification Form;
- (b) the court considers that the claimant acted unreasonably—
 - (i) by discontinuing the process set out in the RTA Protocol and starting proceedings under Part 7;
 - (ii) by valuing the claim at more than £10,000, so that the claimant did not need to comply with the RTA Protocol; or
 - (iii) except for paragraph (2)(a), in any other way that caused the process in the RTA Protocol to be discontinued; or
- (c) the claimant did not comply with the RTA Protocol at all despite the claim falling within the scope of the RTA Protocol;

the court may order the defendant to pay no more than the fixed costs in rule 45.29 together with the disbursements allowed in accordance with rule 45.30 and success fee in accordance with rule 45.31(3).

(3) Where the claimant starts proceedings under paragraph 7.22 of the RTA Protocol and the court orders the defendant to make an interim payment of no more than the interim payment made under paragraph 7.14(2) or (3) of that Protocol the court will, on the final determination of the proceedings, order the defendant to pay no more than—

- (a) the Stage 1 and 2 fixed costs;
- (b) the disbursements allowed in accordance with rule 45.30; and
- (c) a success fee in accordance with rule 45.31(3).

Where the parties have settled after proceedings have started

45.37.—(1) This rule applies where an application is made under rule 44.12C (costs-only application after a claim is started under Part 8 in accordance with Practice Direction 8B).

(2) Where the settlement is more than the defendant’s RTA Protocol offer the court will order the defendant to pay—

- (a) the Stage 1 and 2 fixed costs where not already paid by the defendant;
- (b) the Stage 3 Type A fixed costs;
- (c) disbursements allowed in accordance with rule 45.30; and
- (d) a success fee in accordance with rule 45.31(6).

(3) Where the settlement is less than or equal to the defendant's RTA Protocol offer the court will order the defendant to pay—

- (a) the Stage 1 and 2 fixed costs where not already paid by the defendant;
- (b) disbursements allowed in accordance with rule 45.30; and
- (c) a success fee in accordance with rule 45.31(6).

(4) The court may, in its discretion, order either party to pay the costs of the application.

Where the claimant obtains judgment for an amount equal to or less than the defendant's RTA Protocol offer

45.38. Where rule 36.21(1)(a) applies, the court will order the claimant to pay—

- (a) where the claim is determined—
 - (i) on the papers, Stage 3 Type A fixed costs; or
 - (ii) at a hearing, Stage 3 Type A and B fixed costs;
- (b) disbursements allowed in accordance with rule 45.30; and
- (c) a success fee in accordance with rule 45.31(4).

Adjournment

45.39. Where the court adjourns a settlement hearing or a Stage 3 hearing it may, in its discretion, order a party to pay—

- (a) an additional amount of the Stage 3 Type B fixed costs; and
- (b) any court fee for that adjournment.

Account of payment of Stage 1 fixed costs

45.40. Where a claim no longer continues under the RTA Protocol the court will, when making any order as to costs including an order for fixed recoverable costs under Section II of this Part, take into account the Stage 1 fixed costs together with any success fee on those costs that have been paid by the defendant.”

EXPLANATORY NOTE

(This note is not part of these Rules)

These Rules amend the Civil Procedure Rules 1998 in that they—

- amend rules 21.10(3), 27.14(2), 36.1(1), 36.1(2), 36.2(2)(b), 36.3(4), 36.14(6) 44.12A(4A), 45.7(3), 45.15(4), 48.5(2)(b)(ii);
- insert new rules 14.1B, 36.A1 and 44.12C; and
- insert new Section II in Part 36 and new Section VI in Part 45, as a consequence of the new Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents;
- amend rule 55.10(2) to provide for a registered proprietor of a registered charge to be notified by a claimant when proceedings are started under Part 55; and
- amend rule 55.11(3) as a consequence of the introduction of private registered providers of social housing under the Housing and Regeneration Act 2008.

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